A guide on how to update your child’s name and gender marker on documents after a legal name change
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ABOUT US

ABOUT EMPIRE JUSTICE CENTER

Empire Justice Center is a nonprofit law firm that seeks to make the law work for all New Yorkers, especially those who need it the most. We do so by identifying critical issues, developing and implementing creative solutions and monitoring ongoing results. Our staff has protected and strengthened the legal rights of people in historically marginalized communities in New York for more than forty years. We do this through three major service areas. We teach the law by providing training, support and technical assistance to legal services and private attorneys and other community-based advocates to help them better serve their clients. We practice the law by providing direct civil legal assistance and undertaking impact litigation. And we improve the law by engaging in policy analysis, research and advocacy.

ABOUT EMPIRE JUSTICE’S LGBTQ RIGHTS PROJECT

LGBTQ people deserve and are entitled to live full, equal, and authentic lives. However, discrimination based on sexual orientation and gender identity or expression remains pervasive across the country and New York State. Empire Justice’s LGBTQ Rights Project provides free legal services to low income lesbian, gay, bisexual, transgender, queer, and intersex clients throughout New York State outside of NYC, with a focus on anti-discrimination in employment, education, housing, credit, and public accommodations.

CONTACT US
LGBTQ@empirejustice.org or (518) 935-2857
Congratulations on legally changing your child’s name!

This guide will help you navigate next steps like updating your child’s birth certificate with their new name and updating their school records.

This guide will also advise you on how to change your child’s gender marker on identity documents, if you so choose.

Please note, this guide provides very general information about how to change your child’s name and gender marker on documents. This guide is not legal advice.

Always reference the appropriate governmental or organizational website to make sure processes have not changed.
Driver License or State ID

Name and Gender Marker Change

If your child already holds a New York State ID card or Driver License, as long as it is current or expired less than two years, you will need:

☐ The current or expired less than two years license or State ID
☐ A certified copy of your child’s name change order
☐ A completed MV44 form

If your child does not already hold a New York State ID card or Driver License you will need:

☐ Your child’s social security card.
☐ Proof of date of birth.
☐ Proof of residence.
  • In general, you will need 6 points worth of identity documents. Please refer to this document.
☐ A certified copy of your child’s name change order
☐ A completed MV44 form
You do not need additional documentation to change your child’s gender marker on their State ID or Driver License. You can simply check off “M”, “F”, or “X” as appropriate.

Information about the cost of Driver Licenses can be found here.

Information about the cost of non-driver IDs can be found here.

Before you try to update your child’s Driver License or state ID please check the DMV website for any documentation or procedure changes.
Birth Certificate
Name and Gender Marker Change

To change the name and gender marker on a birth certificate issued by New York State (outside of New York City), gather the following documents:

- A certified copy of your child’s name change order.
- A certified copy of your child’s original birth certificate
- An original notarized Affidavit of Gender form (DOH-5304) signed by a parent or guardian.
  - This form is not needed if you are only updating your child’s name
- A Birth Certificate Amendment Application (DOH-5306) signed by a parent or guardian.

Mail the documents to:

New York State Department of Health
Vital Records Amendment Unit
P.O. Box 2602
Albany, NY 12220-2602

One certified copy of the amended birth certificate is free. Additional copies are $30 each.

Before you try to update your child’s birth certificate, please check the Department of Health website for any documentation or procedure changes.

Note: Children 17 years old can change their gender designation themselves. Please see the Adult Post-Name Change Guide for instructions.
If your child was born in New York City, to update their name and gender marker on their birth certificate gather the following items:

- A Birth Certificate Correction Application (VR 172).
- A certified copy of your child’s name change order and their original birth certificate.
- Your child’s valid photo ID or photocopies of a valid photo ID, if mailing the application.
- A notarized Attestation Form
  - This form is not needed if you are only changing your child’s name on their birth certificate.
- An Acknowledgement of Parentage Form (LDSS-5171).

Applicable fees

You can either mail the documents or drop them off in-person at:

NYC Department of Health and Mental Hygiene
Corrections Unit
125 Worth Street, CN-4, Room 144
New York, NY 10013

Before you try to update your child’s birth certificate, please check the NYC Health website for any documentation or procedure changes.

If your child has a birth certificate issued by a different state or municipality, please refer to the National Center for Transgender Equality.
Social Security
Name and Gender Marker Change

To get a Social Security Card with your child’s new name and gender marker, you can either mail or bring the following documents to your local Social Security Office:

☐ A completed SS-5 form.

☐ A certified copy of your child’s name change order.

☐ A photocopy of your child’s unexpired photo ID. The ID can be in your child’s old name.


If you would like to change your child’s name and gender marker at the same time, make sure to indicate the correct gender marker on the SS-5 form. Additional legal or medical information is not needed.

Social Security will not issue cards with “X” gender markers. Your child’s new card must have a “M” or “F” gender marker. However, Social Security will accept identity documents with “X” gender markers.

Social Security will return the original documents before you receive your child’s new card. In general, you should receive a new Social Security card in approximately 2 weeks, your child’s Social Security Number will stay the same.

Before trying to update your child’s Social Security Card, please refer to the Social Security website for any documentation or procedure changes.
Passports for Minors Under 16 Years Old

Name and Gender Marker Change

To apply for a passport for a child under the age of 16, collect the following documents:

☐ A completed DS-11 form.

☐ Proof of the minor’s U.S. Citizenship (ex. certified copy of birth certificate, valid passport, or certificate of citizenship).

☐ A photocopy of proof of U.S. citizenship.

☐ Proof of parental relationship (ex. certified copy of birth certificate, adoption decree, divorce decree, or custody decree).

☐ Valid ID of two parents or guardians.

☐ Photocopies of the front and back of both parental or guardian IDs.

☐ One passport photo of the minor.

☐ Certified copy of the minor’s name change order.

Bring these items and appropriate fees to your local passport acceptance facility. Both parents or guardians must be present with the minor at the passport acceptance facility.
If only one parent or guardian can go to the passport acceptance facility, the parent or guardian who is not present must:

☐ Fill out a DS-3053 form and have it notarized

☐ Photocopy of the front and back of the ID that was presented to the notary when the DS-3053 form was signed

Bring these documents in addition to the documents listed on page 4 to the passport acceptance facility.

If the minor only has one parent or guardian, the parent or guardian must:

☐ Fill out a DS-3053 form and have it notarized

☐ Photocopy of the front and back of the ID that was presented to the notary when the DS-3053 form was signed

☐ Gather evidence that the parent or guardian has sole legal authority (ex. certified birth certificate, certified custody order, certified divorce decree, or death certificate).

Bring these documents in addition to the documents listed on page 7 to the passport acceptance facility.
If the minor has two parents or guardians and one parent or guardian is unavailable, the available parent or guardian must fill out a **DS-5525 form** and bring it to the passport acceptance facility in addition to the documents listed on page 7.

**NOTE:** When changing your child’s name on their passport you can also change their gender marker. You do not need additional documentation to change your gender marker, simply check the correct box on the DS-11 form.

Before trying to update your child’s passport, please refer to the [Department of State website](https://travel.state.gov) for documentation and procedure changes.
To apply for a passport for a child between the ages of 16-17, collect the following documents:

- A completed DS-11 form.
- Proof of the minor’s U.S. Citizenship (ex. certified copy of birth certificate, valid passport, or certificate of citizenship).
- A photocopy of proof of U.S. citizenship.
- A photocopy of the front and back of a parent or guardian’s valid ID.
- A photocopy of the front and back of the minor’s valid ID.
- One passport photo of the minor.
- A certified copy of the minor’s name change order.

Bring these items and appropriate fees to your local passport facility. One parent or guardian needs to be present the passport acceptance facility.
If no parent or guardian can go to the passport acceptance facility, a parent or guardian must:

☐ Fill out a **DS-3053 form** and have it notarized

☐ Photocopy of the front and back of the ID that was presented to the notary when the DS-3053 form was signed

The applying minor must bring these documents to the passport acceptance facility in addition to the documents above.

**NOTE:** When changing your child’s name on their passport you can also change their gender marker. You do not need additional documentation to change your gender marker, simply check the correct box on the DS-11 form.

Before trying to update your child’s passport, please refer to the [Department of State website](https://travel.state.gov) for documentation and procedure changes.
**School Records**

**Name and Gender Marker Change**

To change your child’s name and/or gender on school records, simply show the registrar’s office a copy of the name change order. Ensure that they completely update their records.

If a public school refuses to update a record, inform them they are obligated to comply with the name change order under § 64(3) of the New York State Gender Recognition Act. If the school continues to refuse, you can file a complaint with the New York State Division of Human Rights. If the school is located in New York City, you can file a complaint with the New York City Commission on Human Rights.

If you need additional information on LGBTQ+ discrimination in schools or how to update school records, please refer to the 2023 NYSED guidance.

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**Health Insurance**

**Name and Gender Marker Change**

Call your health insurance provider to find out what information they require to change your child’s name and/or gender marker. You may be asked to provide a copy of your child’s name change order or a corrected birth certificate.

Insurers are obligated to comply with a name change order and should not require additional documentation before changing their records.

Always double-check and make sure doctors’ offices submit claims under the correct name and gender marker.
Beneficiary and Estate Planning Documents

Name and Gender Marker Change

It is best to change your child’s name where it appears in wills or is listed as the beneficiary for an IRA or life insurance policy.

To change the name on a 529 college savings account or trust account, send a letter requesting the chance and a copy of the name change order. Some banks may require the account owner to physically come in to make the change. It is best to call your bank and ask what the protocol is.

The name on a savings bond does not need to be changed. At the time of cashing sign as “[New Name] changed by court order from [Old Name]” and be prepared to produce a name change order.

If the bond does need to be reissued in a new name, fill out an FS Form 4000.
Selective Service

Name and Gender Marker Change

Minors aged 17 years old may have to register for the Selective Service at 18 years old. Please read below for more information.

What is Selective Service?
The Selective Service System is a government agency that maintains information on U.S. citizens and residents in the case of a national emergency requiring rapid expansion of the United States Armed Forces. In other words, the Selective Service System maintains the draft.

I was assigned male at birth and changed my gender marker to female, must I register for the Selective Service?
Yes, those who were assigned male at birth and changed their gender marker to female or X must register.

I was assigned female at birth, must I register for the Selective Service?
Those who were assigned female at birth and changed their gender marker to male are not required to register but should consider doing so.
I was assigned female at birth, why should I register?
People who were assigned female at birth are not required to register with Selective Service. However, if someone with a male gender marker on their Social Security card ever wants to apply for federal student loans, attend public universities, receive work-study money, work for the federal government, obtain security clearance, or participate in federal programs they must either be registered with selective Service or show proof that they are exempt from registering via a Status Information Letter.

What happens if I register and I am drafted?
It is very unlikely that there will be a draft. If a draft occurs and you are drafted, there is a possibility that you could be excused from service. If you are not excused from service, you can apply for an exemption.

Registering with the Selective Service System

It is a simple process to register with Selective Service online.

If you do not have the ability to register online, you can pick up a registration form at your local post office and mail the completed form to:

   Selective Service System
   P.O. Box 94637
   Palatine, IL 60094-4637

You must be between the ages of 18-25 to register. Use your legal name at the time of registering.
Updating Name Information with Selective Service

If you are registered with Selective Service and have changed your name, you must provide Selective Service with your new name.

To update Selective Service with your new name, fill out the change of information form.

Send the change of information form and a copy of your name change order to:

Selective Service System
P.O. Box 9437
Palatine, IL 60094-4637

Requesting a Status Information Letter

To request a Status Information letter, fill out the Status Information Letter request form. Attach your birth certificate and a copy of your birth certificate and name change order to the request form. If you were assigned female at birth and changed your gender marker, send the birth certificate with the female sex designation. You can send the form and related documents to:

Selective Service System
ATTN: SIL
P.O. Box 9437
Palatine, IL 60094-4637

The Status Information Letter does not state why you were not required to register, so it will not state that you are transgender.
Does your child live in New York State and need help with a name or gender marker change?

Contact the LGBTQ Rights Project at Empire Justice Center:

LGBTQ@empirejustice.org
(518) 935-2857