

A Guide for Updating Your Name and Gender Marker

The Gender Clinic has worked with KIDS LEGAL and Pine Tree Legal Assistance to create this guide to changing name and gender markers in Maine. This is not meant to be a comprehensive guide and is not a substitute for legal advice. This guide was last reviewed in November 2023.

If you are 18 years or older, we recommend updating your documents in the order listed below. This order is not required. For example, many people update documents but choose not to update their birth certificate.

1. Name change
2. Social security
3. State ID or license
4. Financial documents, school, insurance, employment, etc.
5. Birth certificate
6. Passport

Name and gender marker change checklist

These are the most common first few steps when changing your name or gender. Depending on your situation, you may have different steps that you need to take.

Filing in Probate Court

File these items with the Probate Court where you live. Each county has a Probate Court, which you can find online or by calling 211. Call the Probate Court first to see if there is other paperwork that you need to fill out. Some counties may require a background check.

- ☐ Completed Petition for Name Change (CN-1)
- ☐ Affidavit of adult name change (AF-103)
- ☐ Filing fee (\$40) or fee waiver request
- ☐ Proof of identity/residency in county (call clerk to check requirements)
- ☐ VS-14, if you want birth certificate updated automatically
- ☐ Motion to seal/waive publication, if applicable

Visit maineprobate.net/welcome/probateforms to find the CN-1 and AF-103 forms. Once you have filled out the paperwork, a judge will hold a hearing and/or sign an order for the name change.

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Note: A judge may require a brief hearing to ask you some questions. This is more likely if you have changed your name before, or if someone is opposing your name change. Some counties always require hearings, but other counties do not require hearings very often.

Information for minors (under age 18)



Additional items to file for minors (under age 18):

- ☐ Jurisdictional Affidavit (AF-101). No need for the AF-103.
- ☐ Birth certificate.

Note: If both parents do not agree with the name or gender change, please call KIDS LEGAL at 207-774-8246 or Pine Tree Legal Assistance at 207-774-8211.

Social Security

Go to a Social Security Office (find the closest one here: secure.ssa.gov/ICON/main.jsp) and bring the following items to update your name and/or gender marker.

- ☐ Application for a Social Security Card (SS-5 Form, available at the SSA office or at: ssa.gov/forms/ss-5.pdf)
- ☐ **Information for minors (under age 18):** Parents or legal guardians must submit the Social Security Application and will be required to select either M (male) or F (female). This information may be used later when registering for Selective Service.
- ☐ Certified copy of the Court Order for Change of Name (you will get this after you file with the Probate Court)
- ☐ Unexpired ID document, such as driver's license, state-ID card, or U.S. passport (it is ok if the ID document lists your former name)
- ☐ Proof of U.S. Citizenship or lawful immigration status (birth certificate, passport, or immigration document)

You do not need to provide legal or medical evidence to prove your gender identity. It is okay if your documentation does not have your updated gender identity. You will select M (male) or F (female) on the application form (SS-5).

For help updating this information, you can call the Social Security Administration. Their contact information can be found here: ssa.gov/personal-record/change-sex-identification

It is important to update Social Security if you change your name because it can affect your ability to get benefits.

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Updating your gender with Social Security:

Social Security cards do not display a gender marker. However, you must choose M (male) or F (female) when you fill out the application (SS-5 Form). You cannot choose nonbinary or X for your gender designation.

License or State ID

Go to your local BMV (Bureau of Motor Vehicles) and bring the following items:

- ☐ Your current ID or driver's license.
- ☐ Court Order for Name Change (you will get this after you file with the Probate Court).
- ☐ Replacement fee (\$5; higher fee if REAL ID).
- ☐ If you are also changing your gender marker, complete a "Gender Designation Form" (M, F, or X).
 - » As of 2019, you do not need a medical provider certification. You may self-attest.

Additional information

Birth certificate

It is not required to update your birth certificate if you do not want to. If you were born in Maine and you do want to update your birth certificate, consider the options below.

If you only want to change your **name**:

- Please review above section "Filing in Probate Court."
 - » If you include the VS-14 form when you file for a name change, they will automatically send your name change request to Vital Records.

If you want to change your **name** and **gender marker**:

- You can update your first name, middle name, and gender marker at the same time through the Vital Records Office for a cost of \$15. To update your last name, you will need to file through Probate Court. This may cost \$60 extra.
 - » Documents must be submitted to the Maine Vital Records office, along with a copy of your photo ID. For more information, please visit maine.gov/dhhs/mecdc/public-health-systems/data-research/index.shtml

- To update your gender marker:

» Adults and emancipated minors can submit an application form. A notary must attest to your request (they will need to witness and sign). You do not need proof of surgery. The form can be downloaded here: maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml

Information for minors (under age 18)



Parents or legal guardians must submit these items:

- ☐ Application on their behalf (usually all parents listed on birth certificate must sign, unless good cause).
- ☐ The Application to Change the Name and/or Sex of a Minor on a Record of Live Birth to Support Gender Identify form, which can be downloaded here: maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml
- ☐ The Declaration of Gender Transition or Intersex Condition by Licensed Health Care Professional form, which can be downloaded here: maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml
 - This form must be signed by a licensed medical or mental health professional affirming that the minor has “undergone treatment that is clinically appropriate for the purpose of gender transition, based on contemporary medical standards.”

Non-binary or X designations

Birth certificates in Maine can have a nonbinary or X designation. Both parents must show consent by signing the parents’ worksheet if X is selected. The provider or institution registering the birth will give you the parents worksheet. This can be changed later to M (male) or F (female) using the above change process. Please note that a sex designation (M or F) will need to be filed with Social Security, even if X is designated on the birth.

Passport

- ☐ There are certain forms that you need to fill out depending on if you have a passport or not and what you are updating. Visit this website to figure out which forms you need to fill out: travel.state.gov/content/travel/en/passports/how-apply/form-finder.html
- » You do not need any medical documents to update your gender.
- ☐ You can update the gender field to choose M (male), F (female) or X (unspecified or another gender identity) travel.state.gov/content/travel/en/passports/need-passport/selecting-your-gender-marker.html

Information for minors (under age 18)

If the person is a minor (under age 18), both parents or legal guardians must provide consent to change gender marker on a passport.



Selective service

- Anyone assigned M (male) at birth must register for the Selective Service System when they turn 18, even if they have transitioned in all legally or medically recognized ways: www.sss.gov/register/who-needs-to-register/#p7
- Someone who is assigned F (female) at birth does not need to register, even if they have changed their gender marker to M (male).

Note: If you do not register for Selective Service, it can impact your eligibility for government programs, jobs, or federal student aid. There may also be military service or criminal penalties if you do not register.

Legal resources

The information in this guide is meant to be general information and is NOT legal advice. Please refer to the following legal organizations if you need help with a name or gender marker change.

- KIDS LEGAL: kidslegal.org
- Pine Tree Legal Assistance: ptla.org
- GLAD Transgender ID Project: glad.org/id

For More Information

The Gender Clinic
207-662-5093
MMC.org/TheGenderClinic

