

## NAME & GENDER CHANGE GUIDE FOR OHIO RESIDENTS (MINORS)

*DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing a minor's name and gender on identity documents. Note that some steps may have changed since this guide was created, and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.*

### Need Further Assistance?

Come to the **Name & Gender Change Legal Clinic**

Equitas Health and TransOhio hold regular Name & Gender Change Legal Clinics throughout Ohio to help people navigate the name and gender change process. For more information, visit [equitashealth.com/legalclinic](https://equitashealth.com/legalclinic) or call **614-340-6729**.

### INTRODUCTION

This guide provides an outline for Ohio residents who wish to change a minor's name or gender marker on identity documents and other records. It is written for the minor's parents, legal guardian, or guardian ad litem, as you will be taking these steps on behalf of the minor.

Listed below are the most common steps taken to make these changes. Keep in mind that each person may have unique needs or goals that require a different approach.

**We strongly encourage you and your minor to attend a Name & Gender Change Legal Clinic to discuss their specific situation and goals.** At each clinic, trained attorneys help guide people through the name and gender change steps. For more information, visit [equitashealth.com/legalclinic](https://equitashealth.com/legalclinic), call 614-340-6729, or contact TransOhio.

This guide was developed by C. Benjamin Cooper, of Cooper & Elliott, LLC, with special thanks and gratitude to Carly M. Edelstein and Whitman-Walker Health. Please send errors or suggestions to [benc@cooperelliott.com](mailto:benc@cooperelliott.com).

This guide was last updated in April 2018.

### TABLE OF CONTENTS

- I. Getting a court order for name change
- II. Changing name and gender with the Social Security Administration
- III. Changing name and gender with the Ohio Bureau of Motor Vehicles
- IV. Changing name and gender on a U.S. Passport
- V. Changing name with the Selective Service
- VI. Changing name and gender with insurance carriers, creditors, and others
- VII. Changing name and gender on naturalization/citizenship documents
- VIII. Changing name and gender on a birth certificate

### Appendix

Sample Doctor's Letter

## I. GETTING A COURT ORDER FOR NAME CHANGE

The first step in changing a minor’s name in Ohio is to get a court order recognizing the name change. The minor’s parent, legal guardian, or guardian ad litem will be the “applicant.” The applicant will need to:

- file an “Application for Change of Name” in the Probate Court of the county where the applicant lives,
- publish notice of the application in a newspaper of general circulation in the applicant’s county<sup>1</sup>, and
- attend a hearing about the application in the Probate Court.

Each part is explained in more detail below.

### APPLICATION FOR CHANGE OF NAME

**Who Files.** The name change application for the minor must be made by either (a) of the minor’s parents, (b) a legal guardian, or (c) a guardian ad litem.<sup>1</sup> The person who makes the application is called the “applicant.”

**Where to File.** The applicant must file the name change application in the Probate Court for the county the applicant lives in. The applicant must have been a resident of that county for at least one continuous year before filing.<sup>2</sup>

**What to File.** In general, you will need all of the following:

- 1. Completed Application for Change of Name.** The application can be made by either of the minor’s parents, by a legal guardian, or by a guardian ad litem.
- 2. Valid (unexpired) identification of the adult applicant,** like a current driver’s license, state-issued ID card, or passport.
- 3. Proof of residency for the past year of the adult applicant,** like a current ID with your current address, a lease, a rental agreement, or a utility bill—anything proving you’ve lived there for at least one year.
- 4. Certified copy of the minor’s birth certificate.** Though not required by the name change statute, many probate courts require this in practice.
- 5. Filing fee.** This varies from county to county.
- 6. Consent of both parents, or proof of notice to the non-consenting parent.** See the box below for more information.

<sup>1</sup> Ohio Revised Code § 2717.01(A)(2). The notice must be published at least 30 days before your hearing, and the notice must contain the name of the court you filed your application in, the case number, and the date and time of the hearing.

<sup>2</sup> Ohio Revised Code § 2717.01(B).

### SPECIAL NOTE ABOUT PARENTAL CONSENT

The applicant must either (a) file the consent of both living, legal parents of the minor, or (b) provide notice of the hearing to the non-consenting parent or parents.<sup>3</sup>

- If the minor's living, legal parents consent: the applicant parent signs Form 21.2, and the other parent signs Form 21.4 (which must be notarized).
- If one parent does not consent: that parent must be notified of the name change hearing by certified mail, return receipt requested. Bring the signed return receipt (the signed green card) to the hearing to show that the non-consenting parent received notice.
  - If the mail is unclaimed or not signed for: bring the entire envelope with the green card still attached. If the notice is returned unclaimed, the applicant must send another notice by regular mail through the U.S. Postal Service, then bring proof from the U.S. Postal Service that the notice was also sent by regular mail.
  - If the non-consenting parent's address is not known: the applicant should submit a signed, notarized affidavit stating that the parent's whereabouts are unknown and cannot be found with reasonable diligence. The applicant must be prepared to explain to the judge what they did to find or contact the non-consenting parent.
  - If there is no known father: notice must be given to the person the mother alleges to be the father.<sup>4</sup>
  - If there is no alleged father: the applicant should submit a signed, notarized affidavit stating that there is no alleged father.

Again, we strongly encourage you to attend a Name & Gender Change Legal Clinic or consult an attorney. If valid notice is not given to a non-consenting parent, the name change could be reversed in the future.

Many probate courts have special forms or additional requirements for changing a minor's name. **Visit Equitas Health's website to view the county-specific requirements applicable to your county of residence.**

It's a good idea to confirm your county's requirements by checking your probate court's website, or by calling your probate court clerk's office.

General tips for filling out the name change application:

- The applicant must list the reason for the name change. Some people list: "The minor has used [name] for [number] years, and it conforms to the minor's gender identity."

### PUBLICATION IN A NEWSPAPER

Once you file your name change application, the court will set a date and time to hold a hearing about your application. You must then publish notice of your application and the hearing in a "newspaper of general circulation" in the county you live in.<sup>5</sup>

**Visit Equitas Health's website ([equitashealth.com/legalclinic](http://equitashealth.com/legalclinic)) for the specific information about your county's publication requirements and fees.** Again, it's a good idea to double-check this information with your probate court's website or by calling the clerk's office.

- Some county courts will get the notice published on your behalf. If so, great!
- If your county requires you to publish the notice yourself, ask the court clerk:
  - What newspapers are acceptable to publish in?
  - Is there a form to give or send to the newspaper?
  - What is required to prove that the notice was actually published?

<sup>3</sup> Ohio Revised Code § 2717.01(B).

<sup>4</sup> Ohio Revised Code § 2717.01(B).

<sup>5</sup> Ohio Revised Code § 2717.01(B) and (A)(2). The notice must be published at least 30 days before your hearing, and the notice must contain the name of the court you filed the application in, the case number, and the date and time of the hearing.

*NOTE: If you believe publication of the notice will jeopardize your or the minor's personal safety, you may ask the court to waive the publication requirement and seal the records of the name change.<sup>6</sup> To do this, you must file an Application to Waive Publication Requirement and Seal File (sometimes called Form 21.6). You must explain why the notice would jeopardize your or the minor's safety. You can attach exhibits in support of the application. The court has the discretion to grant or deny your application to waive the publication requirement.*

### **HEARING AT THE PROBATE COURT**

In order to receive the final, signed court order approving the name change, you and the minor must appear at the date and time listed on the Entry Setting Hearing. The hearing is typically scheduled to occur 45 to 90 days after the date you file the application.

If you will be late or will miss your court date, you must call the Clerk in advance.

#### **What to take with you to court:**

- Copies of the name change application,
- Copies of the parental consent forms / affidavit, or proof of the attempts to notify the non-consenting parent (as described above),
- Certified copy of the minor's birth certificate (if required by your county),
- Photo ID and proof of residency,
- Proof of newspaper publication, and
- Additional evidence, such as a doctor's letter (discuss this with an attorney).

The judge must consider the best interest of the minor when deciding whether to grant a minor's name change.<sup>7</sup> The applicant must present sufficient evidence to prove that the name change is in the best interest of the minor.<sup>8</sup>

**We recommend you contact Equitas Health or TransOhio at least 3 weeks before the hearing to discuss the additional evidence you may wish to bring.**

When you get to the Probate Court, you will usually wait in the assigned courtroom or out in the hall until the case is called. During the hearing, the judge will likely ask questions about the name change application. Answer respectfully and truthfully.

**If you encounter a problem during the hearing, you may ask the judge for a continuance so you can consult with an attorney.** The judge has the discretion to approve or deny that request. If the judge grants the continuance, contact TransOhio.

\* \* \*

Once the Judge has approved the application, you will receive certified copies of the court order approving the name change. This court order is sometimes called an "Entry for Name Change." Congrats!

The certified court order approving the name change is the key to updating the minor's legal name everywhere. It's a good idea to have a few extra certified copies of the court order on hand. We recommend you ask for at least six certified copies of the court order.

<sup>6</sup> Ohio Revised Code 2717.01(A)(4)

<sup>7</sup> *In re Willhite*, 85 Ohio St. 3d 28, 32 (1999).

<sup>8</sup> See *D.W. v. T.L.*, 134 Ohio St. 3d 515, 517, 519 (2012).

## II. CHANGING NAME & GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (the “SSA”).

### NAME CHANGE

To apply for a name change with the SSA, you will need all of the following:

- 1. Completed Application for Social Security Card** (Form SS-5: [ssa.gov/online/ss-5.pdf](https://www.ssa.gov/online/ss-5.pdf)).
- 2. Certified copy of the court order approving the minor’s name change.**
- 3. Valid (unexpired) identification for the adult**, like a driver’s license, state-issued ID card, or U.S. passport.
- 4. Valid (unexpired) identification for the minor**, which must show the minor’s name, identifying information (age, date of birth, or parents’ names), and preferably a recent photograph.<sup>9</sup> Acceptable ID could be a U.S. passport, state-issued ID card, medical record, or religious record (it’s okay if the ID includes the minor’s former name).
- 5. Proof of U.S. citizenship or lawful immigration status for the minor**, like a U.S. passport, birth certificate, or immigration documentation (it’s okay if your proof includes the minor’s former name).

You may apply in person or mail the above materials to your local Social Security office. Find your nearest Social Security office here: [ssa.gov/locator](https://www.ssa.gov/locator).

The minor’s new Social Security card, as well as any documents you submitted with the application, will be sent to you in the mail.

There is no fee to update Social Security records or receive a new Social Security card.

### GENDER MARKER CHANGE

Even though gender isn’t listed on a Social Security card, the SSA keeps a record of gender. You may update a gender marker before, at the same time, or after you update a name.

To apply to change a gender marker with the SSA, you will need all of the following:

- 1. Completed Application for Social Security Card** (Form SS-5: [ssa.gov/online/ss-5.pdf](https://www.ssa.gov/online/ss-5.pdf)). Tip: on the “Sex” line, check the box for your updated gender marker.
- 2. Valid (unexpired) identification for the adult**, like a driver’s license, state-issued ID card, or U.S. passport.
- 3. Valid (unexpired) identification for the minor**, which must show the minor’s name, identifying information (age, date of birth, or parents’ names), and preferably a recent photograph.<sup>10</sup> An acceptable ID could be a U.S. passport, state-issued ID card, medical record, or religious record (it’s okay if the ID includes the minor’s former name).
- 4. Proof of U.S. citizenship or lawful immigration status for the minor**, like a U.S. passport, birth certificate, or immigration documentation (it’s okay if your proof includes the minor’s former name).

<sup>9</sup> See [ssa.gov/ssnumber/ss5doc.htm](https://www.ssa.gov/ssnumber/ss5doc.htm).

<sup>10</sup> See [ssa.gov/ssnumber/ss5doc.htm](https://www.ssa.gov/ssnumber/ss5doc.htm).

5. At least one of the following documents as evidence of your gender change:

- Doctor's Letter: A signed letter from a licensed doctor (M.D. or D.O.) stating that the minor has had appropriate clinical treatment for gender transition. The letter must be on the doctor's office letterhead and contain certain items. **Look in the attached appendix for a sample letter.**
- Passport: A valid, 10-year U.S. passport with the updated gender marker (passports with less than 10 years of validity will not be accepted).
- Birth Certificate: An original, state-issued birth certificate reflecting the minor's updated gender marker.  
*Note: Under current Ohio law, those born in Ohio may not change their gender marker on their birth certificate.*
- Court Order: An original court order directing legal recognition of change of gender.

You may apply in person or mail the above materials to your local Social Security office. Find your nearest Social Security office here: [ssa.gov/locator](https://ssa.gov/locator).

The minor's new Social Security card, as well as any documents you submitted with the application, will be sent to you in the mail.

There is no fee to update Social Security records or receive a new Social Security card.

## III. CHANGING NAME & GENDER WITH THE OHIO BUREAU OF MOTOR VEHICLES (BMV)

*Note: If you plan to update a minor's name and gender on a driver's license/ID, it will save money to change both at the same time (i.e., wait to update until after the name change hearing). That way you'll only pay for one new license/ID.*

### NAME CHANGE

To update a minor's name on an Ohio driver's license or Ohio ID card, take both of the following to any local BMV license agency:

1. **The minor's current driver's license or ID card;** and
2. **A certified copy of the court order approving the minor's name change.**

The BMV should issue a new license or ID card with the updated name.

If the minor's driver's license/ID has been expired for more than six months, or if the minor does not have a copy of their driver's license/ID, see [bmv.ohio.gov/dl-renewal-current.aspx](http://bmv.ohio.gov/dl-renewal-current.aspx) for additional requirements.

See here for the fees: [bmv.ohio.gov/links/bmv-all-fees.pdf](http://bmv.ohio.gov/links/bmv-all-fees.pdf).

### GENDER MARKER CHANGE

To update your gender marker on your Ohio driver's license or ID card, complete these steps:

1. **Complete the Declaration of Gender Change form (BMV Form 2368).**

The Declaration of Gender Change form is available here: [publicsafety.ohio.gov/links/bmv2369.pdf](http://publicsafety.ohio.gov/links/bmv2369.pdf). The minor must complete the parts "To Be Completed by Applicant" and "Release of Information."

The bottom half must be completed by a physician, psychologist, or licensed therapist. That person must certify that, in their professional opinion, the minor is sufficiently ready for, or has completed a gender role transition, and it is intended this role change is to be permanent. No further evidence of the minor's transition (such as medical records or a letter from a surgeon) is required.

*Note: The person who completes the bottom half must mark whether the gender change is "complete" or "transitional." If gender identification is marked as transitional, a new form must be submitted for each driver's license/ID renewal until gender identification is marked as complete. If the form is not submitted at renewal, the gender marker will revert back to the original gender marker. \*\*\*Once the form is completed, make a copy for your records.*

2. Mail or fax the completed Declaration of Gender form to the BMV. Mail or fax the completed form to:

Ohio Bureau of Motor Vehicles  
Attn: License Control  
P.O. Box 16784 Columbus, Ohio 43216  
Phone: 614-752-7600 Fax: 614-752-7306

In 7-10 days, you will be notified by letter if the gender change is approved, and you will receive an approval letter that may be presented to any local BMV license agency.

3. Once you receive the letter, take the following documents to any local BMV license agency:

- **The minor's current driver's license or ID card;** and
- **Declaration of Gender Change approval letter.**

The BMV should issue you a new license or ID card with your updated gender marker. (Be prepared to take a new photo!) Also, note that your old driver's license/ID must be surrendered.

If your driver's license/ID has been expired for more than six months, or if you do not have a copy of your driver's license/ID, see [bmv.ohio.gov/dl-renewal-current.aspx](https://bmv.ohio.gov/dl-renewal-current.aspx) for additional requirements.

See here for the fees: [bmv.ohio.gov/links/bmv-all-fees.pdf](https://bmv.ohio.gov/links/bmv-all-fees.pdf).

## IV. CHANGING NAME & GENDER ON A U.S. PASSPORT

### NAME AND GENDER MARKER CHANGE ON AN EXISTING PASSPORT, GENDER MARKER CHANGE (ONLY) ON AN EXISTING PASSPORT, OR GETTING A PASSPORT FOR THE FIRST TIME

To update both name and gender marker, to update a gender marker only, to get a minor's first passport, or to get a passport after the minor's old passport has expired, **you must apply in person**. Find your local Passport Acceptance Facility here: [iafdb.travel.state.gov](http://iafdb.travel.state.gov).

**If the minor is under 16 years old**, follow the instructions here: [travel.state.gov/content/travel/en/passports/apply-renew-passport/under-16.html](http://travel.state.gov/content/travel/en/passports/apply-renew-passport/under-16.html).

#### Special Notes:

- For minors under 16, both parents/guardians must authorize the issuance of the minor's passport. The best way to do this is for both parents/guardians to go with the minor in person to apply for the passport.
- If both parents/guardians cannot appear in person, you must submit additional evidence. See the website's instructions for more information.

**If the minor is 16 or 17 years old**, follow the instructions here: [travel.state.gov/content/travel/en/passports/apply-renew-passport/16-17.html](http://travel.state.gov/content/travel/en/passports/apply-renew-passport/16-17.html).

#### Special Notes:

- If the minor has their own current ID, the minor may apply for a passport themselves. The minor must show at least one parent or guardian knows that they are applying for a passport. See the website's instructions for more information.

#### General tips for minors of all ages::

- The proof of identity and the proof of U.S. citizenship can include the minor's former name, so long as you also submit the certified copy of the court order approving the minor's name change.

**To update a gender marker (for minors of all ages)**, you will need a **doctor's letter** confirming the gender transition. This is a signed letter from a licensed doctor (M.D. or D.O.) stating that the minor has had appropriate clinical treatment for gender transition. The letter must be on the doctor's office letterhead and contain certain items. **Look in the attached appendix for a sample letter.**

### NAME CHANGE (ONLY) ON AN EXISTING PASSPORT ISSUED AT AGE 16 OR 17

If the minor already has a valid passport that was issued at age 16 or older, and only wants to update their name, they may apply by mail.

Follow the instructions here:

[travel.state.gov/content/travel/en/passports/apply-renew-passport/renew-by-mail.html](http://travel.state.gov/content/travel/en/passports/apply-renew-passport/renew-by-mail.html).

### **PASSPORT CARD**

A U.S. passport card is a wallet-sized card that looks like a driver's license. It is significantly less expensive than a traditional passport book. It may be used as everyday identification and proof of U.S. citizenship.

A passport card cannot be used for international air travel, however.

Application forms and documentation requirements for a passport card are the same as those for a passport book. Simply check "passport card" on the application form.

## V. CHANGING NAME WITH THE SELECTIVE SERVICE

### INDIVIDUALS ASSIGNED FEMALE AT BIRTH

People assigned female at birth, regardless of their current gender or transition status, do not have to register with the Selective Service.

However, if you are applying for federal financial aid, grants, loans, or other benefits as a man, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a **Status Information Letter**.

To request a Status Information Letter, call **888-655-1825** or download a request form here: [sss.gov/Portals/0/PDFs/Status.pdf](https://sss.gov/Portals/0/PDFs/Status.pdf). You must provide a copy of your birth certificate showing your birth-assigned sex. (If the sex on your birth certificate has been changed, attach proof showing that.) If you changed your name, also provide a copy of the court order approving your name change.

This service is free. Also, the Status Information Letter does not specify why you are exempt, so it will not force you to out yourself in any other application process.

### INDIVIDUALS ASSIGNED MALE AT BIRTH

People assigned male at birth, regardless of their current gender or transition status, must register with the Selective Service within thirty days of their eighteenth birthday. You may register online at [sss.gov](https://sss.gov), or by mailing a registration form available at any post office.

You still must register even though it is currently unclear whether transgender people are eligible for military service. Registration is necessary to access certain government benefits.

If you change your name, you must notify the Selective Service. Use SSS Form 2, which is available online at [sss.gov/Forms](https://sss.gov/Forms), or at any post office. You must attach a certified copy of the court order changing your name.

You are not required to notify the Selective Service of a change in gender.

## VI. CHANGING NAME & GENDER WITH INSURANCE CARRIERS, CREDITORS, AND OTHERS

### INSURANCE

**Name Change:** You should inform your insurance companies (e.g., health, property, auto, life) immediately after you receive your court order approving your name change. They may ask you to provide a certified copy of your court order.

**Gender Marker Change:** You should talk with your doctor about whether to update your gender marker with your health insurance company. It's important that your health insurance company's records match your doctor's records to avoid confusion and delay or denial of claims. Your doctor may opt to keep filing claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to your new or previous gender, contact TransOhio or Equitas Health.

### BANKS, CREDITORS, AND FINANCIAL INSTITUTIONS

You must inform your banks, creditors, and financial institutions of your name change immediately after you receive your court order approving your name change. They may ask you to provide a certified copy of your court order.

You may also wish to inform the credit bureaus (Equifax, Experian, and TransUnion) of your name change.

### MILITARY RECORDS

Veterans may wish to update their military records with their changed name or gender marker. To do so, follow the National Center for Transgender Equality's guide here: [transequality.org/know-your-rights/military-records](https://transequality.org/know-your-rights/military-records).

### OTHER LEGAL DOCUMENTS

After you receive the court order changing your name, it's a good idea to change your name in any legal documents that name you, such as a lease, mortgage, will, power of attorney, or deed. Updating your name on these documents ensures that your rights and powers in the documents remain intact.

You may also consider updating your name and gender marker in your education records, such as high school or college transcripts and diplomas.

## VII. CHANGING NAME & GENDER ON NATURALIZATION/CITIZENSHIP DOCUMENTS

To update your name and gender on any immigration document, follow the National Center for Transgender Equality's guide here: [transequality.org/know-your-rights/immigration-documents](https://transequality.org/know-your-rights/immigration-documents).

## VIII. CHANGING NAME & GENDER ON A BIRTH CERTIFICATE

### BIRTH CERTIFICATES ISSUED IN OHIO

**Name Change:** Present a certified copy of the court order recognizing the name change to the Ohio Department of Health's Office of Vital Statistics, and request a new birth certificate.

**Gender Change:** Under current Ohio law, gender markers cannot be updated on birth certificates. Only three states refuse to update gender markers on birth certificates: Ohio, Kansas, and Tennessee.

In the meantime, if you want to present proof of U.S. citizenship that has an updated gender marker, consider getting and using a passport or passport card, rather than using a birth certificate. See above for how to get and update a passport or passport card.

### BIRTH CERTIFICATES NOT ISSUED IN OHIO

The procedures and rules for changing your birth certificate are governed by the laws of the state or territory that issued your birth certificate.

Visit the National Center for Transgender Equality's website about name and gender changes here: [transequality.org/documents](https://transequality.org/documents). Select the state or territory that issued the minor's birth certificate, and read on for more information.

# APPENDIX



Letter Certifying Applicant's Gender Change

I, \_\_\_\_\_,  
(Physician's Full Name)

\_\_\_\_\_, \_\_\_\_\_,  
(Physician's medical license/certificate number) (Issuing State/Country of license/certificate)

am the physician of \_\_\_\_\_,  
(Name of Patient)

\_\_\_\_\_.  
(Date of Birth of Patient)

with whom I have a doctor/patient relationship and whom I have treated, or  
with whom I have a doctor/patient relationship and whose medical history I  
have reviewed and evaluated.

\_\_\_\_\_, has had  
(Name of Patient)

appropriate clinical treatment for gender transition to the new gender of  
male      female.

I declare under penalty of perjury under the laws of the United States that the  
foregoing is true and correct.

\_\_\_\_\_  
Signature of Physician

\_\_\_\_\_  
\_\_\_\_\_  
Physician's Address

\_\_\_\_\_  
Typed Name of Physician

\_\_\_\_\_  
Date

\_\_\_\_\_  
Physician's Phone Number