

A Guide to Changing a
Name and Gender Marker
on **Wisconsin and Federal
Identification Documents**

Wisconsin ID Documents Change



Trans Law Help
W I S C O N S I N

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- (a) they are properly cited; AND
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- (c) a note is included that the excerpt is not legal advice.

Acknowledgments

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Trans Law Help Wisconsin, “Wisconsin ID Documents Change: A Guide to Changing Name and Gender Markers on Wisconsin and Federal Identification Documents” (2019).

Legal Disclaimer

This Guide provides legal information that should not be considered legal advice. Anyone with questions about their specific situation should contact an attorney.

While this Guide attempts to describe current law and policy regarding the changing of name and gender markers on identification documents, the law is evolving; as such, this Guide may not be up to date on all issues. Individuals should consult the resources in this Guide, as well as government websites, and they may want to speak with a lawyer to make sure they have up-to-date information before starting the process to change any identification documents.

This Guide provides information on name and gender marker changes on a variety of documents. Only individuals born in Wisconsin may change their name and gender marker on their birth certificates through the Wisconsin court procedures outlined in this Guide. However, individuals who reside in Wisconsin, but who were born in another state, may use the Wisconsin court process to obtain a court order for a name change, and may use this order to change their name and gender marker on their Wisconsin driver's license. Those born outside of Wisconsin who wish to change their name and/or gender marker on their birth certificates will need to follow the laws and procedures of the state in which they were born. For more information on the procedures for name and gender marker changes in other states, please refer www.transequality.org/documents and contact an attorney in the state of origin for legal advice.

Financial Assistance Program

Trans Law Help Wisconsin offers financial assistance for individuals who cannot afford a part of the name and gender change process. For example, if an individual is pursuing a name change through the courts, they will need to pay a publication fee to publish their name change hearing as part of the process. We are able to help subsidize or cover the cost of the fee, or any other cost that an individual may not be able to afford as they change their name and gender marker on their identity documents. We can either provide a cashier's check payable directly to the entity requiring the fee, or we can offer reimbursement for the fee. To request assistance, please contact us.

Section I **Getting Started**

There are many steps to changing the name and gender marker on all of an individual's identification documents, and each document has different requirements. An individual may decide the order in which they will change, or not change, their documents; considerations include the associated fees, time required for each change, and personal preferences. The sections below contain information about the time, fees, and requirements for changing a name and/or gender marker on each document. Most documents require that an individual first obtain a court order for name change before they can pursue changing other documents.

Section II **Obtaining a Name Change**

(for Adults and Minors 14+ Living in Wisconsin)

Note: Please note this process only changes one's legal name, not legal gender marker. The process to change a legal gender marker is set forth in Section III below.

The name change process in Wisconsin allows adults and minors 14 years of age or older who live in Wisconsin to change their names (names of minors under 14 can be only be legally changed by their parent(s)/guardian(s) – please contact us for more information about this). Obtaining a court order for a name change means that the state of Wisconsin officially recognizes the individual's name change, and that the individual, depending on their state of birth, may be able to use the order to change their name on a number of identification documents, including a driver's license, birth certificate, Social Security card, passport, and more.

Initial Considerations

- **Associated Costs.** Up to \$350, depending on the county in which the individual lives.
 - ▶ Filing Fee: \$164.50 to file a petition for name change, notice of hearing & order, and order for name change. *This fee may vary depending on the individual's county of residence – contact your county's Clerk of Courts for more information about this.*
 - ▶ Certified copy or copies of Wisconsin birth certificate (if applicable).
 - ▶ Required publication of notice and order for hearing (for regular process): \$75-\$100; costs vary by amount charged by the local newspaper or other publication source to publish notice.
 - ▶ Certified copies of Name Change Court Order.
 - ▶ Vital Records Office Fee: \$10 to file an order to change a Wisconsin birth certificate (if applicable).
 - ▶ Certified copies from Wisconsin Vital Records.
- **Timeline.** The process can take 4-8 weeks.
 - ▶ This time period includes three weeks (one publication per week) for the required publication of the notice and order for hearing.
 - ▶ If you can use the confidential process, as described below, the time period will be less.

- **Special Procedure for Confidential Name Changes.** The regular process of obtaining a court order to change one’s name requires the individual to publish information about the scheduled name change hearing for three consecutive weeks in the local newspaper or other publication source. There is also a confidential process for a name change in Wisconsin. To use this confidential process, the individual is required to demonstrate that they are endangered. If an individual can demonstrate they are endangered, they are not required to publish the notice and order for hearing regarding their name change. There are different forms required for petitioning the court for a confidential name change – see below for more information.
- **Changing a Birth or Marriage Certificate in Another State or Country.** If you were born or married outside the state of Wisconsin, you must contact your birth/marriage state's vital records office to determine what is required to change birth and marriage certificates following an Order for Name Change in Wisconsin. If an individual currently lives in another state but was born in Wisconsin, they will need to file their name change petition in the state in which they currently live, and then file that state’s court order with the Wisconsin Vital Records Office. Information about amending birth certificates in other states can be found at: www.transequality.org/documents.

Process

1. **Where to File for a Name Change.** You must file paperwork with the circuit court of the county in which you live. To determine which circuit court your county of residence is grouped, the Wisconsin Court System provides a list of counties and their corresponding circuit courts. See wicourts.gov/courts/offices/map.htm for more information. Filing procedures vary from county to county. Check with the county clerk of court to determine local procedures.
2. **Preparing the Forms.** Prepare the forms listed below. If filling out by hand, use black ink. The forms include directions for preparing each of the documents and are all available from the Wisconsin Circuit Court Forms page: bit.ly/wi-civil-name-change-forms.
 - ▶ Petition for Name Change (CV-450 (or confidential CV-451));
 - ▶ Notice & Order for Hearing (CV-460 (or confidential CV-461)); and
 - ▶ Order for Name Change (CV-470 (or confidential CV-471)).

The “Petition for Name Change” must include a reason for the name change. The most important aspect in providing a response to this question is that the reason must be truthful;

beyond that, it is up to the petitioner to determine what they are comfortable sharing with the court. Examples of reasons that have worked in the past include:

- ▶ “Proposed name better suits the identity of the Petitioner”
- ▶ “Proposed name has been ‘name in use’ by Petitioner for (fill in number) years”
- ▶ “Petitioner wishes to have a name that better suits their gender identity”

Note: It is always within the discretion of the judge whether the reason for an individual’s name change is legally sufficient. If you wish to provide additional information for the judge to consider, a letter from your doctor or therapist might be a useful means of doing so.

Note: In Wisconsin, a person may not change their name to avoid creditors, to conceal a criminal record, or if they are a registered sex offender.

3. **Requesting a fee waiver.** If you cannot afford the filing fees associated with a name change petition, you can request a fee waiver using “Petition for Waiver of Fees” form (CV-410A) and the proposed “Order for Waiver of Fees” form (CV-410B). The forms are available through the Wisconsin Circuit Court Forms page available at: bit.ly/wi-courts-all-civil-forms. If filling it out by hand, use black ink. **Do not sign the petition** during preparation, as it must be notarized. Many notaries will provide notarization services for free, but they are allowed to charge up to \$5 per document under state law. Notaries that charge for their services will usually charge \$1-\$2 per document.

Tips for Finding a Notary Public

- ▶ Check with local credit unions or banks. All credit unions and banks have notaries, but some provide notary services only to their account holders. For this reason, you should first check with the credit union or bank where you have an account.
- ▶ Call the county courthouse to determine whether there is a notary public available, and whether the notary charges for notary services (the notaries at some courthouses offer notary services for free).
- ▶ Search online to find a local notary public.

The Petition for Waiver of Fees asks for information about:

- ▶ The receipt of public assistance (including supplemental security income, food stamps/food share, medical assistance, etc.);
- ▶ The individual’s gross income, assets, and debts; and
- ▶ Members of the individual’s household and their gross incomes.

When you file a request for a fee waiver, you may need to provide proof of your financial status. Such proof may include copies of pay stubs from the last 30 days, proof of SSI/SSDI for the current month, and proof of public benefits received in the current month.

Tip: If you have difficulty proving FoodShare, Medicaid, or other benefits, the clerk of court in the county where you live may be able to help.

Caution: You cannot use a Quest card as proof of public assistance.

Note: If your Petition for Waiver of Fees is denied but you still cannot afford the filing fees associated with the name change petition, Trans Law Help Wisconsin has a Financial Assistance Program and we may be able to help. Contact us at info@translawhelp.com with your request for financial assistance.

4. **Filing the Forms.** County courthouse hours of operation vary by county; some courthouses are open during regular business hours, while others are open only for limited hours. At the courthouse, you should deliver all forms to the clerk of courts office. This is also where you will pay the filing fee or submit your Petition for Waiver of Fees, whichever is applicable to you. The clerk will then take the forms, assign a case number and a judge, and return to you the “Notice and Order for Name Change Hearing.” You should then take that order to the office of the judge assigned to the case. If applying through the regular process, the judge’s clerk will assign a hearing date at least 4-5 weeks from the filing date.

Note: Individuals filing for a confidential name change hearing may receive a hearing date in a much shorter time frame. The confidential name change process does not require the publication of the “Notice and Order for Hearing” information in a local newspaper. While the hearing date will depend on the judge’s availability, some individuals have been given hearings within several weeks, and some have been given a hearing on the same day as filing.

5. **Publishing the Notice of Hearing for the Regular Process.** If filing for a name change through the regular process, you must publish a third-class public notice (one day per week for three weeks) before the hearing date. The newspaper in which you publish can provide the precise language on the order and notice of hearing that must be part of the published notice.

- ▶ **Time:** This will take three weeks (the notice of hearing information must be published once a week for three consecutive weeks before the scheduled hearing).

- ▶ **Costs:** \$75-\$100. If the publication fee would cause you financial hardship, some newspapers may have reduced or waived publication fees for individuals with limited means to pay. Additionally, see page 1 for more information about Trans Law Help Wisconsin's Financial Assistance Program.
- ▶ **Method of Publication:** Some counties require publication of such notices to be in a specific newspaper. For example, Dane County requires an individual to publish the notice of hearing information in the Wisconsin State Journal. Other counties may allow an individual to choose between several newspapers. The clerk of courts office should help you determine the requirements of your county.
- ▶ **Proof of Publication:** Once the notice has been published for three weeks, the newspaper will send you a "Proof of Publication" affidavit in the mail with a copy of the notice. You can request an additional copy from the newspaper so that you may retain a back-up copy.

Tip: Save the "Proof of Publication" affidavit and notice; you must bring these to the hearing.

6. Attending the Hearing.

- ▶ Before the hearing, you must obtain the "Proof of Publication" affidavit and a copy of the published notice. **Bring these with you to the hearing.**
- ▶ Arrive at the hearing on time. If you are more than 10 minutes late for a scheduled hearing, you may not be allowed to have the hearing. This may force you to restart the process from Paragraph 1, above.
- ▶ When the clerk calls the case, step forward and give them the "Proof of Publication" affidavit and a copy of the published notice. If you choose to provide a letter from a doctor or therapist, give that letter to the clerk at this time as well. If it is a regular name change, keep in mind that any documentation you provide during your hearing will be subject to the public record.
- ▶ You will next be placed under oath and asked for basic information on the petition, such as current legal name, the name you are pursuing as your legal name, and reason for requesting a name change.
- ▶ If there are no objections, the judge will grant the petition for a name change and sign the "Order for Name Change" (or, if it is a confidential name change, then the "Confidential Order for Name Change").

7. Filing the Order for Name Change/Confidential Order for Name Change.

- ▶ Following the hearing, if the judge grants the petition, the judge’s clerk will give you a copy of the forms. Take the forms to the clerk of courts office or wherever the judge’s clerk instructs you. Give the clerk in the clerk of courts office the “Order for Name Change” and purchase three to five certified copies of the Order for Name Change. These will cost \$2-\$5 per copy.
- ▶ **Individuals born or married in Wisconsin.** If you have a Wisconsin vital record (e.g. birth certificate, marriage certificate, etc.), you may inform the Wisconsin Vital Records Office of your name change. To do so, follow the procedure below.

◇ Required Documents.

- ◆ Certified Order for Name Change/Confidential Order for Name Change
- ◆ DHS Form 5021 “Report of Legal Name Change”
 - The form is available from the Wisconsin Department of Health Services (DHS) Vital Records Office. This form can be accessed by calling and requesting it from DHS. Contact information for the Vital Records Office is available at www.dhs.wisconsin.gov/vitalrecords/contacts.htm. You can also contact Trans Law Help Wisconsin by emailing info@translawhelp.com and we can send you this form.
- ◆ Proof of Identity:
 - If applying in person, identification must be a valid ID (not a photocopy).
 - If applying by mail, identification must be a photocopy of your ID.
 - Acceptable forms of identification include:
 - One of:
 - State-issued driver’s license or ID card;
 - US Government issued photo ID;
 - US or Foreign passport; or
 - Tribal or Military ID card.
 - OR
 - Two of:
 - Bank statement;
 - Current, dated, signed lease;
 - Health insurance card;
 - Utility bill or traffic ticket; or
 - Vehicle registration/title

◇ Provide Payment of the Required Fees.

- ◆ The fee to file the Order for Name Change with the Vital Records Office is \$10 and does NOT include the fee to obtain copies of an amended birth certificate.
- ◆ The fee to order a copy of the updated birth certificate is \$20 for the first copy and \$3 for each additional copy. The certificate(s) can be ordered when submitting Form 5021 by including additional payment at that time.

- ◆ If filing by mail, include payment of the fee by check or money order made out to “State of Wisconsin Vital Records.”
- ◆ If filing in person, the Vital Records Office will accept check, money order, and debit and credit cards.
- ◇ File the Form. Deliver or mail Form 5021, payment of the fee(s), and a certified copy of the Order for Name Change to:

In Person: Wisconsin Vital Records Office
1 West Wilson Street, Room 160
Madison, WI 53703

By Mail: State Vital Records Office
Special Services Lead
P.O. Box 309
Madison, WI 53701-0301

Note: The Vital Records Office will likely return the certified court order once the name change is processed.

- ◇ **Information Included on the Amended Birth Certificate.** A person’s previous name will remain on the birth certificate. The amendment stating the name change will appear at the bottom of the document. If you received a Confidential Order for Name Change, the Vital Records Office will issue a new, rather than amended, birth certificate. A new birth certificate will not list a person’s previous name. You may be able to specifically request this from the judge during the hearing.

Note: If planning to change both name and gender marker, doing so in the same court action permits you to use a different administrative process in which the Vital Records Office will issue a new birth certificate regardless of whether the confidential or regular process is used. See Section III, below.

Section III **Obtaining a Court Order for Gender Marker Change on a Wisconsin Birth Certificate**

Initial Considerations

- **Who May Change Their Gender Marker.** At this point in Wisconsin, only persons who have had gender-affirming surgery may legally change their gender marker.
- **Where to File for Gender Marker Change.** Individuals residing in Wisconsin must file the paperwork for changing their gender marker with the circuit court. Check with the county clerk of court to determine the local procedures for filing.
- Wisconsin does not currently have a recognized process for petitioning a Wisconsin court for a general order for gender marker change. The process currently in place exists for those who were born in the state of Wisconsin and wish to change their gender marker on their birth certificate, which is a more specific process.

Note: If you were born in Wisconsin but currently reside in a different state, you must file the paperwork for changing your gender marker with the circuit court in the county in which you were born.

Process

1. **Petition and other Documents for Requesting Gender Marker Change.** There is no standard petition or order form for changing a gender marker on a Wisconsin birth certificate. You can write a letter to the court stating your desire to change your gender marker, or you may use the Petition and Order for Name Change forms as a template in order to craft your own petition. The existing forms for Petition and Order for Name Change (CV-450 and CV-470, respectively) are available through the Wisconsin Circuit Court Forms page available at: bit.ly/wi-civil-name-change-forms.

In addition to a “Petition for Gender Marker Change,” an individual must present the following documents to the court:

- ▶ Certified copy of current birth certificate;
- ▶ Certified copy of Order for Name Change (if applicable);
- ▶ Notarized letter from a surgeon, or your physician, stating that the individual has had gender-affirming surgery;

Tip: Wisconsin law requires the petitioner to show they have had what the law calls a “surgical sex-change procedure.” Because of this, consider requesting that the surgeon or physician use the term “surgical sex change procedure.” Since it is always within the discretion of the judge to

determine whether your letter is acceptable, it is best to use this language, as it is directly from the Wisconsin Statutes.

- ▶ DHS Form 5035 (“Report of Order to Change Name & Sex on Birth Certificate Due to Surgical Sex-Change Procedure”). This form can be accessed by calling and requesting it from DHS. You can also contact Trans Law Help Wisconsin by emailing info@translawhelp.com and we can send you this form.
 - ▶ (Optional, unless represented by an attorney) Proposed Order for Gender Marker Change. Typically, if you are not working with an attorney to change your gender marker on your Wisconsin birth certificate, you will not be required to provide this; however, if you hire an attorney to help with this process, let your attorney know that they should prepare a proposed Order for Gender Marker Change.
2. **Requesting a fee waiver.** If you paid a filing fee for a petition for name change, in most situations, the petition for gender marker change can be filed as part of the previous name change case. If so, no new filing fee will be required. If you have not previously paid a filing fee and cannot afford the filing fees associated with a petition for gender marker change, you can request a fee waiver using “Petition for Waiver of Fees” form (CV-410A) and the proposed “Order for Waiver of Fees” form (CV-410B). The forms are available through the Wisconsin Circuit Court Forms page available at: bit.ly/wi-courts-all-civil-forms. If filling out by hand, use black ink. **Do not sign the petition** during preparation, as it must be notarized. Many notaries will provide notarization services for free, but they are allowed to charge up to \$5 per document under state law. Notaries that charge for their services will usually charge \$1-\$2 per document.

Tips for Finding a Notary Public

- ▶ Check with local credit unions or banks. All credit unions and banks have notaries, but some provide notary services only to their account holders. For this reason, you should first check with the credit union or bank where you have an account.
- ▶ Call the county courthouse to determine whether there is a notary public available, and whether the notary charges for notary services (the notaries at some courthouses offer notary services for free).
- ▶ Search online to find a local notary public.

The Petition for Waiver of Fees asks for information about:

- ▶ The receipt of public assistance (including supplemental security income, food stamps/food share, medical assistance, etc.);
- ▶ The individual's gross income, assets, and debts; and
- ▶ Members of the individual's household and their gross incomes.

When you file a request for a fee waiver, you must provide proof of your financial status. Such proof may include copies of pay stubs from the last 30 days, proof of SSI/SSDI for the current month, and proof of public benefits received in the current month.

Tip: If you have difficulty proving FoodShare, Medicaid, or other benefits, the clerk of court in the county where you live may be able to help.

Caution: An individual cannot use a Quest card as proof of public assistance.

Note: If your Petition for Waiver of Fees is denied but you still cannot afford the filing fees associated with the name change petition, Trans Law Help Wisconsin has a Financial Assistance Program and we may be able to help. Contact us at info@translawhelp.com with your request for financial assistance.

3. **Filing the Forms.** County courthouse hours of operations vary by county; some courthouses are open during regular business hours, while others are open only for limited hours. At the courthouse, you should deliver all forms to the clerk of courts office. Next, determine whether it is possible to file under an existing name change case (if a name change petition has previously been filed) to avoid paying a second filing fee. If not, the filing fee will be \$164.50. The clerk will then take the forms, assign a case number and a judge, and return to you the "Notice for Gender Marker Change." You should then take that order to the office of the judge assigned to the case, or if the judge is unavailable that day, the judge's clerk will assign a hearing date.
4. **Attending the Hearing.** In some cases, you may be able to immediately go to court and speak with the judge after filing the documents with the judge's clerk. Because the judge retains significant discretion over this process, it may be in your best interest to dress more formally in the event that you are asked to speak with the judge that day. Nonetheless, stay true to yourself and dress in a manner that best aligns with your identity and expression.

Note: A formal hearing may not be necessary. A judge may allow you to meet in the judge's chambers, where the judge will review the documents and make a decision.

Tip: It is possible that the judge may ask you additional questions about your surgery letter. While it is their prerogative to ask fact-finding questions about the petition, it is possible that these inquiries could become too invasive. Please contact Trans Law Help Wisconsin if your judge asks you questions that seem inappropriate.

5. **Filing the Order for Gender Marker Change.**

- ▶ If the judge signs the Petition and Order for Gender Marker Change, return to the clerk of courts office to file it. The court will seal the order. This means a person would need a court order before they could view the copy of the judge's order.
- ▶ Following the hearing, if the judge grants the petition, the judge's clerk will give you a copy of the forms. Take the forms to the clerk of courts office or wherever the judge's clerk instructs you in order to file the Order. Give the clerk in the clerk of courts office the "Order for Gender Marker Change" and purchase three to five certified copies of the Order.

6. **Amending a Wisconsin Birth Certificate.**

- ▶ This process differs from county to county. Check with your county's clerk of courts to find out what other documents may be required.
- ▶ Required Documents:
 - ◇ Certified Order for Gender Marker Change
 - ◇ DHS Form 5035 "Report of Order to Change Name & Sex on Birth Certificate Due to Surgical Procedure"
 - ◆ This form can be accessed by calling and requesting it from DHS. You can also contact Trans Law Help Wisconsin by emailing info@translawhelp.com and we can send you this form.
 - ◇ Proof of Identity:
 - ◆ If applying in person, identification must be a valid ID (not a photocopy).
 - ◆ If applying by mail, identification must be a photocopy of your ID.
 - ◆ Acceptable forms of identification include:

- One of:
 - State issued driver's license or ID card;
 - US Government issued photo ID;
 - US or Foreign passport; or
 - Tribal or Military ID card.
- OR
- Two of:
 - Bank statement;
 - Current, dated, signed lease;
 - Health insurance card;
 - Utility bill or traffic ticket; or
 - Vehicle registration/title

▶ Provide Payment of the Required Fees.

- ◇ The fee to file the Birth Certificate Application is \$10 and does NOT include the fee to obtain copies of an amended birth certificate.
- ◇ The fee to order a copy of the updated birth certificate is \$20 for the first copy and \$3 for each additional copy requested at the same time. The certificate(s) can be ordered when submitting Form 5035 by including additional payment at that time.
- ◇ Because a copy of your birth certificate may be needed to change other documentation, it is advisable to purchase multiple copies when you file Form 5035.

▶ File Required Documents: After the clerk has signed and placed the court seal on DHS Form 5035, you may file this form, a certified copy of your Order for Gender Marker Change, and payment of the required fees either in person or by mail.

- ◇ If filing by mail, include payment of the fee by check or money order made out to "State of Wisconsin Vital Records."
- ◇ If filing in person, the Vital Records Office will accept check, money order, or debit and credit cards.

In Person: Wisconsin Vital Records Office
1 West Wilson Street, Room 160
Madison, WI 53703

By Mail: State Vital Records Office
Special Services Lead
P.O. Box 309
Madison, WI 53701-0301

Note: If you were born or married outside the state of Wisconsin, you must contact your birth/marriage state's vital records office to determine what is required to change birth and marriage certificates following an Order for Gender Marker Change in Wisconsin. Information about amending birth certificates in other states can be found at:

www.transequality.org/documents.

7. **Processing Your Amended Birth Certificate.**

- ▶ The registrar at the Vital Records Office should issue a new birth certificate. Barring some extraordinary circumstances, this should be a new birth certificate that does not indicate previous name or gender.
- ▶ The registrar at the Vital Records Office will send notice of the change to the local registrar who filed your original birth certificate. The local registrar is supposed to destroy the certified copy of your original birth certificate.
- ▶ The register at the Vital Records Office should impound the original record in that office and all correspondence, court orders, and other related materials. This means that the original birth certificate will not be accessible without a court order.

Section IV **Changing Information with the Social Security Administration**

A. Changing Name on Social Security Card / Record

Initial Considerations

- ▶ **Associated Costs:** Free.
- ▶ **Time:** 2-3 weeks. The Social Security Administration (SSA) estimates that an individual will receive their new card by mail about ten days after the application is processed.
- ▶ **Required documents:** Acceptable identification document and a certified copy of Order for Name Change (see Section II, above).
- ▶ **When to Apply:** This application can be filed separately or at the same time as a request to change a gender marker on a social security account. It may be more efficient to file for the changes to name and gender marker at the same time if all supporting documents have been compiled. However, if not all necessary documentation for both changes have yet been compiled, it may be more convenient to file for one change at a time.

Process

1. **Preparing the Application:** Complete the Application for a Social Security Card (SS-5), which is available at www.ssa.gov/forms/ss-5.pdf. The form must be printed on 8.5" x 11" paper.
 - ▶ If completing by hand, you must use blue or black ink.
 - ▶ The form provides additional instructions for preparing the application.
2. **Gathering Required Documents:** You will need to bring a certified copy of the Order for Name Change, as well as your social security card and one of the following identification documents:
 - ▶ U.S. driver's license;
 - ▶ State-issued non-driver identification card; or
 - ▶ U.S. passport.

Note: The SSA may accept other forms of identification, such as current health insurance cards, employee identification cards, or school identification cards. For more information, see www.ssa.gov/ssnumber/ss5doc.htm (see "Corrected" under "Type of Card" on the left sidebar).

3. **Submitting Required Documents:** Bring the completed application and documents to your local SSA office or your local Social Security Card Center. To find the location and hours of the office nearest you, go to <https://secure.ssa.gov/ICON/main.jsp>. Alternatively, you may choose to mail the application and required documents to the SSA at the address listed for your local office. If submitting via mail, the process will likely take longer. Any documents mailed to the SSA may be returned to you.

B. Changing Gender Marker on Social Security Account

Initial Considerations

- ▶ **Associated Costs:** Free.
- ▶ **Time:** 2-3 weeks. The Social Security Administration (SSA) estimates that an individual will receive their new card by mail about ten days after the application is processed.
- ▶ **Required Documents:** See below for all of the required documents.
- ▶ **When to Apply:** This application can be filed separately or at the same time as an application to change a name on a social security account. It may be more efficient to file for the changes to name and gender marker at the same time if all supporting documents have been compiled. However, if not all necessary documentation for both changes have yet been compiled, it may be more convenient to file for one change at a time.

Process

1. **Preparing the Application.** Complete the Application for a Social Security Card (SS-5), which is available at www.ssa.gov/forms/ss-5.pdf. The form must be printed on 8.5" x 11" paper.
 - ▶ If completing by hand, you must use blue or black ink.
 - ▶ The form provides additional instructions for preparing the application.
2. **Gathering Required Documents.**
 - a. You will need to bring your social security card and one of the following identification documents:
 - ◇ U.S. driver's license;
 - ◇ State-issued non-driver identification card; or
 - ◇ U.S. passport.

Note: it is not necessary for you to have changed your gender marker on any of the documents mentioned above before bringing them in to change your gender marker with Social Security. These documents are only used to confirm your identity and not to verify your gender marker.

- b. In addition, the Social Security Administration requires one of the following as proof of a gender marker change:
- ◇ Full-validity, 10-year U.S. passport showing the updated gender marker;
 - ◇ Certified state-issued amended birth certificate showing the updated gender marker;
 - ◇ Certified copy of a Court Order for Gender Marker Change; or
 - ◇ Medical certification of “appropriate clinical treatment” in the form of an original letter from a licensed physician. Note that this is a lower standard than Wisconsin’s requirement of gender-affirming surgery. You can find a sample letter here: <https://transequality.org/know-your-rights/social-security>.

Note: If you are not a U.S. citizen, you will need to prove your U.S. immigration status.

Note: The SSA Office may accept other forms of identification, such as current health insurance cards, employee identification cards, or school identification cards. For more information, see www.ssa.gov/ssnumber/ss5doc.htm (see “Corrected” under “Type of Card” on the left sidebar).

3. **Submitting Required Documents.** Bring the completed application and documents to your local Social Security office or your local Social Security Card Center. To find the location and hours of the office nearest you, visit <https://secure.ssa.gov/ICON/main.jsp>. Alternatively, you may choose to mail the application and required documents to the SSA at the address listed for your local office. If submitting via mail, the process will likely take longer. Any documents mailed to the SSA may be returned to you.

Section V **Changing a Wisconsin Driver's License/Identification Card**

Initial Considerations

- **Associated Costs:** \$14-\$16.
- **Time:** Same day, usually within an hour or two depending on wait times.
- **When to Apply:** Due to the heightened identification requirements for REAL-IDs, it may be easier to first apply for an updated passport and then use that passport to obtain an updated REAL-ID.

Process

1. **Gathering Required Documents:** Wisconsin's Department of Motor Vehicles (DMV) has a published procedure for changing one's name on a driver's license; it does not have a published procedure for changing one's gender marker on an existing license or other ID. However, to date, the DMV has accepted the documents listed below to change a gender marker on a driver's license.

a. Completed Wisconsin Driver's License or Identification Card Application:

- ◇ Application form MV3001 (license); or
- ◇ MV3004 (identification card).

Note: While you may prepare these forms in advance, free copies are also available at all DMV locations. See bit.ly/wi-dmv-license-forms.

b. Accepted identification documents for updating DMV record for name and gender marker:

- ◇ Updated Social Security Card (for name change),
- ◇ Certified copy of court order for name change OR a US passport with the updated name,
- ◇ Letter from a physician certifying "change of gender" OR a certified copy of a court order for gender marker change.

c. The DMV may ask for additional proof of identification, proof of residence, or proof of citizenship. The State of Wisconsin operates an interactive Driver License Guide that may be useful to confirm necessary documents in advance. See app.wi.gov/DLGuides.

2. **Processing Application:** Take documentation and completed application to a convenient DMV location. Be prepared to wait for the clerk to call your number. See bit.ly/wi-dmv-locations.

Section VI Changing Passport Information

Initial Considerations

- **Costs:** Wide-ranging, depending on age, whether seeking an initial passport or a passport renewal, whether the renewal is before or after a year of issue, whether the renewed/new passport must be handled at an acceptance center (not done by mail), and whether the passport must be expedited (\$60). For the various fees, see bit.ly/passport-fee-chart.
- **Time:** A passport usually takes 6-8 weeks to receive. Expediting an application shortens that period to 2-3 weeks but requires an additional fee. Making an appointment with an agency with “proof of urgency” may further expedite the process to about 8 days; however, there are only 26 passport agencies across the country. The closest agencies to Wisconsin are in Chicago and Minneapolis, and you can only go to an appointment with the agency within 2 weeks of international travel (or 4 weeks if you also need a visa). See bit.ly/passport-application-locations.
- **Renewal Eligibility:** Not every passport can be renewed. An individual must meet all the following criteria for renewing a passport:
 - ▶ **Passport in possession.** If passport lost or stolen it cannot be renewed, but it can be replaced.
 - ▶ **Passport undamaged.** Badly damaged passports cannot be renewed. Replacements must be requested by applying for a “mutilated passport replacement.”
 - ▶ **At least 16 years old when last passport was issued.** Youth who are still under 16 will have to apply for another minor passport, which will be valid for 5 years. If the youth is newly 16 since the last passport was issued, individual may apply for adult passport.
 - ▶ The passport was issued less than 15 years ago.
 - ▶ **Gender marker change to existing passport.** If changing gender marker on an existing passport, an individual must go through the process as if seeking an initial passport (with additional documentation for the gender marker change).
- **If Ineligible:** If you are not eligible to renew a passport and if you are a U.S. citizen, apply for a new passport using Form DS-11. A new passport requires in-person application. See bit.ly/passport-application-locations for a links to the different passport application locations.

Process

1. Required Documents.

- a. For Name Change More than One Year after Passport Issue
 - ◇ Form DS-82
 - ◇ Most recent passport
 - ◇ Certified Court order for Name Change
 - ◇ Color passport photo (2 inches by 2 inches)
 - ◇ Application Fees (\$165 not expedited)

- b. For Name Change Within One Year of Passport Issue
 - ◇ Form DS-5504
 - ◇ Most recent passport
 - ◇ Certified Court Order for Name Change
 - ◇ One color passport photo (2 inches by 2 inches)
 - ◇ Application fees (\$0 if not expedited)

- c. For Gender Marker Change (any method and any time after issue)
 - ◇ Form DS-11 (the State Department provides further clarification on their “Change of Sex Marker” webpage, found at bit.ly/passport-gender-marker);
 - ◇ Evidence of U.S. Citizenship and copies of the evidence (usually a birth certificate);
 - ◇ Valid ID and photocopy of that ID;
 - ◇ Certified court order for Gender Marker Change;
 - ◇ One color passport photo (2 inches by 2 inches) that resembles your current appearance;
 - ◇ Application fee, \$110, plus \$35 acceptance fee (in addition to applicable expedited fees);
 - ◇ Proof of legal name change (if applicable);
 - ◇ Medical certification that is a signed, original statement from a licensed physician on office letter head and including the following:
 - ◆ Physician’s full name, address, and telephone number
 - ◆ Medical license or certificate number
 - ◆ Issuing state or other jurisdiction of medical license/certificate

- ◆ Language stating:
 - They have treated you, or have reviewed and evaluated your medical history; and
 - You have had “had appropriate clinical treatment for transition” or are “in the process of transition to” your affirming gender identity (as of writing, the State Department only recognizes binary gender identities). Note that this is a lower standard than Wisconsin’s requirement of gender-affirming surgery.
- ◆ The statement must include, “I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.”
- ◆ Medical certification requirements are the same for a minor as an adult.
- ◆ A description of specific treatments is not required in the medical certification. The certification is based on your physician's clinical assessment of your treatment.

Tip: A template medical certification is available for download from the State Department at: bit.ly/passport-gender-marker.

Note: It is not necessary for you to have changed your gender marker on the documents you use for evidence of U.S. citizenship, e.g. your birth certificate. The U.S. Department of State is only using your birth certificate, or other evidence of citizenship, to confirm citizenship and not to verify your gender marker.

2. Procedure for Submitting Application.

- ▶ **Via Mail.** The State Department requires that you send the application form and supporting documents using:
 - ◇ An envelope large enough to fit the application without folding;
 - ◇ The United States Postal Service (USPS); and
 - ◇ A trackable delivery method.

Caution: Only USPS or Canada Post can deliver to the PO Box addresses listed below.

For those living in Wisconsin, mail the application and other required documents to:

Regular Service: National Passport Processing Center
Post Office Box 90155
Philadelphia, PA 19190-0155

**Expedited Service:
(additional fee applies)**

National Passport Processing Center
Post Office Box 90955
Philadelphia, PA 19190-0955

Write “EXPEDITE” on the outside of the envelope.

▶ **In Person for initial passport or gender marker change to existing passport.**

- ◇ Locate a location convenient for you. Some acceptance centers may require an appointment. See bit.ly/passport-application-locations.
- ◇ Have all the required documentation with you, and proper means to pay fees (policies vary, but check or money order made out to the U.S. Department of State can be used to pay the passport fees; Acceptance Fee must be paid separately).

▶ **In Person for urgent change to existing passport.**

- ◇ Make an appointment at Passport Agency for travel within two weeks. The closest Agency offices to Wisconsin are in Chicago and Minneapolis. See bit.ly/passport-agencies.
- ◇ Make note of your appointment confirmation number.

Tip: You will need to go through a security screening at a passport agency before checking in for your appointment. The Chicago Passport Agency recommends at least an additional 30 minutes. However, if you are frequently flagged when passing through security screenings, you may want to give yourself more time.

Section VII **Changing Name and Gender Marker to Obtain Updated Marriage License**

A. Regular Name Change

Initial Considerations

- Once a legal name change has been completed, the state can update the marriage license.
- **Associated Costs:** There is a \$10 filing fee to obtain an updated marriage license.

Process

1. If in-person, visit the Wisconsin Vital Records Office, directions to which can be found at www.dhs.wisconsin.gov/vitalrecords/contacts.htm.
2. Bring or mail a certified copy of the Order for Name Change and/or Order for Gender Marker Change to the Wisconsin Vital Records Office (if mailing, confirm you have all required documentation necessary for the change with a call to Vital Records)
3. If desired, you may update the document's language to say "Bride," "Groom," or "Spouse" as appropriate.

Note: The license itself does not explicitly include a gender marker. However, gender is implied by the bride/groom terminology.

B. Confidential Name Change

Initial Considerations

- An individual may request in their initial petition for order of name or gender marker change that they would like it to be used to update a marriage license.
- If it is not indicated in the order that it is intended to update a marriage license, an individual can briefly describe in a note what information must be corrected on the marriage license. This note does not need to be notarized.
- If the process for amending a birth certificate has not yet been completed, it can be done simultaneously with updating a marriage license.
- **Associated Costs:** There is a \$10 filing fee to obtain an updated marriage license.

Process

1. Visit the Wisconsin Vital Records Office, directions to which can be found at www.dhs.wisconsin.gov/vitalrecords/contacts.htm.

2. Bring a certified copy of the Confidential Order for Name Change and/or Order for Gender Marker Change to the Wisconsin Vital Records Office.
3. If applicable, bring a note describing what information on the marriage license is to be updated.
4. If desired, you may update the document's language to say "Bride," "Groom," or "Spouse" as appropriate.

Note: The license itself does not explicitly include a gender marker. However, gender is implied by the bride/groom terminology.

Conclusion

Thank you for using this Guide. If you have any questions or comments about the Guide or the processes described herein, please contact Trans Law Help Wisconsin at info@translawhelp.com.

As mentioned in the Acknowledgments section, this Guide is a living document. It will hopefully be expanded in the future to address immigration documents, military records, and Wisconsin law affecting citizens of Native Nations.

