



# Name and Gender Marker Changes in Minnesota

Volunteer Lawyers Network LGBTQ+ Community Legal Clinic



# Presentation Overview

1. Overview of Process and Appointments
2. Working with Trans Clients *with Brandon St. Germaine*
3. Forms / Steps: Name Change Applications & Gender Marker Corrections *with CB Baga*
4. Common Complications *with Daniel Wassim*
  - a. Name Change Confidentiality
  - b. Name Changes with Criminal History
  - c. Name Changes for Minors
  - d. Out of State Documents
5. Immigration *with Rocío McKenzie Iglesias*



# Introduction to ID Document Corrections Process



Check goals



Revise and  
fill out forms



File with Court



Hearing



Fix records



## Assess Goals

### Look for:

- Minor
- Fee Waiver
- Gender marker plans
- Birth Certificate state
- Criminal history
- Confidentiality



## Revise & Fill out Forms

LawHelpMN Generator

- MNCourts.gov Fee Wavier generator

### Check:

Language for birth record  
 Childrens' birth record corrections  
 Criminal history disclosures  
 Gender marker in court or no?



## File

### How?

- E-file PDFs
- Mail
- Courthouse

### What?

- Fee waiver affidavit and proposed order
- Application for name change and other relief
- Criminal history check release
- Proposed order



## Hearing

- Witnesses
- Support papers
- Usually on zoom
- Judge must be able to find the statute standards are met
- Second order for gender marker

### Attorney rec. for:

- Confidentiality
- Felony Conviction
- Order directed at another state
- Minor with unsupportive parent



## Update Documents

- Social security
- Drivers License/state ID
- Passport
- Birth Record

### Everywhere!

### Watch out for:

Places you'll need correct ID soon—consider timing/options

Do you want everything to match?



# Anatomy of a Clinic Appointment

# Brief Services Appointment Overview

## Introductions:

- Who you are, why we do pro bono (flag inclusion by sharing your pronouns and/or self-disclosing if you see fit)
- Nature of brief services clinic – we are client’s attorney for the duration of the meeting not before/after, all the usual attorney rules apply e.g. confidentiality/privilege, etc. Client can schedule a follow-up appointment if needed.
- Have reviewed appointment request information –
  - o Anything else they’d like us to know / have in mind / address right away?
  - o Identify client’s goals and concerns.
  - o Validate stressors/fears – ensure client feels heard.

## Legal advice:

- Scope to the time available
- Provide overview and information to client about their situation and next steps needs
- Assist with filling out forms, answering questions, demystifying process as needed

## Close-out:

- ✓ Ensure clinic data sheet is filled out [online](#) or in local file/paper (signature not required). Give to VLN with summary.
- ✓ Iterate to client the nature of brief services—can make another appointment if needed.
- ✓ Send forms / links to anything discussed.
- ✓ Assist with warm handoff for any referrals on full rep issues if possible.



# Trauma-Informed Support

# Trauma-Informed Support:

1. Know Your Audience
2. Recognize Dysregulation
3. Validate, Reflect, Direct, Delay
4. Set Boundaries & Expectations
5. Provide Resources



## Basics:

- Know your audience:
  - o Use respectful pronoun etiquette:  
<https://www.thetrevorproject.org/resources/article/understanding-gender-identities-and-pronouns/>
  - o Provide your own gender markers to invite sharing. If you don't know, ask!
  - o If you make a mistake, correct yourself and move on.
- This process can be stressful & triggering.

# Recognize Dysregulation:

- Hyperarousal/Acute Stress Response - Fight, Flight, Freeze, & Appease.
- Dysregulation is NOT noncompliance.
- Recognize these in yourself, too!



## Fight:

- Irritation
- Frustration
- Feeling Attacked
- Defensiveness
- Blaming



## Flight:

- Anxious
- Avoiding
- Distracted
- Dismissive/Interrupting



## Freeze:

- Confused
- Quiet
- Indecisive
- Repeating



## Appease/Fawn:

- Agreeability
- Rapid-speech
- Apologizing
- Self-Criticism

# Respond to Dysregulation:



1. Listen
2. Validate
3. Reflect
4. Direct
5. Delay

## 1. Listen:

- Emotions
- Intention/Goals

## 2. Validate:

- Repeat the emotions
- “That would be frustrating,”
- Recognition not Agreement

## 3. Reflect/Clarify:

- Summarize using their own words.
- “I hear you saying that you’re getting overwhelmed.”

## 4. (Re)direct

- Focus on the immediate
- Set Expectations & Boundaries
- Offer what you can do now
- “Let’s try to get this finished, and circle back to resources for these other things.”

## 5. Delay

- Take a break if possible/necessary.
- “Let’s try to get this finished, and circle back to resources after”
- “Would you like a few minutes?”



# Respond to Dysregulation (Cont):

## DONT:

- Try to fix/solve immediately.
- Provide advice, or personal anecdotes.
- Blindly agree/defer.
- Minimize, joke or make promises.
- Sharing your emotions/fears.



## In Case of Crisis:

- It's important and okay to ask if someone feels unsafe or suicidal.
- If so, provide 988, Trans Lifeline, and Trevor Project resources.
- Only contact non-emergency or 911 in case of confirmed immediate danger.



**24/7 CALL, TEXT, CHAT**

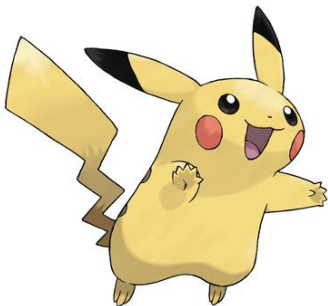
# Set Boundaries & Expectations:

## You are not a therapist or case worker

\_\_\_\_\_ Providing mental health, emotional, or clerical support to someone in crisis without proper training or support is dangerous and harmful. Directing others to the proper resource and allowing them to seek it out themselves leads to the best statistical and emotional outcomes.

## Boundary Setting Phrases:

- "I am unable to provide emotional, mental health, or direct clerical assistance. You deserve to be heard by someone who is trained and equipped to provide help."
- "I have to end our discussion as this is no longer within the scope of my work."
- "It seems we're not likely getting this done today, maybe we can circle back to it in an hour/day/week?"
- "I am not comfortable and am going to end this discussion, now."



# Trauma/Crisis Resources:

- The United Way
  - o **Call:** 211 or **Text:** Zipcode to 898-211\* **Site:** <https://211unitedway.org/>
  - o Covers housing, food, mental health, healthcare, ID help, emergency shelters, Caseworkers and more
- The Minnesota Warmline
  - o **Call:** (651) 288-0400 or **Text:** 85511 **Site:** <https://mentalhealthmn.org/what-we-do/peer-support/minnesota-warmline/>
  - o Provides non-crisis listening and support for up to 20 minutes a day.
- Trans Lifeline
  - o **Call:** (877) 565-8860 **Site:** <https://translifeline.org/>
  - o Crisis Support for Trans youth and adults.
- Trevor Project
  - o **Call:** (866) 488-7386 or **Text:** 678678 **Site:** <https://www.thetrevorproject.org/get-help/>
  - o Crisis Support for Trans youth and young adults.
- The Suicide Prevention Lifeline 988
  - o **Call/Text:** 988
  - o Crisis/Addiction/Suicide Support.



## Review:



1. Know Your Audience
2. Recognize Dysregulation
3. Validate, Reflect, Direct, Delay
4. Set Boundaries & Expectations
5. Provide Resources



# Forms and Process



Check goals



Revise and  
fill out forms



File with  
Court



Hearing



Fix records

# Goals:

## Attorney recommended:

Outstate gender marker order  
Out-of-state birth record order  
Confidentiality  
Felony criminal history  
Minor with unsupportive parent

## Decide:

Which gender markers do you want?  
Is it important for everything to match?  
What timeline is important to you?  
Are there any requirements you aren't sure about?

- M or F Only
- Self-declare gender marker has been ended, but is not consistently enforced
- Name change Court Order
- Get form online, make appointment, (as early as minutes after your hearing)
- Go in-person with your form, SS-5, ID(s), and name change order (if app.)

Social Security

Drivers License / State ID

- Options: M/F/X
- Self-declare gender marker
- Name change Court Order
- Social Security first— at least the day before you go to the DMV
- Must do within 30 days of name change, or in MN it is a misdemeanor crime



Birth Record

Passport

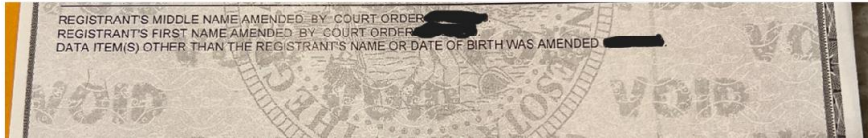
Non-MN: Check transequality.org, state forms & name change clinic

- In MN: Application, notarized + court order + an ID to fix name
- court order, ACT Letter OR Variance Request to fix gender marker
- M, F, X, or remove gender marker

- M & F, now X's are valid IDs
- Can't get a new / renewal with X
- Name change Court Order
- Application for renew or new passport

# Birth Records:

## 1) By “amendment”



## 2) “Issue and register a REPLACEMENT”

STATE OF MINNESOTA  
CERTIFICATION OF VITAL RECORD

CERTIFICATE OF BIRTH

STATE FILE NUMBER [REDACTED]

FULL NAME [REDACTED]

DATE OF BIRTH [REDACTED]

PLURALITY [REDACTED]

SEX [REDACTED]

PLACE OF BIRTH [REDACTED]

PARENT [REDACTED]

NAME PRIOR TO FIRST MARRIAGE [REDACTED]

DATE OF BIRTH [REDACTED]

PARENT [REDACTED]

DATE OF BIRTH [REDACTED]



ANY AMENDMENT MADE PRIOR TO 09/08/2000 FOR THIS RECORD IS NOT NOTED ON THIS CERTIFICATE.

THIS IS A TRUE AND CORRECT RECORD OF BIRTH REGISTERED IN THE MINNESOTA OFFICE OF VITAL RECORDS.  
MR&C Certificate ID [REDACTED]

FILED: NOVEMBER 05, 1992

Molly Mulcahy Crawford  
Molly Mulcahy Crawford  
STATE REGISTRAR

ISSUED: FEBRUARY 20, 2025 MINNESOTA DEPT OF HEALTH  
THIS CERTIFICATE IS VALID ONLY WHEN PRINTED ON OFFICIAL WATERMARKED SECURITY PAPER WITH A SECURITY THREAD AND STATE SEAL OF MINNESOTA.  
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



CERTIFICATE OF BIRTH

STATE FILE NUMBER [REDACTED]

FULL NAME

DATE OF BIRTH

TIME

PLURALITY

SEX

PLACE OF BIRTH

PARENT

NAME PRIOR TO  
FIRST MARRIAGE

DATE OF BIRTH

PLACE OF BIRTH

PARENT

DATE OF BIRTH

PLACE OF BIRTH

REGISTRANT'S FIRST NAME AMENDED BY COURT ORDER [REDACTED]  
REGISTRANT'S MIDDLE NAME AMENDED BY COURT ORDER [REDACTED]  
DATA ITEM(S) OTHER THAN THE REGISTRANT'S NAME OR DATE OF BIRTH WAS AMENDED [REDACTED]

REGISTRANT'S FIRST NAME AMENDED BY COURT ORDER [REDACTED]  
REGISTRANT'S MIDDLE NAME AMENDED BY COURT ORDER [REDACTED]  
DATA ITEM(S) OTHER THAN THE REGISTRANT'S NAME OR DATE OF BIRTH WAS AMENDED [REDACTED]

THIS IS A TRUE AND CORRECT RECORD OF BIRTH REGISTERED IN THE MINNESOTA OFFICE OF VITAL RECORDS



*Molly Mulcahy Crawford*  
Molly Mulcahy Crawford  
STATE REGISTRAR



MINNESOTA DEPT OF HEALTH

THIS CERTIFICATE IS VALID ONLY WHEN PRINTED ON OFFICIAL WATERMARKED  
SECURITY PAPER WITH A SECURITY THREAD AND STATE SEAL OF MINNESOTA.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Amended Birth Record

# Replacement Birth Records

**STATE OF MINNESOTA**  
CERTIFICATION OF VITAL RECORD

**CERTIFICATE OF BIRTH**

STATE FILE NUMBER [REDACTED]

FULL NAME [REDACTED]

DATE OF BIRTH [REDACTED]

PLURALITY [REDACTED]

SEX [REDACTED]

PLACE OF BIRTH [REDACTED]

PARENT [REDACTED]

NAME PRIOR TO FIRST MARRIAGE [REDACTED]

DATE OF BIRTH [REDACTED]

PARENT [REDACTED]

DATE OF BIRTH [REDACTED]

**ANY AMENDMENT MADE PRIOR TO 08/08/2000 FOR THIS RECORD IS NOT NOTED ON THIS CERTIFICATE.**

THIS IS A TRUE AND CORRECT RECORD OF BIRTH REGISTERED IN THE MINNESOTA OFFICE OF VITAL RECORDS.

MR&C Certificate ID [REDACTED]

FILED: NOVEMBER 05, 1992

*Molly Mulcahy Crawford*  
Molly Mulcahy Crawford  
STATE REGISTRAR

ISSUED: FEBRUARY 20, 2025 MINNESOTA DEPT OF HEALTH  
THIS CERTIFICATE IS VALID ONLY WHEN PRINTED ON OFFICIAL WATERMARKED SECURITY PAPER WITH A SECURITY THREAD AND STATE SEAL OF MINNESOTA.  
ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

**STATE OF MINNESOTA**  
CERTIFICATION OF VITAL RECORD

**CERTIFICATE OF BIRTH**

STATE FILE NUMBER [REDACTED]

FULL NAME [REDACTED]

PLACE OF BIRTH [REDACTED]

PARENT [REDACTED]

NAME PRIOR TO FIRST MARRIAGE [REDACTED]

DATE OF BIRTH [REDACTED]

PLACE OF BIRTH [REDACTED]

PARENT [REDACTED]

DATE OF BIRTH [REDACTED]

PLACE OF BIRTH [REDACTED]

**THIS RECORD HAS NOT BEEN AMENDED**

THIS IS A TRUE AND CORRECT RECORD OF BIRTH REGISTERED IN THE MINNESOTA OFFICE OF VITAL RECORDS.

MR&C Certificate ID [REDACTED]

FILED: OCTOBER 07, 2005

*Molly Mulcahy Crawford*  
Molly Mulcahy Crawford  
STATE REGISTRAR

ISSUED: SEPTEMBER 15, 2023 MINNESOTA DEPT OF HEALTH

THIS CERTIFICATE IS VALID ONLY WHEN PRINTED ON OFFICIAL WATERMARKED SECURITY PAPER WITH A SECURITY THREAD AND STATE SEAL OF MINNESOTA.



Check goals



Revise and  
fill out forms



File with  
Court



Hearing



Fix records

# Name Change Application

Procedure and requirements for name changes are established in **Minn. Stat. § 259.10 et seq.**

## **Eligibility**

- Applicant must have lived in Minnesota for 6 months
- Applicant must be a resident of the county where they are applying for the name change
- Applicant must be applying for a proper purpose; not have intent to defraud or mislead.

*If you move to a new county, you have to re-apply in the county you now reside in*

# Name Change Application - Forms

Forms for Minnesota name change petitions are available online here: <https://mncourts.gov/GetForms.aspx?c=27>

**And can be easily generated:** <https://www.lawhelpmn.org/self-help-library/legal-resource/name-change-minnesota-court-forms-and-information>

There are three key forms:

1. NAM 102 - Application for Name Change and Other Relief
  - o Petition document. Sets out the information required by statute for name changes.
2. NAM 103 - Criminal History Check Release
  - o Minn. Stat. § 259.11(b) requires the court to determine whether the applicant has a criminal history. This form provides information for a background check.
3. NAM 107 - Proposed Order Granting Name Change

Additionally, some applicants may be eligible for a fee waiver. If fees would be overly burdensome, consider filing an affidavit for proceeding in forma pauperis.

**DO NOT FILE without checking on complications / goals e.g. felony, birth record, and confidentiality if these apply!**

**See Instructions (NAM101) for help in filling out this form.**

State of Minnesota

District Court

County of: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Judicial District: \_\_\_\_\_

Case Type: Name Change

**Interpreter Requested** (Language: \_\_\_\_\_)

In the Matter of the Application of:

**Name on current legal identity documents**

First Middle Last

\_\_\_\_\_  
First Middle Last

**Application for Name Change and Other Relief (NAM102)**

Minn. Stat. § 259.10

The undersigned applicant states that:

1. This application is made in good faith, without intent to defraud or mislead.
2. All persons who are asking to have their names changed on this application have lived in the State of Minnesota for at least six months immediately prior to the date of this application, and now live at:

Street Address: **Address where mail can be received**

City, State, Zip: \_\_\_\_\_

County: \_\_\_\_\_

3. Name of applicant and date of birth:

First Name: **Name and DOB on current identity documents**

Middle Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**Add line if correcting birth record to ensure the name and DOB on current birth record are in order, or for other unique history-of-name-change details**

NAM 102 - Application for Name Change and Other Relief

4. Name of applicant's spouse (if married) and spouse's date of birth:  N/A (not applicable because applicant is not married)

Spouse's First Name: \_\_\_\_\_

Middle Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Spouse's Date of Birth: \_\_\_\_\_

Does this application include spouse?  Yes  No

5. Minor children and dates of birth:  N/A (Not applicable because the applicant does not have any minor children)

	Child's First Name	Child's Middle Name	Child's Last Name	Child's Date of Birth
1				
2				
3				
4				
5				

*If more than five children, add more paper.*

Does this application include any of the minor children listed above?  Yes  No

If Yes, which of the minor children does this application include? \_\_\_\_\_

\_\_\_\_\_

6. The name and address of the non-applicant parent of all minor children included in this application:  N/A (Not applicable because either the applicant does not have minor children, or this application does not include minor children)

First Name: \_\_\_\_\_

Middle Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

*If more space is needed, add paper.*

OR

Spouse/Child details:

- The non-applicant parent is not known, and the non-applicant parent's name is not shown on the child's birth certificate.

7. Applicant requests:

- To have applicant's name changed:

From:

Current First Name:	Current First Name
Current Middle Name:	" " middle
Current Last Name:	" " last

To:

First Name:	New First Name
Middle Name:	New Middle Name
Last Name:	New Last Name

- To have applicant's name changed on the birth record created or maintained by the Minnesota Department of Health to:

(must reflect your current name or the proposed name if you checked the box above)

First Name:	New First Name
Middle Name:	New Middle Name
Last Name:	New Last Name

- To have the applicant's sex changed on the birth record created or maintained by the Minnesota Department of Health from [SAAB] to [Corrected marker]

- To have the Minnesota Department of Health issue and register a replacement birth record. Applicant further requests the prior birth record be kept confidential and the replacement birth record not to include any reference to Applicant's:

former name

former sex.

- To have the name of applicant's spouse changed:

From:

Current First Name:	
Current Middle Name:	
Current Last Name:	

To:

First Name:	
Middle Name:	
Last Name:	

Relief:

8. Criminal History:

No party to this application has a criminal history.

OR

The criminal history of the following parties included in this application is:

Follow court Instructions for how to list; err on side of disclosure or help client look up. Original intent was self-attest, courts are now requiring background check more

The following parties included in this application have been convicted of a felony:

Name of Person	Name of Offense	Date of Offense	State

9. Does the applicant, spouse, or children have a claim, interest, or lien in or on land in Minnesota?  Yes  No

If Yes, give the name of the person with the claim, interest, or lien, and the legal description (if you need more space, include additional pages):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Spouse/Child details:

10.  Applicant is currently involved in a victim or witness protection program.

11.  Applicant is an inmate in a correctional facility and is submitting the *Inmate Affidavit for Name Change*.

12.  Applicant is divorced and seeking to change their name to the legal name on the applicant's birth certificate and is submitting a certified copy of the Certification of Dissolution or equivalent court order ending the marriage and a certified copy of the applicant's birth certificate. No criminal history is required pursuant to Minn. Stat. § 259.11(b) and (c)(3).

13. Other: Consider children's birth records, marriage license, and other personal factors

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116 **No notary required**

Date: \_\_\_\_\_

County and state where signed: \_\_\_\_\_

Date: \_\_\_\_\_

County and state where signed: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Co-Applicant's Signature (spouse): \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Minor's Signature: \_\_\_\_\_

(if 14 years old or older)

Name: \_\_\_\_\_

## Criminal History Check Release

Minnesota Statute requires that the Court shall determine whether any person who is seeking to have their name changed has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the required fee to the Bureau of Criminal Apprehension.

To comply with Minn. Stat. § 259.11, you must supply the following information and attach this document when you file your application. You must complete a separate form for each party covered on the application, including a form for each minor that is 10 years of age or older.

If there is a criminal history, both the court administrator and the name change applicant must report the name change to the Bureau of Criminal Apprehension within ten days of the date of filing. (See instructions for additional information.)

First	Middle	Last
Full Name <b>On current legal identity documents</b>		
List Any Other Names By Which You Have Been Known:		
First	Middle	Last
<b>For background check / police purposes</b>		
Date of Birth <input type="checkbox"/> Female <input type="checkbox"/> Male Race		
<b>I hereby give permission to law enforcement agencies, the Bureau of Criminal Apprehension and/or the Federal Bureau of Investigation to release criminal history information to the court.</b>		
Your Signature _____		
<b>If incomplete, we will not be able to process your application. Record information will be placed in the name change file that is accessible to the public.</b>		

<- whatever the government would probably have on file, or whatever you want

On minor version, Applicant parent signs; background check required for 10yo+

**Do Not Write Below This Line**

### For Bureau of Criminal Apprehension Records

\_\_\_\_\_ No records found

\_\_\_\_\_ See attached record(s)

\_\_\_\_\_  
Verifier's Signature  
(to be submitted to court)

NAM103 – Criminal History Check Release

State of Minnesota

County

District Court

Judicial District:
Court File Number:
Case Type: Name Change

In the Matter of:

First Middle Last

Both names in caption:

For a change of name to:

First Middle Last

Order Granting Name Change
And Other Relief
(Minn. Stat. § 259.10, § 144.218, and § 144.2181)

The above entitled matter came on for hearing before the undersigned Judge on
Date upon the Application for a Name Change and Other Relief. Upon the
testimony and files, THE COURT FINDS the following:

- 1. The application is made in good faith without intent to defraud or mislead.
2. The applicant(s) has/have lived in the State of Minnesota for at least six months preceding the filing
of the application, and now live at:
Street City/Town State Zip
in County.
3. Name of applicant and date of birth:
4. Name of spouse and date of birth:
This application does does not include spouse.
5. Name(s) of minor children and date(s) of birth:

- This application does not include minor children listed above.
This application includes the following minor children listed above:

NAM107 - Proposed Order

Same content without the "from" -

6. This applicant requests:
- To have his/her name changed to \_\_\_\_\_
  - To have his/her name changed on birth records created or maintained by the Minnesota Department of Health to \_\_\_\_\_
  - To have his/her sex changed on birth records created or maintained by the Minnesota Department of Health to \_\_\_\_\_.
  - To have the Minnesota Department of Health issue and register a replacement birth record. Applicant further requests the prior birth record be kept confidential and the replacement birth record not to include any reference to Applicant's  former name  former sex.
  - To have the name of his/her spouse changed to \_\_\_\_\_
  - To have the name(s) of his/her child (ren) changed to \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

7. The applicant (and included spouse or child (ren))
- Has not been convicted of a felony in any state.
  - Has been convicted of a felony as follows: \_\_\_\_\_
- \_\_\_\_\_

AND  Proper notice has been given to the prosecuting authority and Minnesota Attorney General  
 AND  No objection has been filed.

8. Legal description of lands in the State of Minnesota upon which the following have a claim, interest, or lien: (Provide the legal description and attach additional pages if necessary.)
- Applicant \_\_\_\_\_
  - Spouse \_\_\_\_\_
  - Child (ren) \_\_\_\_\_
- \_\_\_\_\_

9. Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NAM107 - Proposed Order

**The application is granted and IT IS ORDERED that:** <- the Court filing or self-help desk might tell them not to fill out below this line. But, we do recommend filling it out. Mistakes are not uncommon

The legal name of the Applicant shall be \_\_\_\_\_

The legal name of the spouse shall be \_\_\_\_\_



# Gender Marker Corrections

Letters, enby markers, and interstate jurisdiction, oh my



# Name Change Application - Birth Certificate Correction

In addition to the name change, applicants may also seek an order that the name and / or gender marker on their birth certificate be updated.

Applicable standard is found in **Minn. Stat § 144.218 Subd. 4.**

- Court may order the amendment of a birth record if the record is incomplete, inaccurate, or false.
- Under **Minn. Stat. § 144.2181(c)**, the state registrar shall amend a birth record upon receipt of a court order.

Some judges require additional information to establish that the gender marker on the record is inaccurate.

Most commonly, an **ACT letter** (appropriate clinical treatment): a letter from the applicant's physician that states that the applicant has received appropriate clinical treatment to transition to a different gender.

## PHYSICIAN LETTERHEAD

*I, Physician's Full Name, Physician's medical license or certificate number, Issuing U.S. State/Foreign Country of medical 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.*

*Name of Patient has had appropriate clinical treatment for transition to (specify male or female).*

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

*Signature of Physician*

*Typed Name*

*Address*

*Telephone Number*

*Date*

**Example of ACT Letter text**

# Gender Marker Landscape

Risk management and client priorities

- Orr v. Trump – ACLU Case
- Risks
- Travel



Check goals



Revise and  
fill out forms



File with  
Court



Hearing



Fix records

# File

- E-filing
- Courthouse
- Mail

# Name Change Application - Pre-Hearing

- Applicants must find and bring **two adult witnesses** to the hearing to establish their identity and honesty. Minn. Stat. 259.10 Subd. 1.
  - Witnesses must have known the applicant for at least a year.
  - Witnesses may be relatives.
  - If the applicant is married, their partner must be a witness.
  - **Minors:** all parents need notice. Easiest to be co-applicants. County instructions vary on proof of notice.
- Applicants should collect supplemental documents – whatever the judge tells you
  - If you the applicant has gone through bankruptcy, they must bring a certified copy of the court order discharging them from bankruptcy.
  - Some judges may require a photo ID to confirm identity, birth record, documents related to prior name changes, and to prove your residency.
  - Some judges may require an ACT letter (appropriate clinical treatment) from the applicant's physician. This is standard if you are seeking an order addressing gender marker.



Check goals



Revise and  
fill out forms



File with  
Court



Hearing



Fix records

# Name Change Application - Hearing

- Judge asks the applicant questions to establish the facts required by Minn. Stat. § 259.10 Subd. 1 for the record.
- Judge asks the applicant's two witnesses, for example:
  - (1) whether they have known the witness for at least one year,
  - (2) whether the applicant has answered their questions truthfully, and
  - (3) whether the applicant is making their application in good faith.
- Upon meeting the requirements of Minn. Stat § 259.10, the judge shall grant the name change
  - unless (1) there is intent to defraud or mislead, or
  - (2) Minn Stat. § 259.13 bars the name change. Minn. Stat. § 259.11.

# Name Change Application - Post-Hearing

- Immediately after the hearing, applicants should obtain multiple certified copies of their court order.
  - These will be required to update other documents.
- Applicants should update their social security card as soon as possible.
  - This is necessary for updating Minnesota state IDs, as well as tax or other financial information.
- Applicants are required to update their name on their Minnesota Driver's License or ID within **30 days**.
- We are recommending corrections to MN Birth Records be evaluated carefully in these times.
  - Potential changes in policy
  - Time-sensitivity
  - Possible protection from federal policy



Check goals



Revise and  
fill out forms



File with  
Court



Hearing



Fix records

## Notice to Persons who have had their Name Changed

### **This is for informational purposes only. It is not a part of any order.**

The judge indicated at your court hearing that there are certain things you should do once you have had your name legally changed. This is just a reminder of some of the most common areas that may need attention. If you have any questions about obtaining certified copies of the order changing your name, you should contact the Court Administrator in the county where your case is filed. If you have any questions about documents to complete or forms to obtain, you should contact the department or agency directly involved and not the court. For example, the driver's license bureau can tell you what you must do to change your driver's license.

You must file a certified copy of the order granting the name change with the County Recorder of each county in which you, your spouse or minor children have an interest in land.

The following is a list of items for your consideration:

- Driver's license or Minnesota I.D. card (must be changed within 30 days).
- Social Security registration.
- Voter's registration.
- State and federal tax authorities.
- Insurance companies and pension/retirement company or department at work.
- Social service or other entitlement programs.
- Change car titles (also your insurance company).
- Bank and other institutions where you have loans, checking accounts and savings.
- Amend your Will, if you have one (see your attorney about this and other legal items).
- Credit card accounts and other charge accounts.
- Update records at school and university.
- If you are of draft age, the registration office should be informed of your new name.
- Military benefits, if you have such rights.
- Doctor's office, dentist, pharmacy and hospital may need to amend their records so your future insurance claims can be properly processed with your insurance carrier.
- Postmaster and mail carrier.
- Passport Office can be notified by submitting a Passport Amendment Form. See Passport agent for details.
- Bureau of Criminal Apprehension as required by Minn. Stat. § 259.11-13.

**Warning:** A person who has a criminal history in this or any other state and who does not comply with the notification requirements under Minnesota Statute § 259.11 is guilty of a gross misdemeanor.

# Identity Document Overview

## Must update:

- Social Security Card (ASAP)
- Minnesota Driver's License or ID (within 30 days)

## May update:

- Birth certificate\*
- Passport\*
- Selective Service records
- Personal documents

In today's world, the best way to protect yourself from changing future policy is to get your documents in order now.

# Identity Documents - Social Security Cards

- Requires a certified copy of the name change court order to update name.
- Gender marker:
  - At this time, official orders were made to stop gender marker changes in social security, but folks have intermittantly reported being able to still make them. It's unclear how accurate those reports are.
  - **Gender marker was self-attestation for the past few years. Social security did not** require an ACT (appropriate clinical treatment) letter from a physician to update sex marker from 2022-January 2025. Form SS-5 is used for such corrections and bring it in.
  - Binary gender markers only—never got X despite the admin agreeing to provide when systems could be updated.

Registering with selective service – still based on sex assigned at birth. Matters for FAFSA and sometimes particular jobs. You can get a letter about this if you are FTM and need to explain to any entity why you did not have to register without outing yourself.

# Identity Documents - Selective Service

Individuals have to register with selective service based on sex assigned at birth. For AMAB individuals, registration is required to access federal benefits such as FAFSA for student loans.

- [See: https://www.sss.gov/wp-content/uploads/2024/01/WhoMustRegisterChart\\_1-16-24-1.pdf](https://www.sss.gov/wp-content/uploads/2024/01/WhoMustRegisterChart_1-16-24-1.pdf)

AMAB individuals who have already been registered with the Selective Service System may change their name on their records

- Fill out the SS-2 Form, and attach a certified copy of the court order granting the applicant's name change.
  - <https://www.sss.gov/wp-content/uploads/2021/10/Form-2-Change-of-Information-Fillable-.pdf>
- Updates may take up to 30 days

# Identity Documents - State IDs

- Updating name on state driver's licenses / IDs requires a certified copy of the court order granting the name change.
- Sex markers on Minnesota IDs are self selected - no documentation required. Applicants can select either a "M", "F" or "X" marker.

\*we have no reason to think X will go away in MN overall. However, Red states are passing policies that they will only issue drivers licenses in M or F, and that the info on a drivers license must match birth record. As such, there is some risk if you move to a red state that you could be denied access to documents. There is also a risk that federal policy could follow this route for Real ID, but the current statute / regulations would have to change. Folks concerned can/should early renew and get their docs now.

# Identity Documents - Passports

- Updating name on passports requires a certified copy of the court order granting the name change.
- Gender markers on passports are no longer being treated as self-selected. “X” markers are not currently being issued on new / renewed passports. New passports will be based on birth record.
- The intel that we are aware of indicates that results are mixed for renewals when folks have a name change but have PREVIOUSLY fixed gender marker. Most legal experts recommend waiting for more clarity, and working with national legal services if you cannot wait.
- Unclear if and/or when these things will change—litigation has been filed and a court order could shift policy at any moment. Waiting to apply could set you up to file your correction after an injunction. Consider if you:
  - Have something you can live with on your birth record and other documents.
  - It is evergreen advice to make sure they are right and match your current self.

***Not having documents that match your appearance/presentation can be a risk for harassment and/or government agents thinking you are giving false ID.***

***We are not aware of confirmed international travel issues related to having an X, but there are situations where border agents in countries where it is illegal to be LGBT could create an issue if they wanted to, so your choice of marker may be impacted by where you expect to travel. This is an extremely unlikely issue for someone who is otherwise being respectful in another country. Global Entry is an option to minimize human agent interaction.***

# Identity Documents - Birth Records

There are three means for correcting name and sex markers on Minnesota birth records:

1. Obtain a court order to correct information as part of the name change petition process, and submit it along with a birth record amendment request.
2. Submit an ACT (appropriate clinical treatment) letter from the applicant's physician along with a birth record amendment request.
3. Petition the Minnesota Department of Health for a variance under Rule 14.055, to request an "X" gender marker or remove the gender marker entirely

<https://www.health.state.mn.us/people/vitalrecords/amend.html>

# Minnesota Birth Record Variance Procedure

In cases where an individual wants to have an “X” gender marker on their birth certificate, or remove the gender marker entirely, they may petition the Minnesota Department of Health for a variance under **Minn. Stat. § 14.055**.

# Minnesota Birth Record Variance Procedure

**Minn. Stat. § 14.056, Subd. 1** lists the required contents for a variance petition. Things to note:

- For nonbinary gender markers, seek a variance from MN Rule 4601.2525 Subd. 1 (requiring birth records to include a sex marker), and MN Rule 4601.100 Subd. 3(A)(1) (requiring two supporting documents to amend a birth record)
- The petition must include reasons that justify a variance, including a signed statement attesting to the accuracy of the facts asserted in the petition. Minn. Stat. § 14.055, Subd. 4 lists factors that agencies should consider when evaluating a variance requests:
  1. Whether application of the rule to the petitioner would result in hardship or injustice
  2. Whether variance from the rule would be consistent with the public interest, and
  3. Whether variance from the rule would not prejudice the substantial legal or economic rights of any person or entity.

# Identity Documents - Personal Documents

Other documents to consider updating include:

- Marriage records
- Immigration documents
- Bank and financial institution records
- Voter registration
- Entitlement program records
- Leases and housing subsidy records
- School records
  - FERPA gives current and former students the right to amend records to match their legal documents if they are “inaccurate, misleading, or in violation of the student’s rights of privacy.”
  - Denial of record amendments may raise Title IX claims - *Grimm v. Gloucester County School Bd.*, 972 F.3d 586, 616 (4th Cir. 2020).
- Insurance information
  - Note that applicants should update their information with their insurance provider and physician simultaneously to avoid any coverage issues.

# Out-of-State Documents

- The process for name and gender marker changes differ substantially across states. Some LGBTQIA+ advocacy organizations maintain online information explaining the process and statutes for each state. These can be a useful first step for identifying applicable law.
  - Advocates for Transgender Equality: [transequality.org/documents](https://transequality.org/documents)
  - Lambda Legal: <https://www.lambdalegal.org/know-your-rights/article/trans-changing-birth-certificate-sex-designations>
- Before someone with an out-of-state birth record pursues a name change in Minnesota, it is important to:
  - Decide whether to update the birth record; considerations include usefulness and meaningfulness to the client, as well as if future Federal policy required Federal documents to match birth records..
  - Review the processes in the state that maintains the birth record. Some states make it very challenging to update. Decide which state to proceed in first.
  - If necessary, draft a court order which incorporates the necessary language to update the birth record (only needed if court order is required).
    - Call the native state's vital records agency to determine what language they require

# Helpful reminders

- There are a lot of documents to update, so pace yourself! Focus on one step at a time. Determine which documents are most important to update sooner.
- It is overall useful to have an idea of which documents can and which must be changed.
- Capacity needs vary: right-size the bite and think ahead a few weeks so you have time to address what you need to.



# Common Complications

# Name Change Confidentiality

- Name change proceedings are judicial proceedings and therefore public
- May request confidential treatment under General Rule of Practice 11.04
  - Rule 11.04 requires filing a motion for confidential treatment *no later than* the time at which the name change application is submitted
    - Motion
    - Affidavit
    - Proposed order
    - Form 11.2 Cover Sheet
- Standard is a balancing test under which “interests supporting access, including the presumption in favor of access, are balanced against the interests asserted for denying access.” *Minneapolis Star & Tribune v. Schumacher*, 392 N.W.2d 197, 202-03 (Minn. 1986).
  - Privacy is typically the interest asserted by the applicant.
- **Retroactive confidentiality:** can be done, but usually only at the conclusion of the case

# Name Changes with a Criminal History


- **Misdemeanors only:** report name/gender marker change to BCA within 10 days of the Court's order. Minn. Stat. § 259.11(b).
- **Felony convictions:** Before filing name change application, must submit name change application to prosecuting authority that obtained the conviction. Minn. Stat. § 259.13.
  - Include proof of service when filing name change application.
  - Prosecuting authority has 30 days to object.
    - If there is an objection, applicant must move the Court to grant the name change and show "by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety."
  - Constitutional dimension ☐ Minn. Stat. § 259.13, subd. 4.
    - *In re Application of Hanlon*, A24-1615, 2025 WL 1367731 (Minn. App. May 12, 2025)
  - If successful, must still report name/gender marker change to BCA within 10 days of the Court's order.

# Name Changes for Minors


- Generally follows the adult process, with the following exceptions:
  - Applicant must be legal parent, legal guardian, or next of kin of the minor.
  - All legal parents must be notified of a minor's name change application and hearing date. Minn. Stat. § 259.10.
    - If both parents sign the name change application, no need for this step.
    - Typically either certified mail or personal service. Check with district court clerk.
  - Both the parent/guardian who applied and two other adult witnesses must attend the hearing.
  - Court will consider best interests of the child

## Out-of-state birth records

- Minnesota court order not binding on another state court or agency.
- Check [transequality.org/documents](https://transequality.org/documents) and native state's Department of Health website
- Encourage client (or yourself) to call state's Department of Health to inquire about the language required for the Minnesota court order
  - Some states will accept the template proposed order as is (e.g., Wisconsin). Others may have more directive language or specific findings required.



[Ro Section- Immigration  
issues, community concerns,  
risk management,  
policy/federal updates?]





# Immigration and ID Docs

# U.S. Immigration and ID Docs for Trans, Nonbinary, and Intersex Individuals

- **Will the Department of State invalidate current passports that have already been updated with correct gender markers?**
- **Will individuals be challenged when travelling domestically or internationally with their ID document?**
  - For domestic travel: individuals can use state identification (state driver's licenses and ID cards are not affected by the EO)
  - For international travel: Existing passports with an M, F, or X that reflect your gender will remain valid until they are up for renewal or replacement.
    - Scenario: individual TSA agent is misinformed or feels empowered to pursue undue scrutiny on passport gender markers
    - Scenario: you have gotten a passport under the new policy that does not match your gender and are concerned with the disparity between your presentation and the gender marker on your ID
- **Applying for a passport with correct gender if one has never had a passport before**
- **Can individuals renew a U.S. passport that has their correct gender marker in it?**
- **Can individuals update their U.S. passport with their correct gender?** For now, if your current federal ID documents reflect the wrong gender marker, it is unlikely that you will be able to update them.

# U.S. Immigration and ID Docs for Trans, Nonbinary, and Intersex Individuals

- **Current policy for gender markers on existing United States Citizenship and Immigration Services (USCIS) IDs with correct gender markers, including X gender markers?** Much like with U.S. passports, we anticipate that IDs with correct gender markers that were issued by USCIS, including X gender markers, should remain valid until they expire. However, unlike the State Department, USCIS has not provided a clear answer to this question.
- **Renewing USCIS ID that has correct gender marker on it currently**
- **Which USCIS forms allowed for X designations prior to this executive order?**
- **How the Executive Order affects legal name changes on Passports and immigration documents**
- **What if someone has an urgent need to travel internationally but their passport is not correct or it is held up with the Department of State?**
- **Important information should individuals know if they are stuck with an identity document, such as a passport or work permit, issued in an incorrect gender marker**

# Policy/ Federal Updates

- USCIS Registration Requirement (National Registry)
  - Effective as of April 11th, 2025
  - Who is considered "already registered"? What does this mean for individuals?
  - Failure to register
- Current policy for gender markers on new USCIS IDs
  - Effective as of April 2, 2025
  - USCIS now only recognizes male or female gender markers, generally determined by what is listed on an applicant's birth certificate. This policy guidance removes the X gender marker option across all USCIS documents, and replaces the term "gender" with "sex."
- Jan 20 Executive Order
  - Directed federal agencies to discriminate against transgender, nonbinary, and intersex people
  - Cannot, by itself, remove rights guaranteed by the U.S. Constitution or change certain longstanding legal protections, **BUT** did have immediate impact on how federal agencies prioritize or enforce the law

# Community Concerns

- Name change hearings: take into account that clients might feel fearful of in-person hearings out of a concern for ICE presence, detention, or deportation. Request virtual hearings when possible, if not automatically issued.
- Name changes are creating major delays and even full halts on visa applications and renewals down the line, adjustment of status applications, and asylum petitions
- Rolling back protections in Asylum cases specifically
  - Historically applicants must demonstrate credible fear of persecution in their home country based upon membership in a “cognizable social group,” with LGBTQ+ being a qualifying group
  - Jan 20 EO removes this protection for trans and nonbinary folks; we have currently seen documented cases of asylum seekers being returned to Mexico by border agents; concern it will continue to expand to no longer include LGBTQ folks as a protected class for asylum

# Know Your Rights: Document Specific

- Do not carry foreign ID documents (e.g., passport or consular ID card) with you.
- If you do not have a State ID or a Driver's license, see if you can get a City/Municipal ID as proof of your identity.
- If you have filed an immigration application, carry proof with you that the application is pending, e.g., a copy of the application receipt notice or a court-stamped copy of the application. Do not carry the original receipt or application with you, only carry copies. You could have a photo of these items on your phone.
- If you have been in the United States for two or more years, carry proof of that with you. This proof could be copies of bank statements, tax returns, a lease agreement, etc. Do not carry the original receipt or application with you, only carry copies. You could have a photo of these items on your phone.
- If you have a work permit (also called an Employment Authorization Document or EAD), be sure to carry it with you as proof of your status in the US. Please take immeasurable care to ensure that you do not lose your work permit.
- Be sure to timely send in any applications for renewing your work permit. I recommend filing an application to renew the work permit six months before the work permit expires.
- If you have an attorney, carry a signed G28 with you. If you are detained by immigration authorities, you can present the G28 and ask to contact your attorney.

## Next Steps:

1. Q&A here today
2. Sign up to volunteer
3. Spread the word

Thank you!