

IMPORANT DISCLAIMER: Last Updated March 1, 2025

Legal Guide to Changing Names and Gender Markers in Erie County, NY

Information for transgender, nonbinary, and gender non-conforming individuals and advocates

Last Updated: March 2025

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General Information

This guide is designed to help transgender, nonbinary, and gender non-conforming individuals ages eighteen and older to navigate the legal name change process in Erie County, New York.

It includes information about seeking a legal name change *pro se* (without the help of an attorney), changing your legal name on government-issued documents, changing your gender marker on government-issued documents, and changing your name and gender marker on other documents.

This guide has been updated as of March 1, 2025, to reflect recent changes in federal policies regarding gender markers. Please note that information may be out of date as policies are changing rapidly. Please refer to the other resources listed and linked throughout this guide for updated information but do not rely on them for legal advice.

Use the Table of Contents above to locate the relevant information. If you are stuck, confused, or overwhelmed, or are denied services while attempting to change your name or correct your documents, please contact Neighborhood Legal Services, Inc. at (716) 847-0650.

Learn more at <https://nls.org/>

New Federal Policies (2025)

Executive Order 14168

The White House, on January 20, 2025, issued Executive Order 14168. It prohibits individuals from changing their gender markers or “sex designation” with any federal agency. As of March 1, 2025, any application seeking any kind of gender marker change with the federal government had been suspended.

U.S. Passports

As of March 1, 2025, the State Department is no longer recognizing gender marker “X” and is no longer accepting passport renewals that request a gender marker change. However, the State Department is still processing [name change requests for passports](#).

All currently issued passports, including those with a gender marker “X” or those listing a gender marker different from a person’s “sex designation” at birth, will remain valid for travel until their listed expiration date.

If you submit a new passport application and have any identification documents that do not list matching gender markers, it is likely that your application will be denied.

Please refer to the [Department of State’s website](#) for updated policies.

U.S. Social Security Administration

As of March 1, 2025, the Social Security Administration (SSA) is not processing any gender marker changes. However, the SSA is still processing legal name changes.

Please refer to the [Social Security Administration's website](#) for updated policies

New York Law

The Gender Recognition Act

The Gender Recognition Act became law in New York State in June 2021, although not all sections were effective until June 24, 2022. The Act made several changes to the law, including:

“X” Gender Markers

The Gender Recognition Act allows New Yorkers to choose "M", "F", or "X" as a gender marker on New York State-issued birth certificates, driver's licenses, and non-driver identification cards.

Self-Attestation Standard

Under the Gender Recognition Act, New York now has a “self-attestation” standard regarding gender markers on State-issued documents. This means that you can check a box to self-select a gender marker. You do not need a doctor's note, medical testimony, a court order, a signed affidavit, or any other type of supporting documentation.

For gender markers on documents issued outside of New York State, New York has implemented a new process to “petition for change of sex designation.” This process has been added to the petition process for changing your name, meaning the same form is submitted to change both your legal name and your “sex designation.” **An order from a court granting a sex designation change is not required to change the gender markers on any documentation issued by New York State.** This process is discussed in further detail in the “Gender Marker Change” section of this guide.

Removal of Publication Requirement

The Gender Recognition Act eliminated the publication requirement for all name changes. This means someone who wants to change their name does not need to publish a notice in a local newspaper.

Name Changes on a Child's Birth Certificate

The Gender Recognition Act now allows parents to change their own name on a child's birth certificate and identify themselves as “mother,” “father,” or “parent.”

Legal Name Change Process

Overview

When changing your legal name or requesting a court order granting a sex designation change, you will need to submit certain documents with the Erie County Supreme Court at the Erie County Clerk's Office. **If you do not live in Erie County, you will need to file your documents listed below with the Supreme Court in the county where you live.**

Submitting the required documents can be done in person or by online filing (e-filing). After you have filed the necessary documents, a judge will review your case. The judge will contact you if more information is needed regarding your name change or sex designation change. Occasionally, the judge may require someone seeking a name or gender marker change to appear in court, depending on the circumstances of your case.

If the judge approves your name change or sex designation change, you will receive a signed “Order Granting Name Change and/or Sex Designation Change for Individual Adult” from the judge. After you receive the signed Order, you will then need to file it with the Erie County Clerk.

After you have done this, your name change will be complete. You need the Order to change the name on most of your documentation, such as your driver’s license or passport. You may also need the Order to change the gender marker on some documents, if applicable. **As of March 1, 2025, the federal government is not permitting gender marker changes on any federally issued documents. However, for documents issued by New York State, you do not need an Order. For New York State-issued documents, you can simply identify your gender yourself, known as the “self-attestation standard.”**

It is generally a good idea to get multiple certified copies of the Order and keep an extra certified copy in your records. You can obtain certified copies from the Erie County Clerk.

Forms

Name change forms are available at:

www.nycourts.gov/courthelp/namechange/forms.shtml

Required Documents

The first step in seeking a legal name change is filing the appropriate documents with the court. **You will need three forms:**

- Petition: “Name Change and/or Sex Designation Change Petition for Individual Adult,”** Form USC-NC1. (“Petition”)
- Order: “Order Granting Name Change and/or Sex Designation Change for Individual Adult,”** Form USC-NC01. (“Order”)
- Request for Judicial Intervention,** Form US-840. (“RIJ”)

Complete these documents electronically or, if handwritten, printed neatly in black ink.

Computer-assistance: The courts have a computer program that will help you to fill out these forms, called the Adult Name Change Petition Program. If you are 18 years of age or

older and you are not in prison, on probation, or on parole, you may use the New York Courts Name Change Petition Program to fill out the necessary forms for a name change. This will not file the forms but will fill in the forms for you. To use it, visit the [court website](#) and click on the form (these forms say “Type: DIY” (“Do It Yourself”). The link is also at the end of this Guide under “Additional Resources.”

You will also need:

- **Original or certified copy of your birth certificate**
 - If you were born in New York and no birth certificate is available, then a certificate from the Commissioner of the local Board of Health saying that no birth certificate is available will work
 - If you were born outside of the United States, you can provide a certificate or record of birth
- **Court fee of \$210** (The fee can be waived if you cannot afford it.)
 - To waive the fee, fill out and file these two forms. Both of these need to be notarized. That means they must be signed in front of a New York notary public. Do not sign these forms until you are in front of a notary public.
- **Notary:** You must have identification to notarize forms.
 - Many banks, UPS stores, courts, and county clerk offices have notaries. Some notaries charge a fee.
- **Optional Fee Waiver Forms:**
 - [“Poor Person Order” \(which may allow you to waive fees\)](#)
 - [Affidavit in Support of Application to Proceed as a Poor Person](#)

Petition

A petition is an application that asks the court to start your name change case. The petition must include specific information about you, such as:

- Your birth or other legal name and any previous names you have used.
- Your correct chosen name.
- Your address.
- Your birthday and the city you were born in.
- Why you are seeking a name change (this reason must be legitimate and non-fraudulent, meaning that you are not changing your name to commit fraud).
- If you were convicted of a crime, information about the crime, and time served. You can attach a copy of the Certificate of Incarceration or Certificate of Disposition to your Petition.
- If you were convicted of bankruptcy, when the judgment was made, and the terms. You can attach a copy of the judgment along with the Petition.
- If there are judgments or liens against you, when the judgment was made, who the judgment is owed to, and the amount of the judgment. A judgment is when a court

declares that you owe a debt to someone. A judgment shows up on your credit report. A lien happens when you owe a debt to someone and a legal claim for that amount is put on your income or property until that debt is paid back. If you have judgments or liens against you or your property, you can attach copies.

- If you are involved in a lawsuit, give the names of the people in the lawsuit, the reason for the lawsuit, the Index Number or Docket Number, and what court the lawsuit is in. You can attach copies of the court papers to your Petition.
- If you pay child or spousal support and how much. You can attach a copy of the support order.

Notary: You must sign (your current legal name) and date the petition before a notary.

Order

An order is a command from a judge. An [Order Granting Name Change and/or Sex Designation Change](#) will allow you to change your documentation to reflect your correct name on certain documents. It certifies that your name has been changed and/or that your sex designation has been changed. You should file this Proposed Order with your Petition.

As of March 1, 2025, this order may *not* compel the federal government to respect your appropriate gender marker or reflect the change in your gender marker on federally issued documents.

Request for Judicial Intervention Information (“RJI”)

Filing a [Request for Judicial Intervention](#) (RJI) form assigns a Judge to your case. For a name change and/or sex designation change, there is no cost to file an RJI form. After filing the RJI form with the County Clerk, you will get a receipt for the RJI.

You should file this with your Order and Petition.

Fee Waiver Information

A fee waiver waives the \$210 cost associated with opening a case. In order to waive the filing fees, you will need to fill out and file a [Poor Person Order](#) and an [Affidavit in Support of Application to Proceed as a Poor Person](#) when you file your petition.

You must sign (with your current legal name) and date the Affidavit in Support of Application to Proceed as a Poor Person in front of a notary public.

In addition to submitting these documents at the Chief Clerk's Office along with your other necessary documents (as is discussed below), you will also need to send a copy of each set of papers to the County Attorney to:

Erie County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

The County Attorney will review your papers and tell the Court if they agree with your financial hardship. If the County Attorney agrees with your financial hardship, you will receive a letter from the Judge stating that your fees have been waived. If the Judge waives your fees, you do not have to pay the \$210 filing fee. If the Judge denies your request, you must pay the filing fee of \$210 within 120 days after the date that the Name Change Order is signed.

Record Sealing

Effective December 2, 2024, all name change applications shall be immediately sealed upon filing. The court will take all necessary steps to seal and safeguard the applicant's:

- Current Name;
- Proposed New Name;
- Current Sex Designation;
- Address (Business and Residential);
- Telephone Numbers;

Or any other personal information to prevent disclosure or unauthorized use. No other party is allowed access to the application except by an Order of the Court.

Where to Go

After you have filled out the necessary forms, as well as gathered the additional necessary items and filing fee, you will need to take these documents to the **Erie County Clerk's Office, Actions & Proceedings Department, at 92 Franklin Street, Buffalo, NY**. You should get an index number for your case. After you receive an index number, go to the **Chief Clerk's Office at 25 Delaware Avenue, Ground Floor, Buffalo, NY**. There, submit a time-stamped copy of the RJI and all of your original completed documents. If you do not want to (or cannot) file your documents in person, you can file your papers over the [internet \(e-filing\)](#).

Checklist for Legal Name Change

Below is a checklist of the necessary steps for seeking a legal name change and/or sex designation change. Skip any steps that are not applicable to you.

- ❑ Fill out and notarize forms:
 - Petition
 - Order
 - Request for Judicial Intervention (RJI), and
 - Fee waiver form (optional) (“Poor Person Form”)
- ❑ Birth Certificate: Attach a copy of original or certified copy
- ❑ File documents with Erie County Supreme Court (or your county of residence) (in person or online – NYSCEF website)
 - Pay \$210 if you are not seeking a fee waiver
- ❑ Once the Order is granted, buy multiple certified copies of the final Order

A note about certified copies of the Order: After the court grants the name change, it costs \$5.20 for each certified copy of the Order. This cost may change from time to time. You may want to get a few copies, so you have them for your records. You need to send a certified copy with each request to change other documents, such as a NY driver’s license.

Gender Marker Change

Each specific documentation listed in the “Updating your Documentation” section of the guide will provide in-depth instructions about what is necessary for changing your gender marker on that identification document.

New York State-Issued Documents

No additional documentation is required to change your gender marker on identity documents issued by New York State. New York now operates on a “self-attestation” standard regarding gender markers on State-issued documents. This means that you can check a box at the Department of Health or the Department of Motor Vehicles to self-select a gender marker. The “self-attestation” standard is effective beginning June 24, 2022.

Federal Documents

As of March 1, 2025, the federal government is not allowing gender marker or “sex designation” changes to any federally issued documents, even if a New York court has issued an order recognizing a legal gender designation change.

Documents Issued by Other States

Documents issued by other states may require specific supporting documentation, such as a letter from a doctor or an Order Granting Sex Designation Change. More information about what a state may require can be found here: <https://transequality.org/documents>.

Updating Specific Documents

This portion of the guide will include information about how to update various identity documentation after you have received your Name Change Order from the court.

U.S. Passport

As of March 1, 2025, some people may not want to attempt to change their gender marker on their passport because the federal government has indicated that it will not process any gender marker changes on passports.

To update your passport, you will need to submit the following documents to a local passport agency or post office:

- **Evidence of U.S. citizenship.** This can be:
 - Fully-valid, undamaged U.S. passport (may be expired)
 - U.S. birth certificate that meets the following requirements:
 - Issued by the city, county, or state of birth
 - Lists your full name, date of birth, and place of birth
 - Lists your parent(s)' full names
 - Has the date filed with registrar's office (must be within one year of birth)
 - Has the registrar's signature
 - Has the seal of the issuing authority
 - Consular Report of Birth Abroad or Certification of Birth
 - Certificate of Naturalization
 - Certificate of Citizenship
- **Photocopy of evidence of U.S. citizenship** (front and back, if there is printed information on both sides). Photocopies must be:
 - Legible
 - On white 8.5 inch x 11 inch standard paper
 - Black and white
 - Single sided
- **Photo ID** that “resembles your current appearance.” Acceptable forms of ID are:

- Valid or expired, undamaged U.S. passport book or passport card
- In-state, fully valid driver's license or enhanced driver's license with photo
- Certificate of Naturalization
- Certificate of Citizenship
- Government employee ID (city, county, state, or federal)
- U.S. military or military dependent ID
- Current (valid) foreign passport
- Matricula Consular (Mexican Consular ID) - commonly used by a parent of a U.S. citizen child applicant
- U.S. Permanent Resident Card (Green Card) - commonly used by a parent of a U.S. citizen child applicant
- Trusted Traveler IDs (including valid Global Entry, FAST, SENTRI, and NEXUS cards)
- Enhanced Tribal Cards and Native American Tribal Photo IDs;
- Other documents: In-state, fully valid learner's permit with photo; in-state, fully valid non-driver ID with photo; and temporary driver's license with photo. Note: you may be asked to present an additional ID when presenting one of these 3 documents.
- If you present an out-of-state ID, you must present an additional ID.
- **Photocopy of photo ID** (front and back, if there is printed information on both sides). Photocopies must be:
 - Legible
 - On white 8.5-inch x 11-inch standard paper
 - Black and white
 - Single sided
- **A 2-inch x 2-inch passport photo that “resembles your current appearance”** (these can be taken at some post offices, the Niagara County Clerk’s Office, and pharmacies like Walgreens)
- **Original or Certified Copy of Name Change Court Order**
- **Your social security card**

Fees: \$110 for an updated passport book or \$30 for an updated passport card (this fee may change)

For standard processing method of 10-12 weeks, there are no additional fees. For an expedited processing method 4-6 weeks, there is an additional fee of \$60. There is no cost for standard delivery of your updated passport book and/or card. For faster delivery, there is a fee of \$17.13. Your supporting documents (such as previous passports/birth certificates) will be returned to you via USPS first class mail.

U.S. Social Security Card

In order to update your social security card, you will need to do this with the Social Security Administration. You may update your with the Social Security Administration either in person or by mail. Many people have their social security cards updated first. There is **no cost** to update your name on your social security card. As of March 1, 2025, the Social Security Administration is not accepting applications for gender marker or “sex designation” changes.

The following documents are necessary to change your name with the Social Security Administration:

Form SS-5 (On this form, be sure to use your corrected name. This is the information that will replace the previous information.)

Certified copy of Order Granting Name Change

Original Birth Certificate

Current (not expired) U.S. driver’s license, U.S. passport, or state-issued non-driver ID card - If you do not have one of these documents to prove identity and you cannot get a replacement within 10 days, you can also supply another current photograph identification document that shows your name, identifying information, a picture of yourself, and your age or date of birth.

- **Current social security card**
- **Proof of U.S. Citizenship** (if you are a U.S. citizen) – this can be one of the following:
 - U.S. Birth Certificate
 - U.S. Passport
 - Certificate of Naturalization
 - Certificate of Citizenship
 - Certificate of Report of Birth
 - Consular Report of Birth Abroad
- **Proof of Immigration** (if you are not a U.S. citizen) – this can be one of the following:
 - Form I-551 (Lawful Permanent Resident Card, Machine Readable Immigrant Visa) with your unexpired foreign passport;
 - I-766 (Employment Authorization Document, EAD, work permit); or
 - I-94 (Arrival/Departure Record) or admission stamp in the unexpired foreign passport.
 - If you’re an F-1 or M-1 student, you will also need to provide your I-20 (Certificate of Eligibility for Nonimmigrant Student Status).
 - If you’re a J-1 or J-2 exchange visitor, you will also need to provide your DS-2019 (Certificate of Eligibility for Exchange Visitor Status).

The documentation must all be originals or certified copies from the issuing agency. The social security office will not accept photocopies, notarized copies of documents, or receipts showing you applied for the document.

New York Driver's License, Driver's Permit, or Non-Driver ID

In order to update your driver's license, learner permit, commercial driver license, or non-driver ID card, you will need to go to the DMV. There is a fee of \$12.50 to update your driver's license or learner permit and a fee of \$5 to update your non-driver ID card.

The following documents are necessary to change your name on your driver's license, permit, or non-driver ID card:

A completed **Application for Permit, Driver's License, or Non-Driver ID Card (MV-44)** (Be sure to fill out this form with your corrected name and gender marker) .

- Your **current license, permit, or non-driver ID card**, or at least 6 points of proof of identity and proof of date of birth
 - Visit [the DMV website](#) to determine what forms of ID are necessary to fulfill the 6 points of proof of identity and date of birth
- Original or certified copy of the **Order Granting Name Change and/or Sex Designation Change**

If you are changing your gender marker, you will need to indicate your corrected gender marker when filling out the Application for Permit, Driver's License, or Non-Driver ID Card. You will not be required to provide any supporting documentation to change your gender marker.

When changing your name and/or gender marker on a driver's license, permit, or non-driver ID at the DMV, you will be required to take a new ID photo. You can also update your voter registration records at the same time you submit a name change with the DMV.

Vehicle Registration and Title

If you update your driver's license, learner's permit, or non-driver ID, you must also update your vehicle registration and title. There is no fee to update your registration documents and title certificate with your corrected name.

The following documents are necessary to change your name on your vehicle registration and title:

- Your **current title** or other acceptable proof of ownership
- A completed **Vehicle Registration/Title Application (MV-82)**
- Your **current license, permit, or non-driver ID**

- Original or certified copy of your **Order Granting Name Change and/or Sex Designation Change**

Appealing a Denial of Updated Driver’s License, Permit, or Non-Driver ID Card

If you are denied an updated driver’s license, permit, or non-driver ID card, you can appeal the denial. This is done by submitting a completed **Administrative Appeal Form (AA-33A)** by mail to:

DMV Appeals Board
P.O. Box 2935
Albany, NY 12220-0935

Along with the Administrative Appeal Form, you must send a **\$10 Appeal Fee**. This fee must be paid by check or money order made payable to the “Commissioner of Motor Vehicles.”

The Administrative Appeal Form and \$10 Appeal Fee must be postmarked no more than sixty (60) days after the date of your denial.

New York State Department of Health

In order to update the name and gender marker on your New York State Birth Certificate, you must submit the following documents to the New York State Department of Health:

- Completed and signed **Application for Correction of Certificate of Birth for Gender Designation for an Adult** ([Form DOH 5305](#))
- Notarized **Affidavit of Gender Error for a Person 17 Years of Age or Older** ([Form DOH 5303](#))
- Certified copy of your current **birth certificate**
- Original or certified copy of the **Name Change Court Order**
- Payment of fee by check or **money order** payable to the New York State Department of Health (There is a fee of \$30 per birth certificate copy)

Applications and other necessary documents should be submitted by mail to:

New York State Department of Health
Director of Vital Records
Attention: Guy Warner

Personal and Confidential
800 North Pearl Street 2nd Floor
Albany, NY 12204

New York City issues birth certificates separately from the rest of New York State. If you were born in New York City, see the [Sylvia Rivera Law Project's guide](#) to New York City birth certificate gender/name corrections.

If you were born outside of New York State, visit the [National Center for Transgender Equality's ID Documents Center](#) or call the Department of Health or Bureau of Vital Statistics for the state in which you were born for information about specific state guidelines.

School Records and Diplomas

In most cases, submitting a copy of a name change order to a school secretary or Registrar is adequate for updating your name in school records. However, you should contact the institution to ask what exact documentation is required. You may also want to ask about how to obtain an updated copy of your high school or college diploma.

Voter Registration

If you change your name with the DMV, you can update your voter registration records at the same time. You can also [update your voter registration records online](#).

To you update your name on your New York voter record directly with County Board of Elections, you can submit a [New York State Voter Registration Form](#) by mail or in person to the address of the appropriate county board of elections listed on the form.

If you need to check if you are registered to vote, or are looking for information regarding your polling place or early voting, visit: <https://www.nass.org/can-i-vote>

New York State Common Benefit Identification Card

If you have a New York State Common Benefit Identification Card (also referred to as an EBT card), you will want to update your information by calling the customer service helpline at 1-888-328-6399. A Common Benefit Identification Card is used to identify the holder as a beneficiary for state benefits, such as SNAP, Medicaid, and cash benefits.

New York State Department of Health Benefits

If you receive benefits from the New York State Department of Health (such as Medicaid), you will need to update with them by calling 1-855-355-5777 or by logging into your web login and uploading the appropriate documents.

Other Documents to Update

You may also want to update your name and/or gender marker with other services, employers, and agencies. This may include:

- Employers, Unions, and Professional Organizations
- Bank Accounts and Checks
- Mortgages and Loans
- Credit Cards
- Landlords/Leases
- Insurance
- Educational Programs
- Immigration ID with U.S. Citizenship & Immigration Services
- Department of Corrections & Community Supervision/Parole Office
- Utilities
- Doctors, dentists, therapists, counselors, and other medical professionals
- Will
- Healthcare proxy

This is not a complete list. Most of these can simply be changed using a (non-certified) photocopy of your name change Order and/or a letter from your doctor. However, to be sure, contact these entities directly to see if they require a certified copy.

For more information on changing additional documents visit:

<https://srtp.org/resources/changeid/#otheritems>

Checklist

Below is a list of common documents to update with your new legal name and/or gender marker. Skip any documents that are not applicable to you.

- Social Security card

Driver's license, learner permit, commercial driver license, or non-driver ID card

- Vehicle registration and title
- Birth certificate
- Passport (See previous notes about current rules.)
- School records and diplomas
- Selective Service System
- Voter registration
- New York State Common Benefit Identification Card
- Employers
- Workers unions
- Professional organizations
- Credit cards
- Bank accounts and checks
- Housing documents: mortgages and leases
- Department of Corrections & community supervision/Parole Office
- Insurance (health insurance, car insurance, life insurance, homeowners/rental insurance, etc.)
- Property titles, deeds
- Homeowners' association/management agency
- Utilities
- Health insurance, healthcare proxy, doctors, dentists, and counselors
- Wills and trusts

Please consult an attorney as new Presidential Executive Orders may impact these rules.

- Immigration ID with U.S. Citizenship & Immigration Services

Additional Resources

Below is a list of additional resources regarding name changes for trans individuals:

- [Online Program for Completing Forms](#)
- [Name Change Basics for New York State](#)
- [Poor Person Application Procedure for Erie County](#)
- [8th Judicial District Forms for the Self Represented](#)
- [National Center for Transgender Equality's ID Documents Center for New York](#)
- [Sylvia Rivera Law Project's ID Change Resource](#)