

Consumer Legal Guide



**Live Safe:
Your ID
Documentation
and Records
After
Gender
Transitioning**



**ILLINOIS STATE
BAR ASSOCIATION**

ASK A LAWYER

The Illinois Human Rights Act protects you from discrimination based on your gender identity in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations. But everyday tasks, such as seeing a doctor or collecting your pension, are much more difficult if your ID documentation and personal records do not match your gender identity.

This brochure answers some basic questions about changing your ID documentation and records to more accurately reflect who you are. For more detailed information and guidance contact an Illinois attorney.

SOCIAL SECURITY ADMINISTRATION

Do I Have to Change My Gender Marker With Social Security?

No, but you may want to do so. Your Social Security card lists your name and number, not your gender. Social Security benefits are not based on your gender. However, Social Security records do include gender. If you are enrolled in Medicare, SSI, or Medicaid, their record will be based on Social Security data and you may receive service denials if your claim is not consistent with your gender data in the record. You may challenge such denials; however the delay may impact your medical service or receipt of benefits. Verification requests by prospective employers or assistance agencies may also be impacted if personal data submitted for identification verification does not match the Social Security record.

How Do I Change My Gender Marker on Social Security Records?

To change your gender marker with Social Security you must provide proof of your identity and your gender. Social Security will accept any of the following forms of evidence:

- A U.S. passport showing the correct gender;
- A birth certificate showing the correct gender;
- A court order recognizing the correct gender;
- A signed letter from your doctor confirming that you have had appropriate clinical treatment for gender transition.

What is appropriate clinical treatment? It is the treatment your doctor has determined is appropriate for you. Social Security does not require a specific treatment nor does it require the details of your treatment. Social Security suggests that the following information be included in a doctor's letter: "(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify male or female)."

How Do I Change My Name on Social Security Records?

A name change application may be submitted by mail or at a local Social Security office. The name change process is different from the gender marker change process and need not be done at the same time. File an "Application for a Social Security Card" along with proof of your identity, citizenship or immigration status, and proof of the name change.

Proof of name change documents include the following:

- Name change court order;
- Marriage, civil union, or domestic partnership certificate; a locally-issued domestic partnership certificate not recognized by the state is not acceptable).
- Divorce decree;
- Certificate of citizenship or naturalization.

Where Do I Find More Information on the Social Security Administration?

For more information on Social Security procedures and forms, you may look at Social Security Administration online: www.ssas.gov.

U.S. DEPARTMENT OF STATE

Can I Get a Passport If My Personal Identification Documents Do Not Reflect My Current Gender Marker?

Yes. You will be able to get a passport that reflects your current gender marker even if your personal identification documentation, including an existing passport, reflects a different gender marker. You will need to submit a certification from your doctor that you have had appropriate clinical treatment for gender transition. No additional medical records are required. If you are in the process of gender transition, the doctor's letter should reflect that and you may be able to obtain a two year limited validity passport. You do not need a letter from your doctor if your personal identification documents reflect your current gender marker.

Do I Have to Change My Name on My Passport?

Yes. If you have a passport and legally change your name thorough a court ordered name change, marriage, or divorce, you must apply for a new passport. You may be able to apply by mail if you can legally document your name change. If you can not legally document your name change you probably will need to apply in person.

How Do I Change My Gender Marker on My Passport?

You must file an application for a new passport in person to change your gender marker on your passport. You do not need a statement from your doctor if your personal identification documentation reflects your current gender marker.

How Do I Change My Limited Validity Passport to a Full Validity Passport?

If your limited validity passport has not expired you may be able to complete the process by mail by submitting the appropriate form and doctor's certification that you have had appropriate clinical treatment for gender transition.

If you limited validity passport has expired you will need to submit an application for a new passport in person

Where Do I Find More Information on Getting or Changing Information on My Passport?

For more information on State Department passport procedures and forms you may look at U.S. Department of State - Passport online: www.travel.state.gov/passport/passport.

SELECTIVE SERVICE SYSTEM

Do I Have To Register With the Selective Service System?

Yes. With very few exceptions, if you were assigned male at birth and you are a U.S. citizen or resident alien, you must register within thirty days of your 18th birthday. You must register even if you have transitioned before turning 18 or since as you must be registered between the ages of 18 and 26.

No. If you were assigned female at birth, regardless of your current gender or transition status.

Eligibility for federal benefits, such as student loans, may be contingent on draft registration. If you are a transgender male who would be penalized for not registering for the draft, you may benefit from a Selective Service System Status Information Letter that states that you are exempt from draft registration. The Status Information Letter does not state why you are exempt; only that you are exempt. The request for a Status Information Letter must be supported by your birth certificate showing your birth-assigned sex.

Do I Have to Report a Name Change to the Selective Service System?

Yes. If you were assigned male at birth, you must report any legal name change or other change in record information, such as address, until you are 26. A name change must be supported by official documentation.

Because the Selective Service System operates off of birth-assigned gender, you need not report gender change or transition.

Where Do I Find More Information on the Selective Service System?

For more information on Selective Service System procedures and forms you may look at Selective Service System online: *www.sss.gov*.

ILLINOIS CIRCUIT COURT

How Do I Legally Change My Name?

You must get a court order to legally change your name. You would need to file a petition in the circuit court in your home county. After a court hearing, the judge will sign an order that states your new name. This court order with your new legal name can be used to document your new name when you are asked for personal identification documentation.

Filing fees, procedure, and pleading forms vary by county: call the Circuit Clerk for the Circuit Court for the County in which you live for information on filing fees and the availability of form pleadings.

How Do I Get More Information on How to Legally Change My Name?

For more information on the court procedures, fees, and pleading forms, including a form to request that filing fees be waived, involved in legally changing your name you may consult an Illinois attorney or review self help information online: *www.illinoislegalaid.org*.

For assistance in finding an Illinois lawyer you may look at the Illinois Bar

Association Lawyer Finder online: *www.illinoislawyerfinder.com*

ILLINOIS SECRETARY OF STATE

How Do I Change My Gender Marker on My Illinois Driver's or State Identification Card?

You must provide to the Illinois Secretary of State acceptable documentation that you have changed your gender or are in the process of changing your gender. You do not need a court order. Acceptable document includes: a report or statement from your medical doctor or psychiatrist that you have taken or are taking appropriate clinical steps to change your gender; or a certified copy of your amended birth certificate.

How Do I Change My Name on My Illinois Driver's License or State Identification Card?

You must provide a certified copy of the court order changing your name to the Illinois Secretary of State and some form of identification, such as your existing license or ID, sufficient to show that you are the person whose name was changed.

Keep in mind that you must notify the Secretary of State of your name change within 10 days and you must obtain a new license or ID within 30 days of legally changing your name.

Where Do I Find More Information on How to Change Information on My Illinois Driver's License or State Identification Card?

For more information on the procedures, forms, and fees for changing

information on your driver's license/state identification card, you may look at Illinois Secretary of State online: www.cyberdriveillinois.com/departments/.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH DIVISION OF VITAL RECORDS

How Do I Change My Gender Marker on My Illinois Birth Certificate?

You must submit an application to the Illinois Department of Health, Division of Vital Records, requesting to have the gender changed on your birth record after undergoing an operation(s) affecting gender. You need not have genital reconstructive surgery to obtain a change in your gender marker.

Your application must be supported by: your "Affidavit for a New Birth Certificate After Completion of Gender Reassignment"; and your Doctor's "Affidavit by Physician After Completion of Gender Reassignment." If your operation(s) were performed outside of Illinois, your application must be supported by an examining Illinois doctor's "*Affidavit by Physician Verifying Completion of Gender Reassignment Operation.*" You may also use the examining affidavit form if the doctor who performed the operation is no longer licensed or available to sign the affidavit.

How Do I Change My Name on My Illinois Birth Certificate?

You must submit to the Illinois Department of Health, Division of Vital Records, a certified copy of the court order changing your name. The "Affidavit for a New Birth Certificate After Com-

pletion of Gender Reassignment” discussed above, includes a check off box asking that your name be changed. The certified copy of the court order changing your name would be included with your supporting affidavits.

Where Do I Find More Information on How to Change Information on My Illinois Birth Certificate?

For more information on the procedures, forms, and fees for changing information on your birth certificate, you may look at Illinois Department of Public Health, Division of Vital records online: www.idph.state.il.us/vitalrecords.

ILLINOIS BOARD OF ELECTIONS

How Do I Change My Gender Marker on My Illinois Voter Registration?

How Do I Change My Name on My Voter Registration?

You must re-register to vote after you change your gender marker or your name on your voter registration.

If you re-register in person, you must provide two forms of identification including one that shows you reside within the voting jurisdiction for which you are registering. To re-register by mail you must provide acceptable documentation, the best being an Illinois driver’s license or ID, to establish you are who you say you are and that you reside within the voter jurisdiction. You do not need a fixed address to establish that you reside within the voter jurisdiction.

Can I Vote if I Forgot to Re-Register?

If you changed your gender marker or name more than 27 days before the election, you can vote in the election only if you reside in the same voter jurisdiction and sign an affidavit at the polling place attesting that you are the same person.

Where Do I Find More Information on How to Change My Voter Registration Information?

For more information on the procedures and forms for changing information on your voter registration, you may look at Illinois State Board of Elections, Information for Voters online: www.elections.il.gov/InfoForVoters.

The information contained in this brochure is intended only to be a brief overview of your rights. Since individual cases may vary, you should not rely on this information as a substitute for talking to an attorney.

This pamphlet is prepared and published by the Illinois State Bar Association as a public service. Every effort has been made to provide accurate information at the time of publication.

For the most current information, please consult your lawyer. If you need a lawyer and do not have one, call Illinois Lawyer Finder at (800) 922-8757 or online **www.IllinoisLawyerFinder.com**

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For more information on legal issues or to obtain single copies of each of the pamphlets listed above (free to individuals), please visit

www.ISBAlawyers.com

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