

*Legal Name & Gender Changes
in Pennsylvania*

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The following is provided for informational and educational purposes only. Nothing contained herein should be construed as legal advice. Because each person's situation is unique and because laws, administrative regulations and court rules differ significantly from state to state, agency to agency and county to county, you should consult a lawyer licensed to practice in your state and familiar with the statutes, administrative regulations and court rules in your area to obtain legal advice appropriate to your situation.

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Introduction

Legally changing your name and ensuring that your new sex designation is reflected on your government identity documents is an important part of transitioning. This is especially true in the post-9/11 world in which one's identity documents are carefully scrutinized when traveling and when applying for employment.

For better or worse, there is no nationwide standard used to determine whether someone is legally "male" or "female". The standards applied differ from state to state and, even within a state, may differ depending on the government agency involved. Indeed, the ease or difficulty with which gender changes are effected on government identity documents may vary depending on the government employee handling the requested change. Additionally, the standards applied within a particular agency and/or the supporting documentation required are subject to change.

It may be possible for you to legally change your name and to change your sex designation on identity documents without a lawyer. However, it is critical that, if you seek to make these changes without the help of an attorney, you conduct very careful research to determine the forms, supporting documentation, fees and procedures that apply to your situation. If any part of the process for making these changes is unclear or if you simply do not wish to navigate the sometimes difficult waters of name and sex designation changes by yourself, you should seek the advice of a licensed, knowledgeable attorney, who is experienced with representing transgender clients.

As noted below, it is the author's belief that people who seek court-ordered legal changes of sex should use experienced attorneys. This process can be very complex and will most likely be too difficult for non-lawyers to complete on their own.

The following information is to be used as a guide only. Care should be taken to ensure that the forms, supporting documentation, fees and procedures for a given organization or agency are still in use at the time that the change to the particular identity document is sought.

Change of Name and Change of Sex Designation on Your Identity Documents

For Pennsylvania residents there are five significant steps to fully changing your name and sex designation on your identity documents: (1) obtaining a court-ordered name change, (2) amending your birth certificate, (3) changing the name and sex designation on your passport, (4) changing the name on and the sex designation associated with your social security card, and (5) changing the name and sex designation on your driver's license.

Court-Ordered Name Change

In Pennsylvania, a court-ordered name change may only be filed in the county where you reside.¹ Name change actions for adults are filed with the Civil Division of the Court of Common Pleas. Under Pennsylvania law, residents, other than certain individuals convicted of

¹ 54 Pa.C.S. § 701(a.1)(1).

felonies,² who follow the proper name change procedure and submit the required documentation, are permitted to change their names. The reason for the name change is irrelevant, as long as the change is not being sought to commit fraud or to avoid financial obligations.³ A Pennsylvania resident does not have to have completed sex reassignment surgery (SRS) or hormone therapy to change his or her name to a name usually associated with the “other” sex.⁴

The local rules and procedures to obtain a name change differ in each county in Pennsylvania. Thus, you must confirm the procedure to be followed in the particular county where the name change action will be filed. By way of example, the following describes the name change procedures for adults⁵ in Philadelphia County.

In the Court of Common Pleas of Philadelphia County, a petition for name change for an adult, and the documents that must accompany the petition, must be filed electronically with the Civil Division.⁶

The Court’s Electronic Filing System (“EFS”) can be accessed through the Court’s [website](#).

² With respect to convicted felons, 54 Pa.C.S. § 702 provides, in pertinent part:

(c) Convicted felons.—

(1) The court may order a change of name for a person convicted of a felony, subject to provisions of paragraph (2), if:

- (i) at least two calendar years have elapsed from the date of completion of a person’s sentence and that person is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole; or
- (ii) the person has been pardoned.

(2) The court may not order a change of name for a person convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

54 Pa.C.S. § 702(c).

³ *In re McIntyre*, 715 A.2d 400, 402 (Pa. 1998).

⁴ *Id.* at 403.

⁵ Name changes for transgendered minors should never be undertaken without representation by an attorney experienced with these types of cases.

⁶ The Civil Division of the Philadelphia County Court of Common Pleas requires that all civil filings, including petitions for name change, be filed electronically. The complete process and requirements for electronic filing are beyond the scope of this document. However, information can be found on the court’s website at <http://www.courts.phila.gov/common-pleas/trial/civil/>.

Once you sign up as a user of EFS you will be able to log on to the system. Once you have logged in and have entered some basic information such as your name and address, you can indicate that the nature of the filing is a petition for an adult name change. The EFS will then present several screens requesting additional information about you and about the reason for the name change. Based on the information entered, the EFS will automatically generate a petition, a verification and civil cover sheet. You must upload a .pdf file containing an order for publication, a notice of name change and a proposed final decree. Examples of these documents can be found on the court's website. If the boilerplate language in the EFS-generated petition is not sufficient for your needs,⁷ you can upload a .pdf of a petition that is tailored to your needs.

The information that must be provided in the petition is straightforward. Although it is customary to include an averment in the petition regarding the reason for the name change (and, if proceeding with electronic filing, the EFS requests the reason for the name change), it is not usually necessary to go into great detail in the petition about why you are seeking a name change; indeed, there is no statutory requirement that any reason for a name change be given. If you choose to state a reason in order to show that the name change is not sought to commit fraud, stating a reason such as "the requested name is more consistent with my personality and appearance" is sufficient.

Payment of \$321.48 for the filing fee may be made online if paying by credit card; this amount includes a \$5.00 "convenience fee" for using a credit card for payment. Alternatively, payment of \$316.48 may be made in person at the office of the Prothonotary in Room 282 of City Hall; accepted forms of payment include certified check, cashier's check or money order payable to "Prothonotary".⁸ The filing fee will be waived if you qualify for *in forma pauperis* status. Examples of the documents that must be filed to request *in forma pauperis* status may be found on the court's website.

Within ten days of electronic filing of the name change action, you must submit your original fingerprint card and photocopies of your social security card and photo ID to the court at City Hall Room 691. Fingerprint cards may be obtained from the state police or from private fingerprinting companies.

If it is not possible to file your name change petition online, a paper copy of the petition may be filed with the Prothonotary. If filed as a paper copy, you must also file a verification, a civil cover sheet, an order for publication, a notice of name change and a proposed final decree. The Prothonotary will scan these documents to create electronic documents and will then return the hard copies to you. The original fingerprint card and photocopies of your social security card and photo identification may be submitted to the prothonotary at this time or may subsequently be submitted to City Hall Room 691. The filing fee is \$316.48 plus a surcharge for filing hard copies of \$1.00 per page. Accepted forms of payment include certified check, cashier's check or money order payable to "Prothonotary".

⁷ For instance, if you wish to request waiver of publication and sealing of the record, discussed below.

⁸ If payment is made in person at the office of the Prothonotary, the petition will not be deemed "filed" until payment is made.

Once the name change action has been successfully filed with the Prothonotary and the original fingerprint card is submitted to the court, the court will forward the fingerprint card to the state police in Harrisburg, who will use the fingerprints to check your criminal history. The state police must complete this search and notify the court of the results within 60 days. The court must schedule a hearing within 90 days of receiving the results. Once scheduled, the court will issue an order for publication and a notice of name change.

The information contained in the notice of name change must be advertised once in the legal notices section of two newspapers of general circulation. In Philadelphia, the advertisements must be placed in the *Legal Intelligencer* and another newspaper of general circulation, such as the *Daily News*. You can order legal advertising directly or you can hire a legal advertising company to do so. The cost of advertising is approximately \$480.00.⁹ Once the notice of hearing has been published, the newspapers (or the legal advertising company) will return proofs of publication. The original proofs of publication must be submitted to the court at your name change hearing.

In certain instances, the publication of a notice of name change may put a transsexual person at risk of abuse or violence. The Court of Common Pleas of Philadelphia County has, in appropriate circumstances, waived the publication requirement for transsexual petitioners and has sealed the name change records for those petitioners.¹⁰ In order to request this waiver of publication and sealing of court records, the petition for name change must contain credible allegations that publication would jeopardize your safety and/or the safety of your child. In addition, a proposed order must be filed with the court. The court will hold a hearing, usually in chambers, to decide whether to grant the request to waive publication and seal the record.

Within thirty days of the name change hearing date, Certified Judgment Searches must be obtained for all counties in which you have lived during the five years prior to filing the petition. You can obtain these Certified Judgment Searches yourself; alternatively, there are companies that you can hire to obtain these for you. In Philadelphia, a Certified Judgment Search may be

⁹ Absent court permission to waive publication, discussed below, the fees for publication must be paid even if you qualify for in forma pauperis status.

¹⁰ The Pennsylvania statute providing for court-ordered name changes is 54 Pa.C.S. § 701. That statute provides, in pertinent part:

(iii) If the court finds that the notice required in subparagraph (ii) would jeopardize the safety of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court. Upon granting the request to waive any notice requirement, the court shall seal the file. In all cases filed under this paragraph, whether or not the name change petition is granted, there shall be no public access to any court record of the name change petition, proceeding or order, unless the name change is granted but the file is not sealed. The records shall only be opened by order of the court in which the petition was granted based upon a showing of good cause or at the applicant's request.

54 Pa.C.S. § 701(a.1)(3)(iii).

obtained in City Hall Room 262; the fee for this service is \$121.26, payable by certified check, cashier's check or money order made payable to "Prothonotary."¹¹

A Family Support Lien/Judgment Certification must also be obtained within thirty days of the name change hearing date. The Family Support Lien/Judgment Certification need only be obtained from the county where you reside. You can obtain the Family Support Lien/Judgment Certification yourself; alternatively, there are private companies that can be hired to obtain this certification. In Philadelphia, Family Support Lien/Judgment Certifications can be obtained at 34 S. 11th Street, Room B-16. The fee is \$20.00, payable to "Prothonotary," and can be paid by certified check, cashier's check or money order.¹²

Original Certified Judgment Searches and the original Family Support Lien/Judgment Certification must be submitted at the name change hearing.

Typically, if there is no opposition to the name change, there will not be a formal hearing; you will simply provide the required original proofs of publication (if publication is not waived), the original Certified Judgment Searches and the original Family Support Lien/Judgment Certification to the courtroom staff when your case is called. The signed decree will be entered within one to two weeks after the hearing date. If you have filed electronically, you will be notified by email of the entry of the decree. Certified copies of the final decree may be requested in person or by writing to the Prothonotary in City Hall Room 269. There is a fee of \$41.58 per certified copy.

Pennsylvania Birth Certificate

All states, including Pennsylvania, permit the name on a birth certificate to be changed following a court-ordered name change and will issue a new or amended birth certificate reflecting the new name. Generally, this can be accomplished by submitting the appropriate form, a fee (when required) and a certified copy of the court order.

Amending birth certificates to reflect a change of sex designation is a more difficult task. Certain states do not permit a change of sex designation on birth certificates. However, the majority of states and the District of Columbia do permit the sex designation on a birth certificate to be changed and will issue a new or amended birth certificate reflecting the new sex designation. The requirements to obtain changes to sex designation vary by state; some states only require a letter from the individual's physician or sex reassignment surgeon, while others require that the individual seeking the change obtain a court order to effect the change.¹³

¹¹ This fee will be waived if you qualify for in forma pauperis status. Examples of the documents that must be filed to request in forma pauperis status may be found on the court's website.

¹² This fee will be waived if you qualify for in forma pauperis status. See footnote 11.

¹³ E.g. Alabama Code Section 22-9A-19(d) (2006); Colorado Revised Statutes § 25-2-115(4) (2008); Maryland Code, Title 4. Statistics and Records, Subtitle 2. Vital Statistics and Records, § 4-214(b)(5) (2009); and Missouri Revised Statutes § 193.215(9) (2009).

If you were born in a state other than Pennsylvania, contact the department of vital records in the state where you were born to find out the regulations and procedures for amending birth certificates in that state.

In Pennsylvania, although there is no statute that addresses changes to sex identifiers on birth certificates, the Pennsylvania Department of Health, Division of Vital Records, will change the name and sex designation on a Pennsylvania birth certificate.

The request must be sent by letter to the Vital Records Corrections Unit requesting the change of name and sex and stating your date and county of birth. The request must be accompanied by a certified copy of the court order changing your name, a copy of your existing birth certificate (if available), a completed Form HD1105F and an original letter from your sex reassignment surgeon stating that sex reassignment surgery has occurred and that you are now functioning in the newly assigned sex. *See a sample sex reassignment surgeon's letter at Appendix A*. The request must be accompanied by a legible copy of the photo identification of the person making the request.

If the original birth certificate does not accompany the request, there is a \$10.00 fee for this service. Payment may be made by check or money order payable to "Vital Records." There is no fee for the service if the original birth certificate accompanies the request or if the request is made on behalf of a current or former member of the Armed Forces or on behalf of a dependent of a current or member of the Armed Forces. A self-addressed, stamped envelope and a request that the original documents be returned should be included with the request.

The address for Vital Records Corrections Unit is:

Division of Vital Records
Attn: Corrections Unit
101 S. Mercer Street, Room 401
P.O. Box 1528
New Castle, PA 16101

Passport

Name Change

United States passports can be changed to reflect a legal change of name and a change of sex. The particular Department of State form(s) that must be completed and the fees that must be paid vary according to your circumstances and according to how quickly you need the corrected passport to be issued.

If you have never had a passport, you must file Form DS-11, Application for a U.S. passport, to apply for a passport. Form DS-11 must be submitted in person to a Passport Acceptance Facility or Passport Agency. Although Form DS-11 may be completed prior to submitting the document, the form must not be signed until you are in the presence of the authorized agent who is accepting the application. In addition to a passport photo, proof of

citizenship documents, proof of identity documents¹⁴ and the appropriate fee, you must present a certified copy of your name change decree.

If you have a valid passport, if the passport is in your possession and is undamaged, if the passport was issued when you were age 16 or over and if the passport was issued more than one year ago, you can change the name on the passport by filing Form DS-82, U.S. Passport Renewal Application for Eligible Individuals. Form DS-82 may be submitted in person to a Passport Acceptance Facility or Passport Agency or may be mailed to the National Passport Processing Center in Philadelphia. Form DS-82 must be accompanied by a passport photo, the existing passport, the appropriate fee and a certified copy of the name change decree.

If you have possession of an undamaged, valid passport that was issued when you were age 16 or over and was issued less than one year ago, you can change the name on the passport by filing Form DS-5504, Application for a U.S. Passport – Name Change, Data Correction and Limited Passport Book Replacement. Form DS-5504 may be submitted in person to a Passport Acceptance Facility or Passport Agency or may be mailed to the National Passport Processing Center in Philadelphia. Form DS-5504 must be accompanied by two (2) passport photos, the existing passport, the appropriate fee and a certified copy of the name change decree.

Change of Sex Designation

United States passports can also be changed to reflect a change of sex. Due to recent changes in policy, genital sex reassignment surgery is no longer required to change the sex designation on a passport.

Under the policy originally announced in June of 2010 and revised in January of 2011, a passport will now be issued with a new sex designation if your birth certificate has been changed to reflect your new sex. If your birth certificate has not yet been changed (or if it is not possible to change your birth certificate because you were born in a state that refuses to process changes to sex designations on birth certificates), you can obtain a change to the sex designation on your passport with a proper medical certification.¹⁵

If you have completed gender transition, *regardless of whether you have undergone a particular medical treatment or surgical procedure*, you can receive a full validity U.S. passport reflecting your new sex designation. To receive a full validity passport with the new sex designation, you must submit either a certified copy of your birth certificate indicating your new sex or an original medical certification of gender transition. This certification must be “a signed original statement, **on office letterhead**, from *a licensed physician who has treated the applicant for his/her gender-related care or reviewed and evaluated the gender-related medical history of the applicant....* [The physician must declare under penalty of perjury] that applicant has had

¹⁴ The Instruction Sheet for Form DS-11 sets forth a list of citizenship and identity documents required to be submitted with the passport application.

¹⁵ U.S. Department of State Foreign Affairs Manual – Volume 7 Consular Affairs, 7 FAM 1320, Appendix M, paragraph (c)(6), available online at <http://www.state.gov/documents/organization/143160.pdf>.

appropriate clinical treatment for gender transition to the new gender *of either* male or female.”¹⁶ See [Appendix B](#) for a sample physician letter.

If you have started but have not yet completed your transition, you can receive a limited validity passport reflecting your new sex designation. To receive a limited validity passport with the new sex designation, your physician need only declare under penalty of perjury that you are “in the process of gender transition to the new gender *of either* male or female.”¹⁷ See [Appendix B](#) for a sample physician letter.

Regardless of whether you already have a valid passport or are applying for a passport for the first time, you must submit Form DS-11, Application for a U.S. Passport, in order to receive a full validity passport (if you have completed transition) or a limited validity passport (if you are still transitioning) with a new sex designation. Form DS-11 must be submitted in person to a [Passport Acceptance Facility](#) or [Passport Agency](#). Although Form DS-11 may be completed prior to submitting the document, the form must not be signed until you are in the presence of the authorized agent who is accepting the application. In addition to a passport photo, proof of citizenship documents, proof of identity documents¹⁸ and the appropriate fee, you must submit a physician certification that you are in the process of transitioning to the new gender (for a limited validity passport) or you must submit a certified copy of your amended birth certificate or a physician certification stating that you have completed your transition to the new gender (for a full validity passport).¹⁹

Social Security Card

In order to change your name and/or sex designation with the Social Security Administration, you must submit [Form SS-5, Application for a Social Security Card](#), along with supporting documentation. You may submit the form and documentation in person or by mail at any [Social Security Office](#). There is no fee for this service.

To change your name, a certified copy of your name change decree must be submitted, along with proof of citizenship and identity.²⁰ To change the sex designation associated with your social security number, an original letter from your surgeon or attending physician must be submitted that states that you have “completed sex reassignment surgery.” See a sample physician letter at [Appendix C](#).

¹⁶ *Id.* at paragraph b.(1). (emphasis in original).

¹⁷ *Id.* at paragraph b.(2) (emphasis in original).

¹⁸ The Instruction Sheet for Form DS-11 gives a list of citizenship and identity documents required to be submitted with the passport application.

¹⁹ If you have obtained a court-ordered change of name and you are applying for a passport for the first time, you should also submit a certified copy of the name change decree, along with the appropriate form for changing the name on your passport..

²⁰ The instructions accompanying Form SS-5 list citizenship and identity documents that must accompany the form when it is submitted.

If Form SS-5 is submitted by mail, you may request that your original documents be returned to you (include a self-addressed, stamped envelope for this purpose). You may also submit Form SS-5 in person at any Social Security office.

Pennsylvania Driver's License

Name Change

If you have a Pennsylvania driver's license or identity card that will not expire in the next six months, the name contained on the document can be changed by submitting a completed PennDOT Form DL-80, Non-Commercial Driver's License Application for Change/Correction/Replacement, with a certified copy of your name change decree.

There is a processing fee of \$13.50 if you wish to have a new photo appear on the license or identity card. If you do not wish to have a new photo appear on the license or identity card, there will be no fee; however, PennDOT will not issue a new driver's license or identity card, but will issue only an "update card" that you must carry with your existing driver's license or identity card.

If your existing license or identity card is due to expire in the next 6 months, you should not use Form DL-80. Rather, you must use PennDOT Form DL-143, Non-Commercial Driver's License Application for Renewal, accompanied by a certified copy of your name change decree, in order to change the name on your license or identity card.

You may submit Form DL-80 or Form DL-143, along with the required supporting documentation and fee, by mail to:

PennDOT
Bureau of Driver Licensing,
P.O. Box 68272
Harrisburg, PA 17106-8272

If the applicable form is submitted by mail, you may request that your original documents be returned; a self-addressed, stamped envelope must be provided for the return of the original documents. Alternatively, you may submit the applicable form in person at any PennDOT Driver License Center.

Change of Sex Designation

To change your sex designation on a Pennsylvania driver's license or identification card, both you and your licensed physician, therapist/counselor or social worker must complete PennDOT Form DL-32, Request for Gender Change on Driver's License/Identification Card. Your physician, therapist/counselor or social worker must certify, under penalty of law, that your "gender identity is [male or female] and can reasonably be expected to continue as such for the foreseeable future." You must certify, under penalty of law that the "request for the selected

gender designation to appear on [your] Driver's License/ID Card accurately reflects [your] gender identity and is not for any fraudulent or other unlawful purpose.”

If your existing driver's license or identity card is due to expire in the next 6 months, you must submit PennDOT Form DL-143 in addition to Form DL-32. A fee of \$13.50 must be paid by check or money order payable to “PennDOT” to process Form DL-32. Form DL-32 must be submitted in person at a PennDOT Driver License Center.

Who should be notified of my legal name change?

The following is a partial list of the types of companies and agencies which should be notified of your court ordered name change as well as accounts and documents which should be changed to reflect your name change:

- Credit Cards Companies
- Utilities
- Deed to Real Estate (corrective deed may be required) and/or Lease
- Insurance Companies (auto, home, life, disability, medical)
- Loan Companies (student, auto, personal, mortgage)
- Banks
- Retirement Accounts
- Professional Licenses
- College/High School Transcripts and Diplomas
- Car Title, Driver's License
- Voter Registration
- Credit Reporting Agencies
- Selective Service (if born male)
- Vital Records in state of birth (for new birth certificate)
- U.S. Department of State (for new passport)
- Social Security Administration

Generally, it is not necessary to provide documentation of gender change – most companies will simply start using “Mr.” or “Ms.” when they start using your new name.

Attached at Appendix D is a sample cover letter that may be used for this purpose. Generally, the only documentation that must accompany a letter requesting the change is a copy of the court decree changing your name. Occasionally you may be asked for a certified copy of your name change decree, a copy of your new driver's license and/or a copy of your new social security card.

Insurance

It is beyond the scope of this document to discuss all of the implications of changing the sex designation on insurance policies. However, it is important to know that a change of sex designation may have an impact on these policies. For example, the change may result in an increase or decrease of insurance premiums (for instance, with some auto insurance policies). It is also possible that, even though the sex designation is changed on an insurance policy, the insurance company may continue to treat you as if you were still your former sex for purposes of determining premiums (this may happen, for instance, with some life insurance companies).

Changing the sex designation on health insurance policies is a concern for many trans people. Many people are under the impression that, if their health insurance companies find out that they are transgendered, they will be denied coverage for all medical care. This concern is understandable given that most health insurance policies will not cover the cost of medical or surgical treatment if the sole purpose of that treatment is sex reassignment. However, transition-related costs should not be confused with “medically necessary” health care during or after transition.²¹ Typically, it is medical and surgical procedures directly related to transition that are excluded; medically necessary care is not excluded, even if the patient/insured person receiving that care is transsexual.

Once you notify your health insurance company that you have transitioned and that you are now male or female, you may find that bills for certain (usually) sex-specific medical care are initially denied by the insurer. For example, a female to male transsexual who has changed his health insurance policy so that he is now identified as a male may initially be denied coverage for a medically necessary gynecological test, service or procedure. The denial may not be based on any sort of discrimination or animus against the insured trans person; it will most likely be denied because the insurance billing code used by the doctor’s office is associated with female patients only and, therefore, the insurance company’s computer system may automatically flag and reject all bills for such services performed on a male patient. If the medical test, service or procedure would have been covered for a female with the same insurance policy, the female to male transsexual who has been denied coverage (or his doctor) should appeal the denial of coverage. With some perseverance and with careful attention to the insurance company’s dispute procedures, such denials of coverage for medically necessary tests, services and procedures are almost always reversed.

Selective Service

Male to female transsexuals are required to register with Selective Service within thirty days of their 18th birthday, regardless of whether the transition occurred before or after the transsexual’s 18th birthday. Until the age of 26, registered individuals are required to update Selective Service with a change to their name or address within ten days of the change. You

²¹ It is increasingly understood that transition-related medical costs are medically necessary. However, until this becomes a more socially accepted concept, most insurance companies will continue to differentiate the two.

may update this information by any of the following methods:

- Using the change form at the bottom of your Registration Acknowledgment;
- Completing SSS Form 2, Selective Change of Information Form, which can be obtained at any U.S. Post Office, U.S. Embassy or Consular Office;
- Completing the online change of address form; or
- Calling Selective Service at 1-847-688-6888.

Female to male transsexuals are not required (or permitted) to register with the Selective Service, regardless of their current sex or transition status. However, female to male transsexuals may be required to show that they are exempt from registration in order to apply for certain student loans or government aid. Once over the age of 26, female to male transsexuals may obtain a Status Information Letter documenting their exemption from registration by completing a Request for Status Information Letter online.

What is your “legal” sex?

Once your name has been legally changed and your birth certificate, passport, social security data and driver’s license have been changed to reflect your correct sex designation, will your change of sex be legally recognized?

There is no nationwide standard for determining whether someone is legally “male” or “female.” The standards and criteria differ from state to state, and in many states, there is no definitive standard. As a result, the legal sex of a transsexual person may be difficult to determine. And, even if the legally recognized sex of that person can be determined, it may change if the person (or the person’s spouse) moves to a different state or if the standards or criteria that are used in the person’s home state to determine sex are changed.

For most transsexual people, if the sex designation contained on their government issued identity documents is changed from their birth sex to their “new” sex, the changes to the identity documents will permit them to engage in daily activities in a manner consistent with their gender identity. However, whether the Commonwealth of Pennsylvania will regard a change to the sex identifier on your government identity documents as constituting a legal change of sex for all purposes is unclear.²² There have been no reported cases in Pennsylvania stating whether a change of sex identifier on a person’s birth certificate constitutes a legal change of sex, and there have been very few such cases nationwide.

²² Moreover, many Pennsylvania residents will not be able to correct the sex designations on their birth certificates; as discussed above, certain states do not allow the sex designation on birth certificates to be changed.

Although there are no published Pennsylvania appellate court decisions on the issue,²³ it is the author's opinion that, in appropriate cases, it may benefit certain transsexuals to obtain a court ordered change of sex. While the issue has not yet been directly addressed by any state's appellate court, such orders should be given full faith and credit by other states.²⁴ These orders have been issued in several counties in eastern Pennsylvania. Legal changes of sex have been requested concurrently with legal changes of name and in a separate petitions.

To determine whether you should seek a court ordered change of sex, it is critical that you consult with an attorney who is experienced with these types of cases and who is familiar with the court in your jurisdiction. A knowledgeable attorney can help you to determine whether the court with jurisdiction over your case would be open to granting a legal change of sex and, if so, can represent you in the legal case before the court. *Pro se* litigants (non-lawyers representing themselves) should *not* try to obtain court-ordered changes of sex as this is still a very new and very complex area of the law.

Potential petitioners seeking court ordered changes of sex and the attorneys who represent them must be aware that *even one* court case that is handled improperly could create "bad law". This could have a devastating impact on the legal status of all trans people in Pennsylvania. Therefore, such orders should be sought only for those transsexuals who have had sex reassignment surgery and only in those counties where courts are likely to be sympathetic to such petitioners.

²³ The only published opinion in Pennsylvania addressing a legal change of sex is *In re Dickinson*, 4 Pa. D & C. 3d 678 (Court of Common Pleas, Philadelphia County 1978), in which the Court of Common Pleas of Philadelphia County granted a change of name and sex to a male to female transsexual who had undergone sex reassignment surgery.

²⁴ Article IV, section 1 of the United States Constitution states that "full Faith and credit shall be given in each State to the public Acts, Records and judicial Proceeding of every other State."

Appendix A

Sex Reassignment Surgeon Letter – Pennsylvania Birth Certificate

Must be printed on the physician's letterhead.

[DATE]

Re: Patient Name: _____
Date of Birth: _____
Surgery Date: _____

To Whom it May Concern:

This letter is to certify that I performed sex reassignment surgery on the above-named individual on [DATE] at [NAME OF HOSPITAL]. Mr./Ms. _____ is now functioning as a [male or female].

Sincerely,

_____, M.D.

Appendix B

Physician Certification for Passport

Must be printed on physician's letterhead which includes physician's address and telephone number.

[DATE]

Re: Patient Name: _____
Date of Birth: _____

To Whom it May Concern:

I, (physician's full name), (physician's medical license or certificate number), (issuing U.S. State/Foreign Country of medical license/certificate), (DEA Registration number or comparable foreign designation), am the physician of (name 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 gender transition to the new gender (specify new gender male or female). OR (Name of patient) is in the process of gender transition to the new gender (specify new gender male or female).

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

Signature of Physician

Date

Typed Full Name of Physician

Appendix C

Surgeon's or Physician's Letter – Social Security Administration

Must be printed on the surgeon's or physician's letterhead.

[DATE]

Re: Patient Name: _____
Date of Birth: _____
Surgery Date: _____

To Whom it May Concern:

This letter is to certify that my patient, _____, has completed sex reassignment surgery.

Sincerely,

_____, M.D.

Appendix D

Letter Notifying Companies of Name Change

YOUR ADDRESS

DATE

NAME/ADDRESS OF COMPANY

Re: Name Change
Account/Insurance Policy No. _____

Dear Sir/Madam:

I am writing to request that my ____ account/insurance policy be updated to reflect my name change pursuant to court decree entered on _____ (date of decree). A copy of this decree is enclosed with this letter.

The current name on my account/ insurance policy is:_____. My new name is::_____.

[When necessary:] Please issue a new card for this account/insurance policy in my new name.

If you need any additional information or documentation to process this request, please contact me at my home address:_____ or by telephone at: _____.

Sincerely,

[Sign full new legal name]

[Print full new legal name]