***THE NAME GAME*** - **Changing your name and gender marker in the state of Massachusetts.**

**STEP 1: The Name - Court process**

In order to legally change your name in the state of Massachusetts, the first step you must take is to get a court order from a probate and family court.

In order to do this, you **must fill out a** [**name change petition** (http://www.mass.gov/courts/docs/forms/probate-and-family/cjp27.pdf).](http://www.mass.gov/courts/docs/forms/probate-and-family/cjp27.pdf)

* There is a substantial fee to filing this document and receiving the name change, and this fee stands (as of 2015) at $125. This is subject to have changed. However, this particular fee **can be waived.** The waiving process is completed by filing an [**Affidavit of Indigency**](http://www.mass.gov/courts/docs/forms/sjc/affidavitofindigency.pdf)[(http://www.mass.gov/courts/docs/forms/sjc/affidavitofindigency.pdf),](http://www.mass.gov/courts/docs/forms/sjc/affidavitofindigency.pdf%29%2C)which is a statement of inability to pay the fee imposed by the court. **DO NOT PAY ANY FEE YOU CANNOT AFFORD.** If you have no demonstrated need but still cannot afford the fee, the Massachusetts Transgender Political Coalition has put together an emergency fund to cover the cost of the fees for trans people. To access or to donate to the fund, please email alexis@masstpc.org for assistance.
* If you are below the age of 18, **your legal guardians will be notified of your request for a name change, and will be asked to approve.** If you have a supportive family, it will run more smoothly to have them complete the process for you. Otherwise, if you do not have a supportive family, you can seek legal advice for how to proceed, and a decision will be made based on a court’s determination of your best interests as a minor. For more information, visit the link at the top of the page.

The **requirements** for changing one’s name are as follows:

* A certified copy of your **birth certificate**. If you do not have a certified copy or do not have access to a certified copy of your birth certificate, you can visit [this site](https://www.cdc.gov/nchs/w2w/index.htm): (<https://www.cdc.gov/nchs/w2w/index.htm>) to get information on receiving a copy based on your state of origin. *Note: obtaining a copy often incurs fees and certain special considerations.*
* Any **previous name change decrees** and associated documentation, if applicable to your situation.
* A completed **name change petition form**, as described above.
* *If you are married:* written acknowledgement in the form of a letter from your spouse that they are aware of your request for a name change.

What you **do not need:**

* Thankfully, in the state of Massachusetts, you **do not need to be on hormones to legally change your name**.
* Similarly, you also **do not need to have had reassignment surgery.**
* A **letter from your therapist is also not needed** to change your name.

Besides from the forms themselves and the fees involved, there are virtually no transition requirements to legally changing your name on Massachusetts State IDs. However, though this requirement is rarely followed for simple changes of the first name, if you plan on changing both your first and your last name, there is a strong possibility that the court will **require publication of your name change.** This usually involves separate publication fees, though you often are given the choice of which newspaper you can choose from. **This process can be appealed if you are willing to plead your case, under oath, to a judge as to why you cannot publicize your name in a local paper.**

Changing your name under this procedure applies only to state-level bases of identification. This only includes legal recognition, and proof of this change can be used to change all other federal, business, and medical documentation. Ths change does not include passports, birth certificates, or state IDs/licenses.

**Step 2: The Name - Social Security Offices and Databases**

In order to get further identification in print, you must first register the name change with your local Social Security office. This processes formalizes the name change court order and provides the documents necessary to change names on all state-level IDs and government databases.

In order to find the closest SSA (Social Security Administration), visit [this link: (https://secure.ssa.gov/ICON/main.jsp#officeResults)](https://secure.ssa.gov/ICON/main.jsp#officeResults). Until you get your name changed through the SSA, your name in employment personnel records will remain as your birthname.

In order to get this step of the process completed you must:

* **Fill out Form SS-5,** entitled “Application for a Social Security Card.” To view this document, click [here](https://www.ssa.gov/forms/ss-5.pdf).
* **Proof of legal name change:** Proof of your name change must be provided in the form of either the court order obtained in **Step 1** or a valid marriage certificate. The court order is the most commonly and most effective way to change one’s name and gender marker for trans people. This new document by law must have both your birth name as well as your real name. Massachusetts court orders come with both the old and the new name, so this should not be a problem if the court order was obtained in Massachusetts.
* **If you were born outside of the U.S**, you must prove your U.S. citizenship or provide legal documentation of your immigration status.
* **If you have not yet established citizenship with the SSA,** you will need to present a birth certificate, passports, or other proof of U.S. citizenship.

By the end of this step, you should have a new Social Security Card issues with your new name listed. To change your name on your job’s W-2’s, all you need to do now is to update this information with your new Social Security card.

**Step 3: The Name - State-issued IDs**

All documents you bring to RMV need to be originals or certified copies by the issuing agency. The documents needed to complete this step of the process are as follows:

* **Proof of legal name change**: A court order showing your legal name change. This is the same court order used in previous steps.
* Your **new Social Security Card** with your new legal name change. This is the
* **Cash or debit or credit card for the RMV fee**. (check RMV site [here](https://www.dmv.org/ma-massachusetts/changing-your-name.php): [[https://www.dmv.org/ma-massachusetts/changing-your-name.php]](https://www.dmv.org/ma-massachusetts/changing-your-name.php) for current fees). The current fee as of March, 2017 is $25 for the issuing of a new state ID and $25 for the issuing of a new driver’s license. If you are seeking to change both, be prepared to pay both of these fees.
* **Proof of address** (i.e. utility bill, bank statement, health insurance correspondence). It is acceptable if this documentation has your previous legal name on it as long as your other documents such as your name change petition showing your previous and current legal name are in order.

Although changing your name on driver’s license is standard procedure for RMV employees, there have been some incidents where a clerk has tried to deny a name change (often through ignorance rather than malice). As long as you have all the necessary legal paperwork the employee is forbidden from denying your name change. The RMV does not have the authority to ignore a Court Order. If the clerk denies your name change, ask to speak with a supervisor. Record the name of the clerk, date, time, and reason you were given for the denial. Record the name, date, time, and outcome of speaking with the supervisor. If the supervisor refuses to change your name, ask to speak with the RMV branch manager, and again record name, date, time and outcome. Contact MTPC (Massachusetts Transgender Political Coalition) for further information or assistance at 617-778-0519.

**Step 4: The Name - Passport Information**

All documents need to be originals or certified copies by the issuing agency. See [here: http://www.travel.state.gov/passport/forms/ds5504/ds5504\_2663.html](http://www.travel.state.gov/passport/forms/ds5504/ds5504_2663.html) for more information on the process.

**If you have a passport that is less than a year old:**

* **A** **completed application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement Form DS-5504**, which you can download [here: (https://travel.state.gov/content/passports/en/passports/forms.html).](https://travel.state.gov/content/passports/en/passports/forms.html)
* A certified copy of a marriage certificate or **name change court decree** to prove that your name has legally changed.
* Your **current passport**
* **Two new photos**
* Using the DS-5044 form, there is no fee unless you need your passport immediately.

Using US Postal Service, **mail all of this information to**:

National Passport Processing

P.O. Box 13290

Philadelphia, PA 19101-3290

**If you have a passport that is more than a year old:**

* A **completed DS-82 form** (Application for a U.S. Passport by Mail), which you can download [here: https://travel.state.gov/content/passports/en/passports/forms.html](https://travel.state.gov/content/passports/en/passports/forms.html)
* A certified copy of a marriage certificate or **name change court decree** to prove that your name has legally changed.
* **Your current passport.**
* **Two new photos**.
* *You will have to pay all of the fees associated with getting a new passport.* Note:Applications can be filled out in hard copies or online. It is recommended that you change your **bank information first** in order for your check, money order, debit card or credit card to be consistent with the name that will be appearing on your new or updated passport.

Using US Postal Service, **mail all of this information to**:

National Passport Processing

P.O. Box 371971

Pittsburgh, PA 15250-7971

**Step 1: The Gender - State ID**

To change the gender marker on your state issued identification, you need:

* To fill out a [Gender Designation Change Form](http://www.massrmv.com/Portals/30/docs/21816.pdf), signed by you and a medical provider attesting to the gender that you consider yourself to be. The medical provider should be a licensed physician, therapist or counselor, or psychiatric social worker. A hard copy of the Gender Designation Change Form is available at the RMV and can be viewed electronically above

You are **no longer required to submit medical proof of sex reassignment surgery** or an amended birth certificate. This can be done at the same time as changing one’s name on a State ID in accordance with the steps listed above. As stated before before, amending an I.D./License will cost $25.00. If you do not have an I.D./License yet, applying for a new license will cost $50.00.

**Step 2: The Gender - Social Security Card**

This process is similar to that of the name change process through the SSA, in fact, the same document is required, simply with different qualifications. It is possible to change your name through this office at the same time as changing your gender if you bring all of the necessary information at the same time. What you need to complete this process is the following.

* **A completed Form SS-5** [“Application For A Social Security Card” (https://www.ssa.gov/forms/ss-5.pdf)](https://www.ssa.gov/forms/ss-5.pdf)
* **Proof of identity.** One or more identity documents in your new legal name, such as, a driver license, passport, state-issued ID, etc. These documents must show your current legal name.
* **Medical certification of appropriate clinical treatment for gender transition** in the form of an original signed statement from a licensed physician. In Massachusetts, “appropriate clinical treatment for gender transition” is intended to encompass a variety of transition paths, and can be as minimal or as dramatic as any one trans person likes. All that is needed is physician approval; however, this may be hard to find for some who do not wish to transition at all. More information and a sample letter is available at [transequality.org/Resources/SSAResource\_June2013.pdf](http://transequality.org/Resources/SSAResource_June2013.pdf).
* **Proof of Citizenship:**
	+ *If you are a U.S. citizen and have not previously established citizenship with SSA,* you will need to present a **birth certificate, U.S. passport, or other proof of citizenship**. Note: your birth certificate or other document establishing citizenship does not need to show your current name or gender. However, you will need to show proof that you are the same person, such as with a court order for legal name change.
	+ *If you are a non-citizen*, you will need to show documents proving your immigration status and work eligibility, such as: **Form I-551; I-94 with unexpired foreign passport; and/or work permit card (I-766 or I-688B)**. Because there are many types and combinations of qualifying documents for non-citizens, you should call SSA to confirm that your documents qualify.

**Step 3: The Gender - Birth Certificate**

Massachusetts allows one to amend a birth certificate after having “completed medical intervention” and after legally changing one’s name according to a court order. **THIS CAN ONLY BE DONE IN THE STATE OF YOUR BIRTH.** Lambda Legal provides more information on the process in other states: (<http://www.lambdalegal.org/our-work/issues/rights-of-transgender-people/sources-of-authority-to-amend.html>) This section will focus on how to do this if you were born in Massachusetts. In order to complete this process you must provide:

* An **Affidavit in Support of Amendment of a Birth Certificate Following Medical Intervention for the Purpose of Sex Reassignment** that can be found by following the following link: [(http://www.mass.gov/eohhs/docs/dph/vital-records/r-116-applicant-affidavit-birth-certificate-amendment-following-sex-reassignment.pdf)](http://www.mass.gov/eohhs/docs/dph/vital-records/r-116-applicant-affidavit-birth-certificate-amendment-following-sex-reassignment.pdf%29) Note that this form only allows for binary genders, Massachusetts law does not allow for the listing of nonbinary genders on legal documents, so if this may be something to consider before paying the fee and going through the process.
* A notarized **physician’s statement** affirming appropriate medical transition
* A **court-certified copy** of your legal name change decree
* A **check or money order**, payable to the Commonwealth of Massachusetts, of $50 dollars to pay the fine for document processing.

All of this information should be sent to the Massachusetts Registry of Vital Records and Statistics, and most easily should be sent by mail in one parcel to: *Registry of Vital Records and Statistics; Attn: Amendments; 150 Mt. Vernon Street, 1st Floor; Dorchester, MA 02125*. Otherwise, you can schedule an appointment and make a trip to Dorchester by calling (670) 740-2600 or emailing Vital.Regulation@state.ma.us.

**Step 4: The Gender - Passport Information**

If you plan on changing your gender marker on your passport, you must use the **DS-11 form, and you must apply in person.** Unlike the name change on a passport, you cannot complete this step of the process by mail. To complete this step, you need:

* An **In-Person Application Form** [(https://www.state.gov/documents/organization/212239.pdf)](https://www.state.gov/documents/organization/212239.pdf%29)
* **Evidence of citizenship and proof of identity** (for example, a driver’s license or birth certificate).
* A **photo that is a good likeness of current appearance**. (2×2 inches in size with white or off-white background — these photos can be taken for $15.00 at acceptance facilities, such as designated Post Offices; photos can be taken at CVS for about $12.99 )
* A **fee of $110** to have a new passport issued. (An additional $25.00 is required for processing in-person applications. No credit cards accepted by mail or in person (Cash, check, or money order).
* **Attending physician’s letter** stating that you have “had appropriate clinical treatment for gender transition” or are “in the process of gender transition.” This policy recognizes that people’s medical needs vary and that appropriate clinical treatment may be different for one person than for another.**This letter must contain:**
	+ Identification of the physician as an internist, endocrinologist, gynecologist, urologist or psychiatrist as well as the physician’s full name
	+ Medical license or certificate number and issuing state or other jurisdiction of medical license/certificate
	+ Drug Enforcement Administration (DEA) registration number (if physician does not have DEA number, for example if he or she practices in a foreign country, then further clarification or verification of the physicians bona fides must also be submitted)
	+ Address and telephone number of physician
	+ Statement that he/she has a doctor/patient relationship with you
	+ Language stating that the applicant “has had appropriate clinical treatment for gender transition to male/female (new gender)” or “is in the process of gender transition to male/female.”
	+ Statement: “I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.”

Completion of this step requires, like most other steps of this process, no specific requirements to gender transition to be valid. **Surgery is not a prerequisite for this process** and passport adjudicators and consular offices may not ask for additional medical information. In conversations with you, workers at the passport office are required to refer to you using the pronouns appropriate to your “new gender” and to ask only appropriate questions. The associated fee **must be paid, and there is no waiver available to the general public.** If you are the family member to a U.S. Government Official or an Official yourself, you may access a waiver of this fee, but for the vast majority of the general public, this is not the case.