

Brief Services LGBTQ+ Clinic Appointment Checklist of Common Issues

Introduction (for all types of appointments)

To begin every appointment, introduce yourself and explain the nature of the brief services clinic. For example:

Hello, my name is [X], and my pronouns are [X]. I am a volunteer lawyer with the VLN's LGBTQ+ Legal Clinic. VLN's clinic provides brief services, which means that during our appointment today, I can serve as your attorney, and I can provide you with legal advice and answer your questions. Everything that we discuss today will be confidential. However, after our appointment, I will no longer be your attorney. If you have any follow-up questions, you can contact an attorney or schedule another appointment with our clinic. Any questions?

Tell the client that you have reviewed their appointment request, and ask the client to identify their goals and concerns. Make sure to validate the client's stressors/fears and ensure they feel heard.

Name Change and Gender Marker Change (born in Minnesota)

To obtain a name change and gender marker change in Minnesota, most people go through the court order process. Here's a quick checklist of items to cover with the client:

- Verify client's eligibility for a name change proceeding in Minnesota
- Review the required documents to file with the district in the county where the client lives:
 - Name Change Application – available [here](#)
 - Criminal History Check Release – available [here](#)
 - Proposed Order (filled out as much as possible) – available [here](#)
 - ACT letter – if client is seeking a gender marker change
 - Filing fee – depends on county, check [here](#)
- Hearing requirements (check for letter from court with hearing information, bring two adult witnesses who know the applicant for at least one year and can attest to applicant's identity)
- Encourage client to obtain certified copies of the court order

Name Change and Gender Marker Change (born outside of Minnesota)

- Check transequality.org/documents and home state's Department of Health website to determine if a court order is required to change a birth certificate in the client's home state
- Explain that another state may not honor or enforce a Minnesota court order.
- Encourage client to reach out to home state's Department of Health to ask if the court order needs any specific language
 - If specific language is needed, include in proposed order.

Minors

- Verify client's eligibility for a name change proceeding in Minnesota
- Review the required documents to file with the district in the county where the client lives:

- Completed Name Change Application for a Minor – available [here](#)
- Criminal History Check Release (if the minor is over 10 years old) – available [here](#)
- Proposed Order – available [here](#)
- ACT letter – if client is seeking a gender marker change
- Filing fee – depends on county, check [here](#)
- Discuss parental notification requirement (only applies if both parents have not signed the application)
- Discuss hearing requirements (parent/guardian who applied + two other adult witnesses; if both parents attend, then only need one other adult witness)

Misdemeanor Record

- Explain BCA reporting requirement → within ten days of the Court’s order granting the change

Felony Record

- Explain requirement to submit name change application to prosecuting authority
 - If prosecuting authority objects, client must file “motion to permit name change” – available [here](#). Full rep recommended.
- Explain BCA reporting requirement → within ten days of the Court’s order granting the change

Confidentiality

- Explain documents (templates [here](#)) that must be filed **at the time the name change application is filed:**
 - Motion for Confidentiality
 - Affidavit
 - Proposed Order
- If seeking retroactive confidentiality, discuss post-judgment motion to seal process.

Social Security Document Changes

Changing one’s name with Social Security is usually the first stop for clients who have received a court order changing name and gender marker (that is because it is required to change a name on a drivers’ license, which must be completed within 30 days. Minn. Stat. § 171.11.)

- Discuss Administration position on gender markers/current availability of relief
 - Review [paper application](#) if client wants to try changing gender markers
- Discuss process on name change → client can start [here](#) and then make appointment with Social Security office

Passport

- Discuss Administration position which does not allow gender marker change
- Discuss name change recommendatgion, which depends on client’s situation:
 - Never had a passport → apply for a first-time passport like normal with new documents

- Has a passport, but has not changed gender marker → apply for replacement passport (instructions are [here](#)). Gender marker will not be changed.
- Has a passport, and has changed gender marker → To avoid gender marker being reverted to incorrect gender marker, recommend applying for replacement passport with a court order that just mentions name change.

Birth Certificate Change for Minnesota-born Clients (after a court order)

- Review documents to submit to Minnesota Department of Health
 - Birth Record Amendment Request (application form and instructions [here](#))
 - Supporting identity documents (listed in the instructions)
 - Certified court order
 - \$40 fee, plus additional fees for copies of the amended birth certificate

Birth Certificate Gender Marker Change for Minnesota-born Clients (Administrative Process)

- Inform client that administrative process will leave a notation on the birth certificate: “DATA ITEM OTHER THAN THE REGISTRANT’S NAME OR DATE OF BIRTH WAS AMENDED.”
- Review documents to submit to Minnesota Department of Health
 - Birth Record Amendment Request (application form and instructions [here](#))
 - Supporting identity documents (listed in the instructions)
 - ACT letter
 - \$40 fee, plus additional fees for copies of the amended birth certificate
- If client seeks “X” gender marker → advise client of the need to apply for a variance with the Department of Health pursuant to Minn. R. 14.055 (template [here](#))

Minnesota Drivers’ License

- Make sure name is changed with Social Security first
- Visit DVS office with:
 - Current drivers’ license
 - Certified court order of name change
- No documentation needed to change gender marker

Close of Appointment

- Ensure client has completed intake form [online](#) or in local file/paper (signature not required)
- Reiterate to client the nature of brief services—can make another appointment if needed.
- Send forms / links to anything discussed.