

find out how to get a copy. If you were born in New York State, go to: [www.health.state.ny.us/nysdoh/vr/forms/birth.htm](http://www.health.state.ny.us/nysdoh/vr/forms/birth.htm).

- If you are an immigrant who has status in the U.S. and lives in New York, you have a right to change your name here. If you do not have a birth certificate, you should be able to use immigration documents instead. If you are an undocumented immigrant and live in New York, you may also be able to change your name here, but it is a good idea to talk to a lawyer first.
- Under the law, trans people cannot be required to show supporting medical evidence about our transitions to change our names. Most of the time, judges correctly follow the law. But, some judges still wrongly deny name changes from trans people without medical evidence. If you wish to include medical documentation, you may have your doctor, social worker, or psychologist write a letter explaining why they support your name change petition. If your name change does get denied because you did not include medical evidence, you can either seek legal help to get your name change granted without it, or you can submit the medical evidence at that point.
- If you have criminal convictions, you will also need to submit a certificate of disposition for each conviction or a rap sheet. You can get a copy of your certificate(s) of disposition from the court where you were convicted. The Legal Action Center is a non-profit that helps people get copies of their rap sheets (212-243-1313). If you are low-income, you should not have to pay a fee for these documents. If you choose to submit a rap sheet, you should look it over closely. Often, there are mistakes on rap sheets. If your rap sheet shows that there is a warrant open for your arrest, it is important that you take care of that before you file your rap sheet in court. Talk to a lawyer for advice.
- Attaching other documentation about things you say in your Petition can make the process smoother. For example, if you are asking to be excused from publication because of domestic violence and have an Order of Protection, attaching a copy of that order to your application can help. Also, if you cannot afford to pay the fee for filing a name change, bringing a copy of an award letter or other proof of income or inability to pay can help.

### Filing the Papers

- Once you have your papers ready, you can file your name change application in the civil court of any of the five boroughs, no matter which borough you live in. (Manhattan: 111 Centre Street Bronx: 851 Grand Concourse; Brooklyn: 141 Livingston St.; Queens: 89-17 Sutphin Blvd.; Staten

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*The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence.*

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T. 212-337-8550 • F. 212-337-1972 • [WWW.SRLP.ORG](http://WWW.SRLP.ORG)

SYLVIA RIVERA LAW PROJECT

KNOW YOUR RIGHTS

## How to Legally Change Your Name

*A Guide for Trans People in New York City*

SYLVIA RIVERA  
LAW PROJECT

### General Information

- These instructions only apply to people who are at least 18 years old. If you are under 18, your parent or guardian will need to petition on your behalf and you will need to show the judge the name change is in your best interests.
- Only New York residents may change their name in New York.
- For more information about anything in this brochure or for legal help, please contact the Sylvia Rivera Law Project (SRLP) at 212-337-8550. You may also call any other qualified legal services provider or the clerk of your local court to learn more about name changes. While we try to keep this information up-to-date, we cannot guarantee that it is current because of how quickly laws, fees, agency rules and court procedures can change. This brochure only has general legal information. For legal advice, please consult a lawyer.

### Getting All the Papers

- To change your name in NYC, you need a Petition, an Order, and your Birth Certificate. You can download blank copies of the Petition and Order at: [www.srlp.org/namechange](http://www.srlp.org/namechange)
- Complete the Petition and Order by adding your personal information. If anything from #5-9 in the Petition applies to you, simply explain. For example, if you have ever been convicted of a crime, say when, where, and for what you were convicted and what happened with your case.
- For the grounds of your application, say whatever you want the judge to know about why you want a name change. You do not need to use any of the language in the blank Petition—it is just an example. It is completely up to you what you want to share with the judge about your reasons for changing your name, just so long as what you say is true.
- Name changes need to be published in a newspaper, unless the judge says you don't have to because of a risk to your safety. If you have any specific reasons why you would be at risk if you published, add them to #11. For example, many survivors of domestic violence or hate crimes believe they would be at risk if they published their personal information.
- Sign the Petition with your current legal name and have it notarized. If you do not understand English, whoever translated the Petition for you should sign and have notarized an "affidavit of translation."
- Get a certified copy of your birth certificate, if you don't already have one. If you were born in NYC, go to [www.nyc.gov/html/doh/home.html](http://www.nyc.gov/html/doh/home.html) or call 212-788-4520 to

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Island: 927 Castleton Ave.). This overview is Manhattan-specific. Please note that the process differs in different boroughs of NY. However, you can change your name in Manhattan no matter what borough you live in. If you go to court in another borough, please call the court clerk to make sure you are doing everything correctly.

2. After you go through security to enter the court, go to the clerk's office that handles name changes. In Manhattan, it is room 118 on the ground floor level near the exit.
3. Get on the line marked "name change." Tell the clerk you are filing for a name change and give the clerk your papers. If you were born in New York, the clerk will keep your original birth certificate. If you were not born in New York, the clerk will make a photocopy of your birth certificate and give you back the original. The clerk will also tell you that you need to pay a \$65 fee.
4. If you cannot afford this fee, tell the clerk that you need to "proceed as a poor person" and fill out the form that the clerk will give you (it will ask you questions about your income, property and expenses, such as rent). You should hear in a couple of days whether your petition to proceed as a poor person was approved. If it was approved, you will be given an index number and a court date. If it wasn't, the clerk will either ask you to come in with more information or proof of your income or tell you that you will have to pay the fee. You may call the clerk (646-386-5609) or go to their office in person to check on it if you don't hear from them.
5. If you can afford this fee, go to the cashier to pay. The cashier only accepts cash (in exact change), money orders, and certified checks, NOT personal checks or credit cards. The cashier will give you a receipt with your index number on it. Keep this receipt. Then go back to the clerk, who will take your papers.
6. The clerk will assign you a date for a name change hearing. If you know you can not make it on that date, just tell the clerk and ask for a later date. Your name change hearing will probably be scheduled for around one to four weeks after the date you file your papers. (This procedure can be different in other boroughs. For example, in Brooklyn, you will usually see a judge on the same day you file the papers.)
7. If you are currently incarcerated or on parole for a violent felony offense, you will need to give notice of the hearing date to the DA and the court where you were convicted.

## The Hearing

1. In Manhattan, name change hearings are still fairly new. They were put in place to speed up the name change process and they have made the process faster. The hearing itself varies according to the judge you get. Generally, the hearing is fairly straight forward.

2. When you get to court for your hearing, make sure to let the court officer know that you have arrived. There is a calendar outside the courtroom that will list your name and a number. It is easier for the court officer if you give them the number beside your name. Then, sit in the courtroom until you hear your name called.
3. Sometimes there is almost no wait at all. Other times you may need to wait for one or two hours before you are called. When you are called, walk up to the front of the courtroom, directly in front of the judge. The judge will ask you a few questions. Just respond briefly and honestly. The questions are usually easy and never last very long. Sometimes, your name will not be called at all, because the judge decided not to ask you any questions.
4. Once the judge finishes deciding about all of the name changes, the name change files will be sent back down to the clerk. You and everyone else there will then be asked to wait off to the side in the clerk's office, usually for around 10 to 30 minutes, until the clerk is ready. Then, the clerk will give everyone instructions on what to do next.
5. Most of the time name changes are approved the first time. If yours is denied, be sure to get a copy of whatever the judge wrote explaining the reasons for the denial. Don't panic—many problems are very easy to fix and your name change will probably be granted on a second try. Call the Sylvia Rivera Law Project or another legal service provider right away if you want help.

## Publication and Service

1. If you haven't been excused from the publication requirement, the clerk will give you a photocopy of your name change order, which has already been signed by the judge, and explain the publication requirement. You will need to publish within 60 days of the date the order was signed. Then, you will need to file proof that you published within 90 days of the date the order was signed.
2. The order may say you have to publish in a certain paper. If you have a choice, the Irish Echo is the least expensive place to publish. It has a flat fee of \$30. If you submit the notice by Friday at 2 p.m., you can have it published in the edition that comes out the next Wednesday. Then, you can pick up the proof of publication that Friday. The New York Beacon is the second cheapest paper at \$37. The clerk will give you the addresses of the papers.
3. The judge might also have decided you need to "serve notice" of your name change on certain places, like the Division of Criminal Justice Services. If so, make a copy of the order and mail it to the address the clerk gives you. Be sure to take the envelope to the post office and have them give you a Certificate of Mailing (which costs less than \$1.00). This is your proof of service.

4. Once you have the proof of publication and/or service, go back to the court and give that proof to the clerk. If you missed the 60 or 90 day deadline, ask for a "nunc pro tunc" form so you can explain why you were late and ask the judge to accept your proof anyway. These requests are almost always approved.
5. Once your proof has been accepted, ***your name change is complete!***
6. You can then buy certified copies of your name change order for \$6 a piece. If you decide you need more later, you can always go back to court and get more. You can use the certified copy of the name change order to change your name on documents including your Social Security card, driver's license, state ID, Medicaid card, passport, immigration documents, or birth certificate among others.

## Name Change with Social Security

1. To apply for a new Social Security card with your correct name and your same number, you need a certified copy of your name change order.
2. If you were born outside the U.S., you also will need proof of U.S. citizenship (e.g. consular report of birth, U.S. passport, Certificate of Citizenship, or Certificate of Naturalization) or lawful alien status (e.g. INS Form I-551, I-688B, or I-766).
3. Fill out form SS-5. You can print out this form from [www.ssa.gov/online/ss-5.pdf](http://www.ssa.gov/online/ss-5.pdf) or get a copy in a Social Security office.
4. In the "Name" field on the top line, you should use your real current name (not your former legal name). On the second line list your previous legal name as it appears on your old Social Security card. Leave the third line ("Other names used") blank unless you have registered to work or received public benefits under other names.
5. Bring this information to a Social Security office. (For example, Bronx: 2770 3rd Ave, 2nd Fl.; Brooklyn: 625 Fulton St., 6th Fl; Manhattan: 26 Federal Plaza, 31st Fl; Queens: 136-65 37th Ave.; Staten Island 2389 Richmond Ave.) Your new card will arrive by mail in 1-2 weeks. There is no fee.

## Name Change at the DMV

1. You may have to change your name with Social Security before you can change your name with the DMV.
2. Go to a local DMV office. There are several DMV locations in New York City (for example, Bronx: 1350 Commerce Ave.; Brooklyn: 625 Atlantic Ave.; Manhattan: 1293-1311 Broadway, 8th Fl.; Queens: 168-35 Rockaway Blvd.; Staten Island: 141 E. Service Rd.).
3. Bring your driver's license, learner's permit or state ID card that displays your previous name. Bring a certified copy

of your name change order. If you do not already have a license or state ID you will need to show multiple other forms of identification and proof of birth. You can determine acceptable combinations of ID by reading [www.nydmv.state.ny.us/idlicense.htm](http://www.nydmv.state.ny.us/idlicense.htm).

4. Fill out the form MV-44. This form is available at the DMV, or you can print it out from [www.nysdmv.com/forms/mv44.pdf](http://www.nysdmv.com/forms/mv44.pdf) and bring it to the DMV.
5. At the top of the application where it says "I am applying for a," check the box that says "Change." Fill in your personal information. In the "Name" field, you should use your real current name (not your former legal name). There is a question that asks "Has your name changed?"; check the "Yes" box and in the field below write your previous legal name as it appears on your old license, learner's permit or ID card.
6. There is a fee of \$5 to get a new ID that displays your new name. Your new ID arrives by mail in two to four weeks. You will be given a temporary ID in the mean time. If this will be your first NY license or ID card, the fee will be somewhere around \$45.00 (the fee may vary depending on your age and the type of license or ID you need).

## Gender Change at the DMV

1. You can also change your gender designation at the DMV, even if you have not had surgery and do not take hormones.
2. You need a letter from a physician, psychologist or psychiatrist on letterhead stating that one gender predominates over the other and that you are a male or you are a female.
3. Bring that letter with your current license or state ID to a DMV office and fill out form MV-44. Check the box with the gender you want to appear on your ID, then under "Other Change" write that you are changing your gender designation. You can also make this change at the same time you change your name.
4. There is a \$3 fee to make the change. Again, your new license should arrive in two to four weeks and you will be issued a temporary license immediately.
5. Some employees may not be familiar with the official DMV policy on sex changes and may mistakenly believe that you need documentation of surgery. Ask to speak to a supervisor if that happens.
6. Whenever you go to the DMV, be prepared to spend two or more hours waiting on line.

**If you need help changing your name or gender with agencies other than those shown here, call SRLP at 212-337-8550.**