



Name and Gender Marker Change Resources

Family Tree is happy to assist patients in filling out forms and navigating the name change process. In Minnesota, legally changing your name is straightforward, and in most cases, you do not need an attorney.

- ❖ Forms are available online at [MNCourts.gov](https://mncourts.gov). Click on the **Get Forms** tab and then the **Name Change** link. You can also find forms at your county courthouse. Family Tree can also assist you with printing off and filling out forms.

Legal Name Change Requirements

- ❖ You must have lived in Minnesota for at least six months and be a resident of the county in which you apply.
- ❖ You must have two adult witnesses at your name change hearing, and they can be relatives. If you are married, one of your witnesses should be your spouse.
- ❖ Most counties charge around \$300.00 for the Name Change filing fee. However, if you are low income, are on or eligible for any type of public assistance (such as Medical Assistance), you may be able to have the fee waived. If you need the fee waived due to financial hardship, it is worth filling out an Affidavit for Proceeding In Forma Pauperis (IFP).
- ❖ The only reason that the court will not grant the name change is if the judge feels that you are changing your name to defraud or mislead anyone (Please see Minnesota Statute 259.11).
- ❖ If the person whose name is being changed is under 18, all known parents must be notified of the name change (they don't necessarily have to agree). One parent or guardian must submit the application on behalf of the minor. Once a person turns 18, they would be able to apply for IFP on their own and may be more likely to get the fee waived.

Gender Marker Changes

- ❖ There is a space on the name change forms for adults to request a gender marker change on an MN birth certificate. Most judicial officers will order the gender marker change; others may not depending on how they interpret the statute governing changes to birth certificates. In any case, you will still have to send the name change court order to the MN Department of Health to change your birth certificate and to the DMV to have your photo ID (driver's license/state ID card) changed to your new name.

*This is not legal advice. We recommend contacting an attorney or legal clinic if you have questions that are not answered here.



- ❖ If a gender marker change was not included in your name change order, an administrative process allows you to change your gender marker on your birth certificate through the MN Department of Health. For this, you will need an ACT (appropriate clinical treatment) letter from your provider. This letter would need to be signed by a physician (MD or DO). Let your Family Tree provider know if you need one of these letters. You do not need to go through the court to have your gender marker changed on any documents.
- ❖ You do not need an ACT letter from a physician to get your gender marker changed on your Minnesota driver's license. It is a self-identifier like changing your eye color on your ID. It is a good idea to let the clerk know that you are making that change so they enter it correctly. You can choose between the gender markers M, F, and X on MN driver's licenses.
- ❖ As of June 2021, an ACT letter is no longer required to change your gender marker on a passport. It is now a self-identifier like it is at the DMV. You will still need a court order to change your name on your passport, but the gender marker can be done without the court order or ACT letter. Passports offer M, F, or X as gender markers.
- ❖ As of fall 2022, an ACT letter is no longer required to change your gender marker with social security. It is now a self-identifier like it is at the DMV or on passports. Social security still only has M and F options, no X option yet. You will still need the court order to change your name with social security.
- ❖ Courts in Minnesota cannot always order other states to change the birth record. If you need assistance changing your birth certificate in another state, our quarterly Legal Name and Gender Marker Change Clinic may be able to help you navigate that process. Contact our front desk for more information.

Name Change Process

- ❖ The name change process is similar in most counties. You will need to fill out three forms: 1) the Application for Name Change, 2) the Proposed Order for Name Change, and 3) the Criminal History Check Release. If you have a felony on your record, there may be more forms or steps you must take; it's a good idea to speak with an attorney or legal clinic before your court hearing if you have a felony on your record.
- ❖ The forms are filled out according to the instructions and submitted to the county courthouse in the county where you live along with the filing fee or fee waiver form. After you submit your forms, the court will typically notify you by mail of your court date. Most court dates are within a few weeks of your application.

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Court Hearing

- ❖ You and your witnesses should arrive early for your court date. Your court date may be virtual (such as over Zoom) or in-person in a courtroom.
- ❖ If your hearing is in person, you can also have other support in the courtroom, though they will need to stay in the gallery when your name change request is heard before the court. Be aware that there will be security measures in place at the courthouse. These vary from metal detectors to restrictions on bags, weapons, food, and drinks. Make sure that both you and your witnesses are aware of the restrictions. Many courts do not like young children in the courtroom (they must be silent the entire time they are in the court). Be prepared to have someone stay with your child(ren) outside the courtroom if the court asks that they leave.
- ❖ The hearing usually lasts no more than a few minutes, though you will have to wait for your turn on the docket (multiple civil cases may be scheduled for the same time).
- ❖ The Judicial Official may ask you questions regarding your identity, how long you have lived in Minnesota, if you are changing your name to defraud or mislead anyone, and why you are changing your name. Witnesses will be asked similar questions. If you are asking for a gender marker change, you should have an ACT (Appropriate Clinical treatment) letter from a licensed health care provider with you to give to the court.
- ❖ After the hearing, you will receive a copy of the order. In some counties, the order is available immediately; in others, you will receive it in the mail. You will need to get at least one certified copy of the order (2-3 copies is suggested). The certified order with the raised seal is the legal document that you will need to show to change your name on your birth certificate, driver's license, passport, social security card, etc. These usually cost roughly around \$15 a piece.
- ❖ The most important document that you need to change after you receive your certified copy of the name change order is your social security card. Many other documents and organizations need the name changed with social security before they can make any changes. The Minnesota online driver's license process also cross checks your name with social security, so if you are planning to start your driver's license process online you should change your name and gender with social security first. Changing your name with the DMV needs to be done within 30 days of your court date, so it is best to get your name changed with social security as soon as possible. If done in person at your local SSA office, your name can usually be updated in the social security system within 48 hours.

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Name and Gender Change Checklist

Here are common steps that people go through when changing their name and gender. Not all of these steps apply to all people, your situation may differ.

- Fill out name change paperwork
- Submit to county courthouse and pay filing fee
- Get an ACT (Appropriate Clinical Treatment) letter from medical provider if requesting gender marker change either on your name change court application or MN Dept of Health (birth certificates)
- Wait for courthouse to give you a court date
- Find witnesses to go to court date
- Show up early for court date
- Go to your court hearing
- Receive certified official copies of the court order
- Go to social security office to change name and/or gender on card
- Go to DMV to get new driver license or ID with new name and/or gender**
- Bring new social security card to employer to update name and records at work including health insurance
- Update your new name with your school (and former schools for transcripts and to get new diplomas if you wish)
- Call any public or private health insurance to update with new name and/or gender**
- Update your name and gender with your medical providers and pharmacy (after insurance has been updated)
- Update your name with banks, landlord, utilities, cell phone company, credit card companies, car insurance, car title, mortgage, etc.**
- Go online at the Minnesota Department of Health to download and fill out paperwork to update your Birth Certificate
- Apply for a new passport**

****May need gender and/or name changed with Social Security first**



Questions? Contact awelch@familytreeclinic.org for more specific information about how to navigate forms, and/or for information on any upcoming local events with lawyers.

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