

NAME & GENDER CHANGE GUIDE FOR OHIO RESIDENTS (ADULTS)

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing an adult's name and gender on identity documents. Note that some steps may have changed since this guide was created, and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

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Need further assistance? Come to the
NAME & GENDER CHANGE LEGAL CLINIC

Equitas Health, TransOhio, and Equality Ohio hold regular Name & Gender Change Legal Clinics to help people who live in Ohio or were born in Ohio navigate the legal and administrative name and gender designation change process. For more information, visit equitashealth.com/legalclinic or call 614-340-6729.



INTRODUCTION

This guide provides an outline for adult Ohio residents who wish to change their legal name or gender marker on identity documents and other records. An “adult” is someone age 18 or older. Listed below are the most common steps taken to make these changes. Keep in mind that each person may have unique needs or goals that require a different approach.

We encourage you to attend the Name & Gender Change Legal Clinic to discuss your specific situation and goals. This can be a daunting process, and we are happy to guide you through the name and gender change steps. For more information, visit equitashealth.com/legalclinic, call 614-340-6729, or contact TransOhio.

This guide was developed by Ben Cooper, of Cooper Elliott, with special thanks and gratitude to Whitman-Walker Health, the ACLU of Ohio, and TransOhio. Please send errors or suggestions to benc@cooperelliott.com.

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I. GETTING A COURT ORDER FOR NAME CHANGE

The first step in changing your name in Ohio is to get a court order recognizing your name change.¹ The typical steps are:

- file an “application” in the Probate Court of the county you live in,
- publish notice of a hearing about your application (*if required by the Probate Court*), and
- attend a hearing about your application (*if required by the Probate Court*).

Each part is explained in more detail below.

SPECIAL NOTE FOR MINORS: A minor is someone under age 18. There are separate forms and requirements for minors and their parents/legal guardians to change the minor’s name. Please see the separate Name and Gender Change Guide for Ohio Residents (Minors).

A. Application for Change of Name

Where to File. You must file your name change application in the Probate Court for the county you live in.² You must have been a resident of that county for at least sixty days before you can file.³

What to File. In general, you will need all of the following:

- 1) **Application for Change of Name of Adult.**⁴ Many probate courts use Ohio Supreme Court Probate Form 21.0, but you should double check with your court.
- 2) **Affidavit in Support of Application for Change of Name of Adult.**⁵ Many probate courts use Ohio Supreme Court Probate Form 21.01, but you should double check with your court.

¹ New laws about the name change process went into effect on August 17, 2021. Some courts may not yet have updated their forms or instructions in light of the new laws.

² Ohio Revised Code § 2717.02.

³ Ohio Revised Code § 2717.03(A).

⁴ Ohio Revised Code § 2717.02 & .03.

⁵ Ohio Revised Code § 2717.06.

- 3) **Judgment Entry – Change of Name of Adult.** Many probate courts use Ohio Supreme Court Probate Form 21.1, but you should double check with your court.
- 4) **Valid (unexpired) identification,** like a current driver’s license, state-issued ID card, or passport.
- 5) **Filing fee.** This varies from county to county.
- 6) *(If required by your court)* **Notice of Hearing on Change of Name.** Many probate courts use Ohio Supreme Court Probate Form 21.5, but you should double check with your court.

Many probate courts use standard forms that are published by the Ohio Supreme Court. Those forms can be found here:

https://www.supremecourt.ohio.gov/legalresources/rules/superintendence/probate_forms.

But many other probate courts have special forms or additional requirements for changing your name.

*****Visit Equitas Health’s website (equitashealth.com/legalclinic) for your county’s specific requirements.*****

It’s always a good idea to confirm your county’s requirements by checking your probate court’s website, or by calling your probate court clerk’s office.

General tips for filling out the Ohio Supreme Court’s standard forms:

- 1) **Application for Change of Name of Adult** (Ohio Supreme Court Form 21.0)
 - Where it says “present name,” write your full current legal name.
 - Use your full middle name instead of your middle initial.
 - You may leave “Case No.” blank. The court will fill it out.
 - You are required to list the reason for your name change. Some people list: “This is my preferred name, and I want to obtain proper identification” or “I have used [name] for [number] years and it conforms to my gender identity.”
 - You must sign the application with your current legal name.
 - You do not have to have an attorney. If there is space for an attorney’s information, you may leave that part blank.

2) Affidavit in Support of Application for Change of Name of Adult (Ohio Supreme Court Form 21.01)

- Where it says “present name,” write your full current legal name.
- Use your full middle name instead of your middle initial.
- You may leave “Case No.” blank. The court will fill it out.
- Check each box (#1 through #5), assuming they are all true for you.
- You must sign the affidavit in front of a notary.
- You must sign the affidavit with your current legal name.

3) Judgment Entry – Change of Name of Adult (Ohio Supreme Court Form 21.1)

- Fill out the top, except for “Case No.”
- Where it says “On _____ an application for change of name was heard...” – you may leave that blank. The court will fill it out later.
- Fill out the rest, except where the probate judge and deputy clerk sign.

**4) Notice of Hearing on Change of Name (Ohio Supreme Court Form 21.5)
(If required by your court)**

- Where it says “A hearing on the Application will be held on _____...” – you may leave that blank. If required, the court will set the hearing date and time.
- You must sign the application with your current legal name.

B. Publication of Notice of the Hearing (if required by your court)

Once you file your name change application, the court may (but is not required to) hold a hearing about your application.⁶

If the court does decide to hold a hearing, it will set a date and time. The court will also probably require you to publish a notice of the hearing. Each court can decide what must be in

⁶ Ohio Revised Code § 2717.08. The law used to require probate courts to hold a hearing and to publish notice of that hearing. As of August 2021, however, the law no longer requires courts to hold a hearing or publish notice. The hearing is optional and up to the court.

the notice, and how and where the notice should be published.⁷ Many courts require that the notice be published in a newspaper in the county you live in.⁸

Visit Equitas Health’s website (equitashealth.com/legalclinic) for the specific information about your county’s publication requirements and fees. Again, it’s a good idea to double-check this information with your probate court’s website or by calling the clerk’s office.

- Some county courts will get the notice published for you. If so, great!
- If your county requires you to publish the notice yourself, ask the court clerk:
 - What newspapers are acceptable to publish in?
 - Is there a form to give or send to the newspaper?
 - What is required to prove that the notice was actually published?

NOTE: If you believe publication of the notice will jeopardize your personal safety, you may ask the court to waive the publication requirement and seal the records of your name change.⁹ To do this, you must file an Application to Waive Publication Requirement and Seal File (sometimes called Form 21.6). You must explain why the notice would jeopardize your safety. You can attach exhibits in support of the application. The court has the discretion to grant or deny your application to waive the publication requirement.

C. Hearing at the Probate Court (*if required by your court*)

If the court decides to hold a hearing about your name change application, you must appear at the date and time listed on the Judgment Entry Setting Hearing. The hearing is typically scheduled to occur 45 to 90 days after the date you file your application, but it varies from court to court.

If you will be late or will miss your court date, you must call the Clerk in advance.

What to take with you to court:

- Copies of your name change application filings,
- Certified copy of your birth certificate (*if required by your court*),
- Unexpired Photo ID, and
- Proof of publication of the notice of hearing (*if required by your court*).

⁷ Ohio Revised Code § 2717.08.

⁸ Ohio law used to require that a notice be published in a “newspaper of general circulation” in your county. As of August 2021, however, Ohio law no longer *requires* that a notice be published in a newspaper. *See* Ohio Revised Code § 2717.08. Where the notice is published is up to the court.

⁹ Ohio Revised Code § 2717.11.

When you get to the Probate Court, you will usually wait in the assigned courtroom or out in the hall until your case is called. During the hearing, the Judge will likely ask you questions about your name change application. Answer respectfully and truthfully.

The judge might ask *Why do you want to change your name?* Some people respond with: “[Name] is my preferred name and I want to get proper identification,” or “[Name] has been my name for [number] years, and it fits my gender identity.”

If you encounter a problem during the hearing, you may ask the judge for a continuance so you can consult with an attorney. The judge has the discretion to approve or deny that request. If the judge grants the continuance, contact TransOhio.

* * *

Once the Judge has approved your application, you will receive certified copies of the court order approving your name change. This court order is sometimes called a “Judgment Entry for Name Change.” Congrats!

The certified court order approving your name change is the key to updating your legal name everywhere. It’s a good idea to have a few extra certified copies of the court order on hand. We recommend you ask for at least six certified copies of the court order.

II. CHANGING NAME & GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (the “SSA”).

A. Name Change

To apply for a name change with the SSA, you will need all of the following:

- 1) **Completed Application for Social Security Card** (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>).
- 2) **Certified copy of the court order approving your name change.**
- 3) **Valid (unexpired) identification**, like a driver’s license, state-issued ID card, or U.S. passport (it’s okay if your ID includes your former name).
- 4) **Proof of U.S. citizenship or lawful immigration status**, like a U.S. passport, birth certificate, or immigration documentation (it’s okay if your proof includes your former name).

You may mail the above materials to your local Social Security office, or you may apply in person. Find your nearest Social Security office here: <http://www.ssa.gov/locator>.

Your new Social Security card, as well as any documents you submitted with your application, will be sent to you in the mail.

There is no fee to update your Social Security records or receive a new Social Security card.

B. Gender Marker Change

Even though gender isn’t listed on your Social Security card, the SSA keeps a record of your gender. You may update your gender marker before, at the same time, or after you update your name.

To apply to change your gender with the SSA, you will need all of the following:

- 1) **Completed Application for Social Security Card** (Form SS-5: <http://www.ssa.gov/online/ss-5.pdf>).

--> Tip: on the “Sex” line, check the box for your updated gender marker.

- 2) **Valid (unexpired) identification**, like a driver's license, state-issued ID card, or U.S. passport (it's okay if your ID includes your former name).
- 3) **Proof of U.S. citizenship or lawful immigration status**, like a U.S. passport, birth certificate, or immigration documentation (it's okay if your proof includes your former name).

And that's it!

A NOTE ABOUT DOCTOR'S LETTERS: There is no need to provide any medical or legal evidence of your gender designation.¹⁰ You do not have to provide a doctor's letter (or any other evidence of your gender designation) to adjust the gender marker.

The Social Security Administration will accept your self-identified sex designation, even if it is different from the sex designation shown on your other identity documents.¹¹ Simply check the box for your updated gender marker when filling out the application mentioned above.

You may mail the above materials to your local Social Security office, or you may apply in person. Find your nearest Social Security office here: <http://www.ssa.gov/locator>.

Your new Social Security card, as well as any documents you submitted with your application, will be sent to you in the mail.

There is no fee to update your Social Security records or receive a new Social Security card.

¹⁰ <https://faq.ssa.gov/en-us/Topic/article/KA-01453>.

¹¹ <https://secure.ssa.gov/poms.nsf/lnx/0110212200>.

III. CHANGING NAME & GENDER WITH THE OHIO BUREAU OF MOTOR VEHICLES (BMV)

Note: If you plan to update your name and your gender on your driver's license/ID, it will save money to change both at the same time (in other words, wait to update until after your name change hearing). That way you'll only pay for one new license/ID.

A. Name Change

To update your name on your Ohio driver's license or Ohio ID card, take both of the following to any local BMV license agency:

- 1) **Your current driver's license or ID card;** and
- 2) **A certified copy of the court order approving your name change.**

The BMV should issue you a new license or ID card with your updated name. At this time, you may also update your name on your voter registration.

If your driver's license/ID has been expired for more than six months, or if you do not have a copy of your driver's license/ID, see <http://bmv.ohio.gov/dl-renewal-current.aspx> for additional requirements.

See here for the fees: <http://www.bmv.ohio.gov/links/bmv-all-fees.pdf>.

B. Gender Marker Change

To update your gender marker on your Ohio driver's license or ID card, complete these steps:

- 1) **Complete the Declaration of Gender Change form (BMV Form 2369).**

The Declaration of Gender Change form is available here:
<http://publicsafety.ohio.gov/links/bmv2369.pdf>.

You must complete the parts "To Be Completed by Applicant" and "Release of Information."

The bottom half, called "Licensed Professional's Statement," must be completed by a licensed physician, nurse practitioner, psychologist, therapist, or social worker. The licensed professional does not have to be licensed in Ohio, but they must be licensed in the United States. The licensed professional must certify that (a) you are their patient, (b) their practice includes the treatment and counseling of persons with gender identity concerns, and (c) in their professional opinion, your

gender identity is (male or female). No additional evidence of your transition, such as medical records or a letter from a surgeon, is required.

***Once the form is completed, make a copy for your records.

2) Mail or fax the completed Declaration of Gender form to the BMV.

Mail or fax the completed form to:

Ohio Department of Public Safety
Bureau of Motor Vehicles
Attn: License Control
P.O. Box 16784
Columbus, Ohio 43216

Phone: (844) 644-6268
Fax: (614) 752-7306

In 7-10 days, you will be notified by letter if the gender change is approved, and you will receive a document that may be presented to any local BMV license agency.

3) Once you receive the letter, take the following documents to any local BMV license agency:

- **Your current driver's license or ID card; and**
- **Declaration of Gender Change approval letter.**

The BMV should issue you a new license or ID card with your updated gender marker. (Be prepared to take a new photo!) Also, note that your old driver's license/ID must be surrendered.

If your driver's license/ID has been expired for more than six months, or if you do not have a copy of your driver's license/ID, see <http://bmv.ohio.gov/dl-renewal-current.aspx> for additional requirements.

See here for the fees: <http://www.bmv.ohio.gov/links/bmv-all-fees.pdf>.

IV. CHANGING NAME & GENDER ON A U.S. PASSPORT

A. Name and Gender Marker Change on an Existing Passport, or Gender Marker Change (only) on an Existing Passport, or Getting a Passport for the First Time

If you want to update both your name and gender marker, to update your gender marker only, to get your first passport, or to get a passport after your old passport has expired, **you must apply in person**. Find your local Passport Acceptance Facility here: <http://iafdb.travel.state.gov>.

As of June 2021, you can obtain a passport reflecting your gender simply by submitting an application with the chosen gender marker selected (M, F, or X). There is no need for any medical history or documentation. The gender you select does not need to match the gender on your other documentation.

You will need to submit all of the following:

- 1) **Completed Application for a U.S. Passport** (Form DS-11, which can be found here: <http://travel.state.gov/content/passports/en/passports/forms.html>). Select M, F, or X for your gender. You do not need to provide medical documentation or a physician's letter, even if the gender you select on Form DS-11 does not match the gender on your previous passport or other documents.
- 2) **Proof of U.S. citizenship**, such as a previous U.S. passport, certified birth certificate, certificate of naturalization, or report of birth abroad (it's okay if the document includes your former name or different gender marker). You must submit the original (or certified copy) and provide a photocopy of the front and back with your application.
- 3) **Proof of identity** that contains your signature and photograph that is "a good likeness to you," such as a previous passport, driver's license, certificate of naturalization, or military ID (it's okay if your ID includes your former name). You must present the original and provide a copy of the front and back with your application.
- 4) **Recent color photograph 2x2 inches in size**. Read the application's instructions for the specific guidelines you must follow for your photo.
- 5) **Certified copy of the court order approving your name change** (if updating your name).
- 6) **Fee**. See here for the amount: <http://travel.state.gov/content/passports/en/passports/information/fees.html>.

B. Name Change (only) on an Existing Passport

If you already have a valid passport and only want to update your name, you may apply by mail.

You will need to submit all of the following:

- 1) **Completed U.S. Passport Renewal Application** (Form DS-82, which can be found here: <http://travel.state.gov/content/passports/en/passports/forms.html>).
- 2) **Your most recent passport** (book or card).
- 3) **Recent color photograph 2x2 inches in size.** Read the application's instructions for the specific guidelines you must follow for your photo.
- 4) **Certified copy of the court order approving your name change.**
- 5) **Fee.** See here for the amount:
<http://travel.state.gov/content/passports/en/passports/information/fees.html>.

C. Passport Card

A U.S. passport card is a wallet-sized card that looks like a driver's license. It is significantly less expensive than a traditional passport book. It may be used as everyday identification and proof of U.S. citizenship.

A passport card cannot be used for international air travel, however.

Application forms and documentation requirements for a passport card are the same as those for a passport book. Simply check "passport card" on the application form.

V. CHANGING NAME WITH THE SELECTIVE SERVICE

A. Individuals Assigned Female at Birth

People assigned female at birth, regardless of their current gender or transition status, do not have to register with the Selective Service.

However, if you are applying for federal financial aid, grants, loans, or other benefits as a man, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a **Status Information Letter**.

To request a Status Information Letter, call 888-655-1825 or download a request form here: <https://www.sss.gov/verify/sil>. You must provide a copy of your birth certificate showing your birth-assigned sex. (If the sex on your birth certificate has been changed, attach proof showing that.) If you changed your name, also provide a copy of the court order approving your name change.

This service is free. Also, the Status Information Letter itself does not specify why you are exempt, so it will not force you to out yourself in any other application process.

B. Individuals Assigned Male at Birth

People assigned male at birth, regardless of their current gender or transition status, must register with the Selective Service within thirty days of their eighteenth birthday. You may register online at <http://www.sss.gov>, or by mailing a registration form available at any post office.

You still must register even though it is currently unclear whether transgender people are eligible for military service. Registration is necessary to access certain government benefits.

If you change your name, you must notify the Selective Service. You can notify the Selective Service in either of these ways:

- Fill out a Change of Information Form (called SSS Form 2), which is available at any post office. You must attach a certified copy of the court order changing your name.

OR

- Mail a letter to Selective Service. In the letter, include your full name, Social Security Number, Selective Service Number, date of birth, current mailing address and new name. You must attach a certified copy of the court order changing your name.

You are not required to notify the Selective Service of a change in gender. Selective Service policy is entirely based on birth-assigned sex.

VI. CHANGING NAME & GENDER WITH INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance

Name Change: You should inform your insurance companies (e.g., health, property, auto, life) immediately after you receive your court order approving your name change. They may ask you to provide a certified copy of your court order.

Gender Marker Change: You should talk with your doctor about whether to update your gender marker with your health insurance company. It's important that your health insurance company's records match your doctor's records to avoid confusion and delay or denial of claims. Your doctor may opt to keep filing claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to either your new or previous gender, contact Equitas Health.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, creditors, and financial institutions of your name change immediately after you receive your court order approving your name change. They may ask you to provide a certified copy of your court order.

You may also wish to inform the credit bureaus (Equifax, Experian, and TransUnion) of your name change.

C. Military Records

Veterans may wish to update their military records with their changed name or gender marker. To do so, follow the Transgender American Veterans Association's guide here: <https://www.transveteran.org/name-gender-change>.

D. Other Legal Documents

After you receive the court order changing your name, it's a good idea to change your name in any legal documents that name you, such as a lease, mortgage, will, power of attorney, or deed. Updating your name on these documents ensures that your rights and powers in the documents remain intact.

You may also consider updating your name and gender marker in your education records, such as high school or college transcripts and diplomas.

VII. CHANGING NAME & GENDER ON NATURALIZATION/CITIZENSHIP DOCUMENTS

To update your name and gender on any immigration document, follow Advocates for Trans Equality's guide here: <https://transequality.org/documents/immigration-documents>.

VIII. CHANGING NAME & GENDER ON A BIRTH CERTIFICATE

SPECIAL NOTE FOR MINORS: A minor is someone under age 18. There are separate forms and requirements for minors and their parents/legal guardians to change the minor’s name or gender marker on a birth certificate. Please see the separate Name and Gender Change Guide for Ohio Residents (Minors).

A. Birth Certificates Issued in Ohio – Name Change

To update your name on an Ohio birth certificate, provide a certified copy of the court order recognizing your name change to the Ohio Department of Health’s Bureau of Vital Statistics.

You may mail the certified copy of the name change court order to:

Ohio Department of Health
Bureau of Vital Statistics
P.O. Box 15098
Columbus, Ohio 43215

It may take 4-6 weeks to process the name change.

Once processed, the updated name will appear on the birth certificate. In addition, a footnote will appear on the birth certificate indicating that a legal name change is on file.

You may request a copy of your new birth certificate by completing an “Application for Certified Copies,” which is available on the Bureau of Vital Statistics website, along with a fee.

If you have questions, contact the Bureau of Vital Statistics at 614-466-2531 or VitalStat@odh.ohio.gov.

B. Birth Certificates Issued in Ohio – Gender Marker Change

In 2021, Ohio implemented a new process to update a gender marker on an Ohio birth certificate. This process currently requires an order from a probate court for “correction of birth record.” The court order will then be sent to the Ohio Department of Health’s Bureau of Vital Statistics, which will automatically update your gender marker.

This is an evolving area of law. As of November 2024, the probate courts of some Ohio counties will issue these orders (see process below). But other probate courts think that Ohio law does not allow them to issue these orders.¹²

¹² In November 2024, the Ohio Supreme Court issued *In re Application for Correction of Birth Record of Adelaide*, 2024-Ohio-5393. The case was supposed to address whether Ohio Revised Code § 3705.15 allows a probate court

Because this process is still evolving, we strongly encourage you to attend a Name and Gender Change Legal Clinic or consult with an attorney before filing an application.

To get the “correction of birth record” court order from an Ohio court:

Where to File. You may file an Application for Correction of Birth Record in any of these probate courts in Ohio:

- probate court of the county you were born in,
- probate court of the county you currently reside in, or
- probate court of the county where your mother resided at the time you were born.¹³

What to File. This process is new in Ohio, and some probate courts are still deciding what materials to require. Some probate courts also have special forms for this process. In general, you will probably need:

- 1) **Application for Correction of Birth Record.** Most probate courts will probably accept Ohio Supreme Court Probate Form 30.0,¹⁴ but you should double check with your court.

Form 30.0 is available here:

https://www.supremecourt.ohio.gov/docs/LegalResources/Rules/superintendence/probate_forms/birthCertificate/30.0.pdf.

- 2) **Certified copy of birth certificate.**
- 3) **Valid (unexpired) identification**, like a current driver’s license, state-issued ID card, or passport.
- 4) **Filing fee.** This varies from county to county.

to order a sex marker correction on a transgender person’s birth certificate. The Supreme Court was unable to reach a majority decision, so there is still no controlling Supreme Court case law on this issue.

¹³ Ohio Revised Code § 3705.15. Note, however, that probate courts in certain counties do not believe that this law allows them to issue orders correcting a gender marker for a transgender person.

¹⁴ According to the Ohio Supreme Court’s Office of Public Information, Probate Form 30.0 was created “in response to recent federal litigation concerning the ability of transgender Ohioans to change their gender designation.” http://courtnewsOhio.gov/happening/2021/birthCertificateRule_081721.asp#.YYnYRC-B1hA (last visited Nov. 8, 2021). It is “for use by those seeking to correct their birth certificate.”

Some probate courts may have additional requirements.

***** Please confirm your county's requirements by checking the probate court's website, or by calling the probate court clerk's office.*****

General tips for filling out the Ohio Supreme Court's standard form:

1) Application for Correction of Birth Record (Ohio Supreme Court Probate Form 30.0)

- Where it says “In the matter of the correction of birth record of _____,” write your full current legal name.
- You may leave “Case No.” blank. The court will fill it out.
- Fill out the rest of Page 1.
- Sign the application with your current legal name in front of a notary.
- Page 2 is titled “Judgment Entry Ordering Correction of Birth Record.” You can leave that blank. The court will fill it out.
- Page 3 is titled “Supporting Affidavits.”
 - You may skip the affidavit of physician on page 3 of this form because that one is only for use by a physician who witnessed the birth, and who will attest that the gender marked on the original birth certificate was erroneous.
 - When that is not the case, Form 30.0 states that the applicant must submit affidavits of two people who have “personal knowledge of the facts” supporting the request for your gender marker change. Both people must sign their affidavit in front of a notary.

Special note on medical documentation: The Ohio Supreme Court's standard form does not explicitly require any medical documentation. That said, this area of law in Ohio is still evolving. Even if medical documentation is not required, it may strengthen your application to include it. If you wish to include medical documentation, consider having one of the Form 30.0 affidavits be signed by your physician, psychologist, therapist, nurse practitioner, or other licensed medical provider who can attest to your gender identity.

Hearing. Once you file your birth certificate correction application, the court may (but is not required to) hold a hearing about your application.¹⁵

If the court decides to hold a hearing, it will set a date and time and provide you with a notice of hearing. The court may also require you to publish a notice of the hearing in a newspaper in the county you live in.¹⁶ Check with your probate court about these potential requirements. If required, you must attend the hearing.

If you will be late or will miss your court date, you must call the Clerk in advance.

What to take with you to court:

- Copy of your birth certificate correction application,
- Certified copy of your birth certificate (*if required by your court*),
- Unexpired Photo ID,
- Proof of newspaper publication (*if required by your court*), and
- Any additional evidence required by your court (for example, some courts require medical evidence or a doctor’s letter).

We recommend you contact Equitas Health or TransOhio at least 3 weeks before the hearing to discuss the additional evidence you may wish to bring.

When you get to the probate court, you will usually wait in the assigned courtroom or out in the hall until your case is called. During the hearing, the judge will likely ask you questions about your birth certificate correction application. Answer respectfully and truthfully.

The judge might ask *Why do you want to change your birth certificate?* Some people respond with: “This is my correct gender and I want to get proper identification.”

If you encounter a problem during the hearing, you may ask the judge for a continuance so you can consult with an attorney. The judge has the discretion to approve or deny that request. If the judge grants the continuance, contact TransOhio.

* * *

Once the probate court grants the order to correct the gender marker on your birth certificate, it must forward a copy of its order to the Ohio Department of Health’s Bureau of Vital Statistics.¹⁷

Once the Bureau of Vital Statistics receives and processes the court order, the updated gender marker will appear on the birth certificate. There will be no indication on the new birth

¹⁵ Ohio Revised Code § 3705.15(A).

¹⁶ Ohio Revised Code § 3705.15(A).

¹⁷ Ohio Revised Code § 3705.15(D)(1).

certificate that the gender marker has been updated. In addition, the Bureau of Vital Statistics will seal your old birth certificate so that no one else can access it.¹⁸

You may request a copy of your new birth certificate by completing an “Application for Certified Copies,” which is available on the Bureau of Vital Statistics website, along with a fee.

If you have questions, contact the Bureau of Vital Statistics at 614-466-2531 or VitalStat@odh.ohio.gov.

If you live outside of Ohio: You may follow the process outlined above by:

- getting an order from an Ohio probate court (as discussed above), OR
- getting an order from a non-Ohio civil court in the county where you live. The non-Ohio court order must request that the Ohio Department of Health correct your Ohio birth record to reflect your correct gender marker. Call your local court or contact a local attorney to ask about this process in your state. Once you have a court order, send a certified copy of the order to the Ohio Department of Health’s Bureau of Vital Statistics.¹⁹

C. Birth Certificates Not Issued in Ohio

The procedures and rules for changing your out-of-state birth certificate are governed by the laws of the state or territory that issued your birth certificate.

Visit Advocates for Trans Equality’s website about name and gender changes here: <https://transequality.org/documents>. Select the state or territory that issued your birth certificate, and read on for more information.

¹⁸ Ohio Revised Code § 3705.15(D)(1).

¹⁹ Ohio Revised Code § 3705.15(D)(1).