

# ARROWOOD LAW

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## Post Name Change Instructions – Minors in NYC and NYS

Congratulations on legally changing your child's name! Now that you have changed your child's name through the court, you will need to make sure that government agencies and private entities are aware of the new name.

A certified copy of the name change order is the document you will use as proof of the new name. In general, do not give away certified copies of your name change order. Show the order and take it back or provide a photocopy. If photocopying the name change order, **do not remove the receipt or the staples**. It invalidates the certification. Print out the scanned PDF instead.

### Schools

Oftentimes schools that have updated records previously will maintain the legal name in a private file, so provide a photocopy of the name change order and make sure they completely update their records. Also request that the sex be updated on all records, if applicable. They will probably want to see a corrected passport or birth certificate to do so.

**NYC public schools:** The school's pupil accounting secretary can make the name change upon receipt of a court order and the gender change upon receipt of a corrected passport or birth certificate. You will fill out a new enrollment form. The old records are archived with no reference to transgender status in the new file. The student retains the same OSIS number. See <https://www.schools.nyc.gov/school-life/policies-for-all/transgender-and-gender-nonconforming-student-guidelines>.

### Health insurance

You can write a letter to the insurance company and include a photocopy of the name change order. You can call the number on your card to find out what documentation they require to change the sex designation. You may be asked to provide a corrected birth certificate, or they may automatically update the sex designation when they update the name. Make sure that doctors' offices submit bills under the corrected name and sex designation.

**Note:** It is illegal in New York for an insurer to deny coverage for sex-specific care based on the gender marker they have on file. If coverage for sex-specific care is denied, call your insurance company and tell them about the error. They will be able to add a code to your file to make sure you are not denied in the future.

## Social Security

**Note 1:** Under COVID-19 procedures, Social Security is closed to non-emergency in-person services. All name and gender marker changes are being done by mail.

**Note 2:** You must now update your information with Social Security before you can update your information with the DMV.

**By mail:** Mail your SS-5, certified copy of a name change order, original doctor's letter (if changing gender marker), and [this](#) internal guidance *with Section D highlighted*, and a photocopy of your ID to your Social Security office. You do *not* need to include ID because the name change order is an identity document.

Find your local Social Security office [here](#).

**People who live in NYC must use a Card Center** to get a replacement card, although it need not be the one in your borough. These are the best offices to go through:

- Manhattan, 123 William Street, 3rd Floor, New York, NY 10038
- Brooklyn, 154 Pierrepont Street, 6th Floor, Brooklyn, NY 11201

Mail the following documents to the office:

- ☐ A completed SS-5 form (see below for instructions on filling this out);
- ☐ A certified copy of your name change order (they look at it but do not keep it);
- ☐ Doctor's letter to change the sex (refer to attached sample letter) or passport or birth certificate with the correct sex, if applicable;
- ☐ Photocopy of unexpired photo ID, such as a drivers' license, state ID, or passport (can be in your old name);
- ☐ [This](#) internal guidance *with Section D highlighted*.

## Filling out the form

- ✓ Use Form SS-5, Application for a Social Security Card, the same form used for applying for a new card. They have the forms at the office, so fill it out while you wait, or you can download it [here](#).
- ✓ In the first blank, "name to be shown on card," put your new legal name. List your name at birth on the line below that.
- ✓ Leave the "other names used" section blank unless you have changed your name legally before.
- ✓ Select the new sex if you have the letter from your doctor.
- ✓ You do not need to list your parents' Social Security numbers.

Ask to speak with a supervisor if there is any problem. The change is effective within 24 hours, and you will receive your new Social Security card in the mail in about 2 weeks. There is no cost.

X gender markers are currently not available on Social Security records.

### **Changing a Social Security number**

Your number will remain the same. Social Security numbers are typically changed only when one can present evidence documenting harassment or abuse. You can apply at your local office. Visit <http://ssa.gov/pubs/10093.html> for more information.

### **DMV – non-driver ID or license**

Persons of any age can get a non-driver ID card. We recommend getting an ID card with the corrected name and gender for your child. If applying for a New York non-driver state ID or driver's license for the first time, you can simply wait until you get the corrected birth certificate or passport to apply. You will need to present the child's Social Security card and a birth certificate or a passport. Visit <https://dmv.ny.gov/id-card/bget-non-driver-id-card-ndid> for information about how to obtain an ID card for a minor.

To change your driver's license or NY state ID, visit a local DMV branch. Branches are requiring an appointment at this time: <https://dmv.ny.gov/offices/dmv-office-locations>.

**Note: Due to implementation of the Real ID Act, the DMV now requires Social Security to be updated before they will update DMV records.**

Bring the following documents:

- ☐ Proof of your child's identity.
  - If your child already has a New York State driver license or ID card (current or expired less than two years ago), that is all you need to get a new ID.
  - If your child does not currently have a NY license or ID, you will need their Social Security card, proof of date of birth, and four "points" worth of ID or a [parental statement of identity](#). To avoid a wasted trip, review the [ID requirements](#) before going to the DMV.
  - Proof of identity can be in the old or new name.
- ☐ A certified copy of the name change order (they will give it back to you).
- ☐ A completed Form MV-44, which you can obtain at the DMV or you can download the form [here](#). Fill out the form using the new name and gender.
- ☐ To change the gender, use the same doctor's letter presented to Social Security or for a passport.<sup>1</sup> In the Identification Information section of Form MV-44, check the box

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<sup>1</sup> Note: while the DMV will accept a letter from a Ph.D., for federal purposes it must be from an MD or DO, so it is easiest to just get your medical doctor to write this letter.

corresponding to the corrected sex. Then, if the child has had an ID before, in the box marked Other Change, write that you are changing the sex.

There is a fee of \$12.50 for a new license, or \$5.00 for a new non-driver ID, if you already had one. If applying for the first time, the fee is approximately \$65 for a license or \$13 for an ID card (\$6.50 if receiving SSI).

The DMV will give you a new temporary non-photo ID right away and will mail you the permanent one in two to six weeks. More information about changing a name with the DMV is at this page: <http://www.dmv.ny.gov/DMVfaqs.htm>

X gender markers are currently not available on NY DMV-issued IDs.

### **IDNYC card**

To change the name on a NYC municipal ID card, make an appointment at any [enrollment center](#) and bring your old card along with a certified copy of your child's name change order. The gender on an IDNYC card is self-designated, so you can change it without a doctor's letter. Options include male, female, nonbinary (X), and no designation. The IDNYC card is available to New York City residents ages 10 and up.

### **U.S. Passport: an alternative to a birth certificate**

If you are unable to update the sex on the birth certificate, you can use a passport in many situations where you might need to show a birth certificate. You can get the sex designation changed on a passport with a specific letter from a doctor. No surgery or hormones are required.

All requests to update the sex designation on a passport must use Passport Application Form DS-11 regardless of whether your child already has a passport already or not. (Do not sign the form until instructed to do so.)

See our separate checklist for a detailed list of documents you will need to take. Submit the form in person at a Passport Acceptance Facility, typically your local post office. Find one here: <http://iafdb.travel.state.gov>.

Visit <https://travel.state.gov/content/passports/en/passports.html> for more information about obtaining a passport.

### **Global Entry and TSA Pre✓**

For children who will be travelling regularly, consider having all family members get Global Entry cards, which cost \$100 each and are valid for 5 years. In addition to streamlining the return from international travel, it enables you to enroll in TSA Pre✓, which allows you to

bypass the body scanners (and long security lines). If you will not be travelling internationally, you can enroll in TSA Pre✓ by itself for \$85 for 5 years.

Wait to apply until after you get the corrected passport. You will need to go in person to have a photo taken and be fingerprinted. Begin by applying online: <https://tp.cbp.dhs.gov>.

If your child already has a Global Entry card, you must visit a [Global Entry enrollment center](#) to update their name and gender in the system in addition to updating their passport. You can log into your account and confirm that they've updated it.

It is not necessary to update the physical card because it does not ever need to be presented anywhere, but it can be used instead of a passport for land and sea entries. If you wish to change the physical card, call to make an appointment (212) 344-2296. The new card fee is \$25.

### **Other places to change your child's name**

You will need to change your child's name with places like doctors' offices, libraries, banks, credit cards, student loans, etc. You can change the name at these places by visiting them in person and presenting a copy of the name change order or by writing letters.

When writing a letter, include your address and any account numbers, and request that they change your child's name from the old name to the new one. Enclose a photocopy of the name change order. Most businesses do not require a certified copy.

### **Beneficiary documents, savings bonds, 529 & estate planning documents**

It's best to change your child's name where it appears in wills or is listed as beneficiary for IRA, life insurance policy, etc.

To change the name on a 529 or a trust account, send a letter requesting the change and a copy of the court order. Some banks may require the account owner to physically come in to make the change.

The name on savings bonds does not need to be changed. At the time of cashing, sign as "New Name changed by court order from Old Name." Be prepared to produce the name change order. Reissuing a savings bond may mean owing taxes. [Form 4000](#) is used to have bonds reissued in the new name, which will be done electronically only.

### **Getting additional copies of the name change order**

You will probably not need any additional certified copies (do not give them away lightly). However, you can obtain additional certified copies of your name change order from the clerk's office in the county where the order was issued. Name change files that have been

sealed require getting a temporary unsealing order if the requestor is not the petitioner (and sometimes even if it is), so it is best to avoid giving away certified copies.

**For NYC name changes:** If the file is not sealed, you may send a letter to County Clerk, New York County Civil Court, 111 Centre Street, New York, NY 10013 requesting certified copies of the name change order. The letter should include the index number, the name of the case, and the number of copies you would like. Each copy is \$6 and can be paid via certified check or money order to “Clerk of the Civil Court.” You also need to include an envelope with your return address and sufficient postage so that they can mail you the copies. You can reach the clerk at (646) 386-5609.

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## Sample Doctor's Letter for Sex Designation Changes

This letter meets federal requirements to change the sex designation with Social Security, on a passport, or on immigration documents. It can also be used to change the sex designation with the NY DMV. It does **not** need to be notarized.

**NOTE:** Currently, an X gender marker is **not** available on any New York state or federal documents. An X gender marker is available on New York City birth certificates and NYCID. The gender marker on New York City and New York state birth certificates can be changed by self-attestation (without a doctor's letter) using the designated forms, available [here](#).

## Sample letter meeting federal government requirements:

Date

I, [Physician's Full Name], am the physician of [Chosen Name of Patient a/k/a Current Legal Name], DOB: [Date of Birth], 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].

[Chosen Name of Patient] has had appropriate clinical treatment for gender transition to the new gender of [specify 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

Typed Name of Physician

[issuing U.S. State/Foreign Country of medical license/certificate & physician's medical license or certificate number]

## Requirements for this letter:

- ☐ Printed on **letterhead** that includes:
  - Physician's address
  - Telephone number
- ☐ Signed by an **MD** or **DO**
- ☐ Provide **three original copies** to the patient.
  - Photocopies and scans are not acceptable.
  - Ideally, sign in blue ink

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## Sample Letter Requesting a Private Entity to Change Your Name

*When writing to private entities, use only a **photocopy** of the name change order, not a certified copy.*

[your name, address, & phone number]

[date]

[name & address of company]

**Re: Request to change name [on account #]**

To Whom It May Concern:

I am writing to request a name change on my [health insurance, bank account, etc.], account number [account/member number] from [old name] to [new name]. Please also update the title from [Ms. to Mr.].

Enclosed is a photocopy of my name change court order.

[If relevant] Please also update the sex designation on your records from [female/male/X to female/male/X]. Enclosed is a copy of a doctor's letter documenting this change.

If you have any questions, please call me at the number above. Thank you for your prompt attention to my request.

Sincerely,

[your new name]

Enclosure