

What are the steps to change a minor's sex/gender marker and name in Travis County, Texas? (Agreed)

These instructions are to change a minor's sex/gender identifier and name on Texas state records. A minor is someone younger than 18 years old. If you want to change just sex/gender identifier but not the minor's name, there are separate instructions and forms for that.

Note: These forms are intended for use in uncontested cases in **Travis County, Texas**.

The *Final Order to Change the Name and Sex/Gender Identifier of a Minor* is a court order and a judicial finding of sex/gender. It gives notice to agencies and departments within the court's jurisdiction of the change of sex/gender identification. It does not take away any legal rights or responsibilities under the original sex identifier and name. It does not grant any new rights. Changing the minor's identifier and name will NOT allow the minor to escape civil or criminal responsibility. You will still be held responsible for any debts the minor may have under the original identifier.

Step 1. Fill out two forms.

-- *Agreed Petition to Change the Name and Sex/Gender Identifier of a Minor*. This form asks the judge to order agencies to change the name and sex/gender identifier of the minor on official documents. The petitioner(s), the person(s) asking on behalf of the minor, must sign this form under penalty of perjury. - **and**-

-- *Final Order to Change the Name and Sex/Gender Identifier of a Minor*. The judge signs this form to order agencies to change the minor's name and identifier on official documents. The petitioner(s) must sign this form.

Where do I get the forms?

You can get the forms from the Travis County Law Library. www.TravisCountyLawLibrary.org.

Step 2. Gather the additional paperwork.

You will need a letter from a medical doctor. The letter should say that:

- The writer has examined the minor,
- The minor has received appropriate clinical treatment for transitioning, **and**
- Granting a change of gender/sex marker is in the minor's best interest.

You may also need this paperwork:

- *Statement of Consent of Minor for Change of Sex/Gender Identifier*.
 - If the minor is 10 years old or older, the minor must sign this form.
 - If the minor is 9 years old or younger, this form is optional.
- A *Statement of Inability to Afford Payment of Court Costs* form (if you want to ask that filing fees be waived)
- A copy of the *Sex Offender Update Form* (if the minor is required to register as a sex offender)

Do you want your forms reviewed by an attorney?

- You can hire a private attorney. There are attorneys in Austin who specialize in LGBT+ legal matters.
- A Law Library Reference Attorney can review your forms at the morning case review clinic (10 a.m. to noon, weekdays, at 314 West 11th, #140).
- The University of Texas Law School holds a legal clinic each semester. The clinic volunteers will help you fill out the paperwork. <https://law.utexas.edu/probono/projects/special-projects/trans-legal-name-gender-marker-project/>.

Step 3. File the Petition.

File the *Petition* in the District Clerk's Office, in room 302 of the civil courthouse (at 1000 Guadalupe, Austin, TX, 78701).

File these attachments with the *Petition*:

- The letter from the medical doctor.
- The *Statement of Consent of Minor* if the minor is 10 years old or older.
- A *Statement of Inability to Afford Payment of Court Costs* form (if you want to ask that filing fees be waived)
- Exhibit: A copy of the *Sex Offender Update Form* (if the minor is required to register as a sex offender).

Note: You can file the Petition online at www.eFileTexas.gov.

1. Fill out, sign, and scan the Petition, exhibits, and proposed Order.
2. Include instructions in the Comments section that you would like your paperwork forwarded to the court for consideration.
3. Bring the original documents with you if meet with the judge.

Step 4. Pay the Filing Fee.

You will **pay a filing fee** of about \$300 at the District Clerk's Office.

If paying the fee will create a financial hardship for you and your family, you may file a *Statement of Inability to Afford Payment of Court Costs* form to ask the Court to waive court and filing fees.

Step 5. Learn where and when to go to court.

After you file the *Petition*, go to the **Court Administrator's Office** on the fourth floor of the courthouse. The Court Administrator's Office schedules court hearings.

If you filed the petition and proposed order online, you may get a follow-up call from the District Clerk's or the Court Administrator's offices.

Step 6. Show your papers to the judge.

If you meet with the judge, make sure you have:

- A copy of the *Petition*;
- A copy of the letter from the medical doctor;
- The *Final Order to Change the Name and Sex/Gender Identifier of a Minor*, which you filled out (except for the judge's signature)
- The *Statement of Consent of Minor* if the minor is 10 years old or older.
- A copy of the *Sex Offender Notification* form (if the minor is required to register as a sex offender)
- Any other supporting documentation you might think helpful. Examples include birth certificates and passports

If you are sworn in, the judge may ask you questions.

- Be prepared to answer the judge's questions truthfully and briefly.
- Be prepared to tell the judge why you think changing the minor's sex/gender identifier is in the minor's best interest.
- Address the judge as "Your Honor."

The judge may also want to speak to the minor. Please ensure the minor is available to come to the courthouse.

If the judge signs the order, move on to the next step. If the judge does *not* sign the Order, the minor's gender identifier and name will not change at that time. You may be able to return to court with additional evidence at a later date to continue your request.

Step 7. Get certified copies of the Order.

Go to the District Clerk's Office in room 103. The Clerk's Office stamps the Order signed by the judge.

At the District Clerk's Office, ask for a **certified copy** of the signed and stamped Order. Pay the fee for the certified copy. You will need the certified copies to prove that the Court ordered the identifier change. You may want to get at least 3 certified copies.

Step 8. Notify.

Notify agencies of the identifier and name change. You may be required to show them a certified copy of the court order. Agencies to notify include the:

- The minor's school
- Social Security Administration
- Vital Statistics (birth certificates)
- Department of Public Safety (driver's license or ID card)
- Passport Office

Questions: Gender Marker/Sex Identifier Change

Q: Who can use these forms?

A: This form is intended for use by parents or conservators who want to change a minor's sex identifier and name on public documents to match the minor's gender identity. If you want to change the minor's gender marker only, there are separate forms for that. There are also separate forms if you want to just change the minor's name.

Q: The other parent/non-parent conservator will not sign these forms. What can I do?

A: These forms are intended to be used in *uncontested* cases. This means that the minor and any adult with a legal relationship to the minor agree to the change and will sign the forms.

If an adult with a legal relationship to the minor refuses to sign these forms *and notifies court*, then your case is *contested*. It is always best to have an attorney help you in a contested case. For more information on giving legal notice to an opposing party and setting a contested case for hearing, check out the www.TexasLawHelp.org website.

If an adult with a legal relationship to the minor refuses to sign these forms *but does NOT notify the court*, then your case may be a *default*. Read more about default family law cases on the www.TexasLawHelp.org website.

If the minor's other parent is dead or a court has terminated their parental rights, check box 3A, "There is no respondent." Attach a copy of the death certificate or order terminating the parental rights when you file the *Petition*.

If, after really looking hard, you cannot find the other adult who has a legal relationship to the minor, check the box under 3B "I cannot find the Respondent." Read and follow the instructions at www.TexasLawHelp.org on how to give legal notice to a respondent by publication. You will need to hire a lawyer to serve as attorney ad litem for the respondent.

Q: Can I change the minor's name and gender/sex marker on public documents without going to court?

A: No. In Texas, you need a court order. Judges have discretion to either grant or deny your request.

Q: Is surgery or other medical treatment or procedure required before the minor's gender/sex marker can change?

A: No, Texas law does not require surgery. What is required is a narrative statement from a medical doctor that says:

- The doctor has examined the minor.
- The minor has received appropriate clinical treatment for transitioning.
- It is in the minor's best interest (it is recommended) that the minor's sex and/or gender marker be changed in public records to be consistent with the minor's identity and presentation.

In exercising their discretion to grant sex/gender marker changes, judges often look to the Current Standards of Care (SOC) established by the World Professional Association for Transgender Health (WPATH). For more information on these standards, see <https://www.wpath.org/publications/soc>

Q: Can I change the minor's gender/sex marker to non-binary or some other identity that is neither male or female (M or F)?

A: No. Texas law does not recognize non-binary, third gender or gender fluid as an acceptable entry for sex or gender that is printed on state identification documents.

Q: Will the minor's identity documents automatically be updated once the court enters an order?

A: No. Getting an order is just the first step of the process of change the minor's name and correcting the gender marker on ID documents. You will need to contact the issuing authority for each type of ID and present a certified copy of the court order when you ask for a change. You can get a certified copy of the order signed by the judge from the District Clerk's Office, room 302.

Although the order is a binding order of a Texas district court of general jurisdiction, it is not an absolute guarantee that state entities will immediately adjust the gender marker in accordance with the order.

Cause Number: _____

In the Matter of:

In the _____ District Court

Travis County, Texas

Print the minor's current name - first, middle, last

A Minor

Agreed Petition to Change the Name and Sex/Gender Identifier of a Minor

1. Discovery Level

The discovery level in this case, if needed, is Level 2.

2. Petitioner and Co-Petitioner (the Minor's Parents or Conservators)

The Petitioner and Co-Petitioner are the parents or conservators of the minor listed in section 4.

(A) The **Petitioner** is: _____
First *Middle* *Last*

The Petitioner is the minor's: Parent Non-parent Conservator

The last three numbers of Petitioner's driver's license number are: ____ _ .

Petitioner's driver's license was issued in (*state*) _____.

Or Petitioner does not have a driver's license.

The last three numbers of my social security number are: ____ _ .

Or Petitioner does not have a social security number.

There is is NOT a Co-Petitioner. *[If there is a Co-Petitioner complete (B) below.]*

(B) The **Co-Petitioner** is: _____
First *Middle* *Last*

The Co-Petitioner is the minor's: Parent Non-parent Conservator

The last three numbers of Co-Petitioner's driver's license number are: ____ _ .

Co-Petitioner's driver's license was issued in (*state*) _____.

Or Co-Petitioner does not have a driver's license.

The last three numbers of social security number are: ____ _ .

Or Co-Petitioner does not have a social security number.

3. Respondent – Other Adult with Legal Relationship to Minor *[Check(A) or (B) below.]*

(A) There is no respondent. No other person has a legal relationship with the minor.

(B) The Respondent's name is: _____
Print the Respondent's full name.

The Respondent is the minor's (*Check one.*)

Nonparent Conservator or Guardian

Second Parent (*Only if the Petitioner or Co-Petitioner is not the minor's parent.*)

(Check one.)

- I think the Respondent will sign a Waiver of Service (or Answer).
- I cannot find Respondent. I ask that the Respondent be served by publication. I understand I must file an *Affidavit for Citation by Publication* and hire a lawyer to serve as attorney ad litem for Respondent.

4. Minor's Information

The minor's information is as follows:

(A) Minor's Current name: _____
First Middle Last

(B) Home Address: _____ County: _____

(C) Social Security #: _____ - _____ - _____ **or** The minor does not have a Social Security #.

(D) Gender/Sex: (Check one as shown on current birth certificate.) Male Female

(E) Birth date: _____
Month / Day / Year

(F) Place of birth: _____
City State Country

(G) Consent by Minor (Check one.)

- Minor is younger than 10 years old. Consent is not required.
- Minor is 10 years old or older and has consented in writing to this name and sex/gender identity change.

(H) Sex Offender Registration (Check one.)

- The minor **is not** required to register as a sex offender.
- The minor **is** required to register as a sex offender. Proof that local law enforcement has been notified of the proposed name and sex/gender identifier change is attached to this Petition. (See below.)

(I) Are there any court orders about the minor already in place? (Check one.)

- There are no court orders regarding the minor.
- A court made orders involving the minor in the following case(s): (List all cases in which a court made orders about the minor. Make sure to attached copies of the orders to this petition.)

Case/Cause Number _____ in _____
County State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

Case/Cause Number _____ in _____
County State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

Case/Cause Number _____ in _____ County _____ State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

5. Name and Sex/Gender Identifier Change Request

The Petitioner(s) believe the requested name and sex/gender identifier change is in the minor's best interest.

(A) Petitioner(s) ask the Court to change the minor's name to:

_____ *First* _____ *Middle* _____ *Last*

(B) Petitioner(s) ask that the minor's gender and sex identifier be changed: (select one)

from Male to Female from Female to Male.

Petitioner and Co-Petitioner want to change the minor's sex/gender identifier because:

The minor's birth certificate lists the minor as male female. The minor's true sex and gender, as reflected in the minor's physician's/therapist's letters attached, is male female.

In all aspects of the minor's life, the minor presents as male female. The minor's birth certificate and other identifying information should conform with the minor's true gender/sex. If this conformation does not occur, the minor will suffer significant damage including problems with school, problems with travel, problems obtaining insurance, employment, housing, credit, and problems with producing correct and consistent identification.

And/Or (if other reason, print below)

(C) Petitioner(s) ask the Court to enter an order for schools, universities, agencies and departments within this court's jurisdiction to correct and amend the gender and sex identifiers in all licenses, databases, certificates, or other official documents under the agencies control and issuance, whether electronic or paper. This includes, but is not limited to, the Texas Department of Public Safety.

(D) [If the minor was born in Texas, complete (D1). If the minor was born in a different state, complete (D2).]

(D1) Petitioner(s) ask that upon application to the Vital Statistics Unit the minor's Texas birth certificate shall be corrected pursuant to Texas Health and Safety Code 192.011 to reflect the minor's sex/gender as: Male Female.

(D2) Petitioner(s) ask that the Court find that the minor was born in the state of _____. Petitioner(s) ask that the Court authorize the appropriate officials in charge of correcting birth records in the state of _____ to correct the birth record.

6. Sensitive Information

This filing contains sensitive information. Petitioner(s) ask that the Clerk maintain this file as a restricted file.

7. Request for Judgment

Petitioner(s) ask the Court to order the minor's name and gender/sex identifier changed as requested above. Petitioner(s) ask for general relief.

Respectfully submitted,



Petitioner's Signature



Co-Petitioner's Signature

Note: Each Petitioner must also fill out and sign a declaration under penalty of perjury.

8. Petitioner's Declaration Under Penalty of Perjury

My name is: _____ . My date of birth is _____ .

My address is: _____ .

My email address is _____ . My phone number is: _____ .

I declare under penalty of perjury that all information in this Petition to Change the Name and Sex/Gender Identifier of a Minor is true and correct.

Completed and formally signed on _____ in _____ County, _____ State.
Month / Day / Year County State

Petitioner's Signature

9. Co-Petitioner's Declaration Under Penalty of Perjury

My name is: _____ . My date of birth is _____ .

My address is: _____ .

My email address is _____ . My phone number is: _____ .

I declare under penalty of perjury that all information in this Petition to Change the Name and Sex/Gender Identifier of a Minor is true and correct.

Completed and formally signed on _____ in _____ County, _____ State.
Month / Day / Year County State

Co-Petitioner's Signature

10. You MUST attach these documents to your Petition:

- Minor's written consent if the minor is ten years old or older.
- A letter from the minor's medical doctor stating that the minor has received or is receiving age-appropriate care or treatment in support of the minor's transition. Write "**Exhibit A**" at the top
- A copy of the minor's birth certificate. Write "**Exhibit B**" at the top.
- Any court orders affecting the minor issued by a court of continuing jurisdiction. (For example, minor support, divorce, custody, visitation, or any order affecting the parent-minor relationship.) Write "**Exhibit C**" at the top.
- If the minor is required to register as a sex offender, attach proof that appropriate local law enforcement authority was notified of the proposed name and sex/gender identifier change. Write "**Exhibit D**" at the top.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Instructions: A minor's consent to a name and sex/gender identifier is required if the minor is ten years old or older. File this completed form with the *Agreed Petition to Change the Name and Sex/Gender Identifier of a Minor*.

Cause Number: _____

In the Matter of:

In the _____ District Court

Travis County, Texas

Print the minor's current name - first, middle, last

A Minor

Statement of Consent of Minor For Change of Name and Sex/Gender Identifier

I offer the following information in support of the request for a name and sex/gender identifier change in this cause.

My name is: _____
(PRINT minor's full name shown on current birth certificate)

I am _____ years old.
(Age)


The name and sex/gender identifier change requested in this cause of action is for me.

I want my name to be changed to _____
(PRINT minor's new first, middle, and last names.)

I want the judge to change my sex/gender: *(Check one box below.)*

- from Male to Female.
- from Female to Male.

I would also like to tell the judge this:


Minor's Signature

Date

Cause Number: _____

In the Matter of:

In the _____ District Court

Travis County, Texas

Print the Minor's current name - first, middle, last

A Minor

Final Order to Change the Name and Sex/Gender Identifier of a Minor

A hearing took place on _____
Date

1. Appearances

(A) The **Petitioner's** name is: _____
First Middle Last

The Petitioner is the minor's: Parent Non-parent Conservator

The Petitioner was present, representing him/herself, and has agreed to the terms of this Order.

(B) There is is NOT a Co-Petitioner. *[If there is a Co-Petitioner complete (B) below.]*

The **Co-Petitioner's** name is: _____
First Middle Last

The Co-Petitioner is the minor's: Parent Non-parent Conservator

(Check one.)

The Co-Petitioner was **present** and has signed below agreeing to this Order.

The Co-Petitioner was **not present** but has signed below agreeing to this Order.

(C) **Respondent** – Other Adult with Legal Relationship to Minor *[Check (C1) or (C2) below.]*

(C1) There is no respondent. No other person has a legal relationship with the minor.

(C2) Another adult has legal relationship with the minor. The Respondent's name is:

First Middle Last

The Respondent is the: Nonparent Conservator or Guardian Second Parent

(Check one box.)

The Respondent **was present**, representing him/herself, and announced ready for trial.

The Respondent **was present**, representing him/herself, and agreed to the terms of this Order.

The Respondent was **not present** but filed an Answer or Waiver of Service and has signed on page 3 agreeing to the terms of this Order.

The Respondent **was not present** but was served and has defaulted. The Petitioner(s) have filed a Certificate of Last Known Address and a Military Status Affidavit.

2. Jurisdiction

The Court received evidence and finds that it has jurisdiction over this case and the parties, that the notice requirements have been met, and that the Petition meets all legal requirements.

3. Record

A court reporter: *(Check one.)*

- recorded today's hearing.
 did not record today's hearing because the parties and judge agreed not to make a record.

4. Findings

The Court makes the following findings about the minor.

(A) Minor's Current name: _____
First Middle Last

(B) Home Address: _____ County: _____

(C) Social Security #: _____ - _____ - _____ **or** The minor does not have a Social Security #.

(D) Birth date: _____
Month / Day / Year

(E) Place of birth: _____
City State Country

(F) Consent by Minor *(Check one.)*

- The minor is younger than 10 years old. Consent is not required.
 The minor is 10 years old or older and has consented in writing to this name and sex/gender identifier change.

(G) Sex Offender Registration *(Check one.)*

- The minor **is not** required to register as a sex offender.
 The minor **is** required to register as a sex offender. Proof local law enforcement was notified of the proposed name and sex/gender identifier change is attached.

(H) Court of Continuing Exclusive Jurisdiction *(Check one.)*

- There are no court orders regarding the minor.
 A court made orders involving the minor in the following case(s):

Case/Cause Number _____ in _____
County State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

Case/Cause Number _____ in _____
County State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

Case/Cause Number _____ in _____
County State

Case type: _____
Print the case type (custody, support, divorce, paternity, etc.)

(I) The requested name and sex/gender identifier change is in the best interest of the minor and the public.

5. Orders

The Court **orders** the minor's name changed from:

Current name: _____
First middle last

To this name: _____
First middle last

The Court **orders** the minor's gender and sex identifier be changed:

(Select one) from Male to Female **OR** from Female to Male.

This order shall act as the official order for schools, universities, agencies, and departments within this court's jurisdiction to correct and amend the gender and sex identifiers on any and all licenses, certificates, or other official documents under the agency's control and issuance, whether electronic or paper. This includes, but is not limited to, the Texas Department of Public Safety.

(If the minor was born in Texas) The Court **orders** that upon application to the Vital Statistics Unit the minor's Texas birth certificate shall be corrected pursuant to Texas Health and Safety Code 192.011 to reflect minor's sex/gender as: Male Female.

(If the minor was born in a state other than Texas) The Court finds that the minor was born in the state of _____. The Court authorizes the appropriate officials in charge of correcting birth records in the state of _____ to correct the minor's birth record in accordance with the findings in this order.

6. Other Orders

Documents within the file shall not be released except upon court order or upon request of the attorneys of record or the party to the case. The Clerk shall maintain this file as a restricted file.

The Court has the right to make other orders, if needed, to clarify or enforce this order. Any orders requested that do not appear above are denied.

SIGNED ON: _____
Date Signed

▶ _____
Judge's Signature

APPROVED AS TO FORM AND SUBSTANCE:

▶ _____
Petitioner's signature

Phone #: _____

Mailing Address: _____

Email address: _____ Fax # (if available): _____

▶ _____
Co-Petitioner's signature

Phone #: _____

Mailing Address: _____

Email address: _____ Fax # (if available): _____