

Changing Your Name and/or Gender Marker

In Michigan, 2022

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by Zoe Russick Steinfield, Charla Davis,
Madilyn Starrs, & Brenden Bell



Requirements for a Legal Name Change in Michigan*

- **Petition to Change Name filed in County Circuit Court (Form PC51)**
- **Addendum to Protected Personal Identifying Information (Form MC 97a)**
- **Confidential Case Inventory (Form MC 21) – current or past family court, or anyone in Wayne Co.**
- Under 18: parents both sign **Petition** (with some exceptions), 14 and up, minor signs
- 22 or older: fingerprints sent to MI State Police for criminal background check
- **Publication of Notice of Hearing for Name Change, at least 14 days before hearing**
- Must be resident of county for 12 months prior to filing the **Petition**
- Those with criminal record have burden of proof that there's no fraudulent intent

Forms are online at <https://www.courts.mi.gov/SCAO/>

Get step-by-step help completing forms at <https://michiganlegalhelp.org/>

Name change kits (not tested by trainer) available here:

<https://www.namechangekit.com/Legal/Default.aspx>

*Requirements vary by State. These are the same in all counties of Michigan, but check with your County Clerk for the specific procedures for meeting these requirements. Under normal circumstances, no attorney is required.

Direct and Indirect Costs of a Name Change

Costs may vary by county. This does not include gender marker changes which may or may not occur simultaneously.

Direct Costs		Potential Indirect Costs	
Initial Petition filing fee*	~\$175-185	New Social Security Card	Free at SSA
Fingerprints taken	Varies	New Driver's License/ID	~\$10
Criminal background check	~\$45	Change Birth Certificate	~\$50
Publication of Notice of Hearing**	~\$60-100	+1 Copy at time changed	~\$16
Court Hearing Fee/Order Entry Fee	~\$10	+1 Copy afterward	~\$34
2-3 Certified Copies of Order	~\$20-30	Passport Book, routine service	~\$115-145
Total	\$310-\$370+		

*Waivable for cause (Fee Waiver Request - Form MC20)

**Waivable with evidence of fear of physical danger, sworn statement (contact judge's office to request waiver of publication)

If costs will be a financial barrier, please add your name and contact info to the sign-in sheet. We may be able to assist.

Estimated Wait Times

- <1 week: Obtaining and mailing the **Petition to Change Name (Form PC51)**, standard USPS mail
- ~ 3-6 weeks: Obtaining a criminal background check (do this ASAP after filing the Petition, but skip this if under 22 years old)
- ~ 2-8 weeks from mailing petition: Receive hearing information from the clerk, hearing scheduled, could be quicker if dropping off in person
- ~ 1-3 days: Publishing the notice of hearing in the newspaper (do this ASAP after you receive your hearing date, if the court doesn't do it for you)
- **The total time from filing date to hearing date must be less than 4 months, so make sure you are completing each step as soon as you can move on to the next one**
- ~ 3-4 weeks: Receive new ID in the mail after visiting the Secretary of State.

*The Notice of Hearing must be published at least 14 days prior to the scheduled hearing date

Special Cases

- Take care of any outstanding warrants prior to filing to change your name or you run the risk of being arrested at the hearing
- If you have a criminal record, you may wish to find legal aid to prove you are not changing your name with fraudulent intent
 - Julisa Abad at lgbtteamabad@gmail.com can help with a pro bono lawyer and funds
- If you are incarcerated, be aware that Michigan prison regulations sometimes require the use of your “commitment” name alongside your new legal name
- Non-citizens may petition for name change, ensure immigration documents up-to-date; contact Michigan Immigrant Rights Center
- If there are pending or resolved family division or other domestic court related cases (such as personal protective orders), you will provide this information on the **Confidential Case Inventory (Form MC 21)**
- To change your name or gender marker on a pre-existing marriage license, you will need this court-ordered too, so ask the clerk what to do

Complete Petition to Change Name (PC51) & Addendum (MC 97a)

- If you have a Michigan birth certificate, on line 9 request that the court create a new birth certificate and have the old one sealed
- Use a permanent address on the **Petition**
- Make sure the specific County/Court is written in the top left corner
- Make copies
- Complete the state mandated **Addendum to Protected Personal Identifying Information (Form MC 97a)**, so that your DOB will not be publicly filed - it will be on this document instead, submitted together, but filed separately
- Complete the **Confidential Case Inventory (Form MC 21)** - for those who have a current or previous family court case
 - In Wayne Co., some judges/clerks seem to require everyone to file this, but if it doesn't apply to you, you should write "None" when you submit it with your petition

Filing the Petition to Change Name (Form PC51)

- Contact the County Court to confirm where to file and if any additional documents are needed
- Find your County Clerk's Office (or email or mailing address if closed due to COVID-19)
- Fill out **Fee Waiver Request (Form MC20)** if needed/eligible
 - If you need help with funds beyond what you can get waived, reach out to
 - Transgender Legal Defense & Education Fund (TLDEF) - Name Change Project
 - Julisa Abad at lgbtteamabad@gmail.com for help with a pro bono lawyer and funds
- File the **Petition** and **Addendum** with the Clerk's Office according to your county's procedures
 - May pay by check, money order, over the phone, or online, depending on the county
 - May pay publication fee at this point, depending on the county
- From the point of filing, you will have 4 months to complete the remaining steps of the **Petition**, or you may have to start over

Criminal Background Check (22 Years Old and Up)

- Get fingerprints taken ASAP – you can get a fingerprint card done at any police station
- Once your fingerprints have been taken, mail the following to the Michigan State Police (MSP)
 - fingerprint card, filled out
 - \$43.25 (money order or check) for background check fee
 - a copy of the **Petition** you filed
- MSP will send the background check directly to the court, allow up to 6 weeks for processing/delivery

Scheduling the Hearing

- The court will most likely schedule this for you, but check with the clerk
- 22 and up: once you pass the background check, the hearing should be scheduled for within a couple of months, but this will vary by county
- 21 and under: if you don't get a hearing scheduled within a couple of weeks of filing, call the clerk and make sure they know they don't need to wait for a background check for you

Publishing the Notice of Hearing in a Local Newspaper

- Required unless waived as described earlier due to fear of physical danger.
- Depending on the county, the court may have you pay this fee when you first file the petition (as in Oakland County) or send you an invoice for it and the court publishes for you (as in Macomb County), or they may require you to do it yourself (as in Wayne County)
- If publishing it yourself, take the **Publication of Notice of Hearing (PC563)** to a local newspaper (the clerk should have a list, fees vary between papers)
 - In Oakland and Wayne Counties, this requirement may be satisfied with the Detroit Legal News, in Macomb County by the Macomb County Legal News
 - Contact info for Detroit Legal News: cbasala@legalnews.com 313-409-6398
 - As of February 2022, the Detroit Legal News' and Macomb County News' publication fees appear to be \$96.05
- The **Publication of Notice of Hearing** must be published at least 14 days before the name change hearing
- The newspaper will return a copy of the notice of hearing and an affidavit of publication to you, to file with the court
- If the newspaper says they will send it directly to the court, check with the court

Preparing for the Hearing

- Find out if you need to pay the order entry fee/court hearing fee in advance, or at court just prior to the hearing
- Let them know prior to the hearing date if you need an accommodation
- Bring the following with you to the court:
 - A copy of the **Petition** you filed
 - A current ID
 - Birth Certificate
 - Proof of current residence, which can include drivers license or other ID, but many other documents work (check with the Secretary of State for a list)
 - A copy of the **Order Following Hearing On Petition To Change Name (PC52)**
 - Pre-complete both parts to the best of your knowledge - the first part will be your copy, the second part will be the court's
 - Provide it to the clerk when you check in
 - Payment for certified copies of the Order once signed

The Hearing

- The hearing is fairly short, and as long as you meet the state's requirements, the judge will order the name change
- Questions the judge may ask:
 - Do you have a criminal record?
 - Are you making this request with fraudulent intent?
 - Why do you want to change your name?
 - At this point the judge may also give anyone who objects to your name change a chance to talk about their reason for objecting
 - Do you have any debt?
 - If you have student loans, you must update the creditor as soon as you obtain a new Social Security Card

Filing the Court Order to Change Name

- Judge's clerk will usually give you one true copy of the signed name change **Court Order (PC52)**, keep this safe
- Find out ahead of time where to obtain certified copies and the fee
- Obtain at least 2-3 certified copies and keep them in a safe place, these will be necessary to change your name with many agencies, and you want to always have at least one certified copy in your possession

Places to Update Name - Make a Plan

- First steps
 - Social Security Administration - Social Security Card
 - Secretary of State - Driver's License, Voter Registration
 - On Passport
 - Birth Certificate (if possible) - in Michigan this is at Vital Records
- Other places many will need to update, in no particular order (contact the agency in question)
 - Any W2 or 1099s you get that have your old name on them
 - Student loans and any other creditors
 - Insurance companies
 - Car documents
 - Professional, work, and school documentation
 - Health care providers
 - Financial institutions
 - Post office
 - Landlords, home title, mortgage, utility companies
 - Selective Services (more info later in presentation)
 - **Application for Correction of Military Record (DD Form 149) is first step for Veterans Affairs**
 - etc.

Impact on Selective Services

- **People who were assigned female at birth are not required to register with the Selective Service regardless of their current gender or transition status.**
- However when a person assigned female at birth is applying for federal financial aid, grants, and loans as a man, they may be asked to prove that they are exempt.
- To request a Status Information Letter (SIL) that shows you are exempt, you can either download an SIL request form from the Selective Service website (<https://www.sss.gov/verify/>) or call them at 1-888-655-1825. Applying for a Status Information Letter is free of charge.
- **People who were assigned male at birth are required to register with the Selective Service within thirty days of their eighteenth birthday. This includes those who may have transitioned before or since.** According to the Selective Service website, "In the event of a resumption of the draft, individuals born male who have changed their gender to female can file a claim for an exemption from military service if they receive an order to report for examination or induction."

Impact on Selective Services

- **People who are assigned male at birth and who are required to register are also required to inform the Selective Service of any legal name change or change in other record information such as address up until your twenty-sixth birthday.** This does not include change of gender as the Selective Service policy is entirely based on birth-assigned sex. For trans women and others who were assigned male at birth and have registered with the Selective Service, notification of a name change is legally required within ten days.
- To update your records, fill out the Change Of Information Form attached to the Registration Acknowledgement Card with your new name. Alternatively, you can fill out a Change of Information Form called SSS Form 2, which you can obtain at any United States Post Office or U.S. Embassy or Consulate abroad. You may also change your information with the Selective Service by letter. In the letter, include your full name, Social Security Number, Selective Service Number, date of birth, current mailing address and new name. With any of these three methods, you must attach official documentation of your name change and mail it to the Selective Service. Updates take four to six weeks, after which you will be mailed a new acknowledgement card.

Changing Name on Driver's License/State ID

- Find your nearest Social Security Administration (SSA) office and make an appointment to get a new social security card
- Bring a certified copy of your **Court Order (PC52)**, an application for a Social Security card, and proof of ID (visit the SSA website for a complete list of what's needed)
- If you're in a hurry to get your new license, ask the SSA for a processing receipt to show the SoS
- Once your name is updated with the SSA, visit the Secretary of State (SoS)
- Bring your current valid driver's license/state ID, and a certified copy of your **Court Order (PC52)**
- Pay the fee and get your photo taken
- This will automatically create a new Voter Registration Card

Changing Name on Passports

- Visit travel.state.gov for additional details about these forms
- If applying for a passport for the first time, use **form DS-11** and apply in person (post offices are the most common place to do this)
- If you already have a passport, you'll submit your application with your certified copy of your **Court Order (PC52)**, and you may be able to apply to renew through the USPS
 - Use **DS-5504** if your passport is less than a year old
 - Use **DS-82** or **DS-11**, depending on your particular situation, if it's more than a year old
- Routine Service currently takes 16 weeks
- Expedited Service takes 12-16 weeks for an additional \$60
- Passport Cards are cheaper than Passport Books but are only good for land and water travel to Canada, Mexico, Bermuda, and the Caribbean

Birth Certificate - Gender Marker Change (for those born in MI)

- To change the gender marker on your birth certificate in Michigan you now only have to complete the
 - **Application to Correct or Change a Michigan Birth Record**
 - **State of Michigan Sex Designation Form**
 - As of June 2021, no medical affidavit is required, just an affirmation that it is to reflect identity and not for fraudulent purposes
 - This form includes M, F, and X options
 - Parents must sign for minors, and both parents and minors must sign if the minor is over 15
- Requests for changes to MI birth certificates can be made by

Mailing the paperwork and payment to	Submitting the paperwork and payment in person at the Vital Records Office
Vital Records Changes P.O. Box 30721 Lansing, MI 48909	333 S Grand Avenue 1st floor Lansing, MI 48933

Driver's License/State ID - Gender Marker

- To change the gender marker on your driver's license/state ID in Michigan you now only have to complete the **Michigan Secretary of State Sex Designation Form**
 - No medical affidavit is required, just an affirmation that it is to reflect identity and not for fraudulent purposes
 - This form includes M, F, and X options
 - To fill this out online and print it:
https://www.michigan.gov/documents/sos/MDOS_Sex_designation_for_m_740954_7.pdf
- Alternatively, you can change your gender at the SSA and SoS by showing them a passport with your new gender marker
- There is a nominal \$9 fee
- This will automatically create a new Voter Registration Card

Passport - Gender Marker

- New policy as of June 2021: no need for medical certification to change gender anymore, can self-certify and just choose a gender marker
- As of April 2022: X marker passport books are now available with routine service. Download the pdf and fill it out by hand – they are still updating their web forms. By late 2023, you will also be able to select an X marker for:
 - Expedited or urgent service
 - Passport cards
 - Emergency passports from embassies and consulates
 - Consular Reports of Birth Abroad
- If applying for a first passport, or if you already have a full-validity passport, use **Form DS-11** (along with required documents) and apply in person
- If you had a limited-validity passport under the old gender policy, and want to update it to a full-validity passport, use **Form DS-5504** instead (this is more rare)

Places to Update Gender

- You may wish to update your gender in many of the same places where you would update your name, listed on an earlier slide
- Often easier than changing your name, but occasionally an agency will require a higher degree of proof, such as a copy of your birth certificate with the new gender marker
 - Students: Michigan State Board of Education guidance since 2016 is that school records should reflect gender identity regardless of what is on the birth certificate
- Changing your gender marker may affect insurance coverage for specific procedures you still need, such as pap smears or prostate exams, but medical providers have workarounds for this - using override codes or “administrative sex”
- In general, over the past decade of the trans liberation movement, processes for updating one’s gender have gradually become simpler in many places, while the process for updating one’s legal name has not changed significantly

Sources

Forms are online at

<https://www.courts.mi.gov/SCAO/>

Get step-by-step help completing forms at

<https://michiganlegalhelp.org/>

Gender - Identity Network Alliance (GNA)

Queer Legal Project

National Center for Transgender Equality (NCTE)

TransLifeline.org

ACLU, Fair Michigan, and Dykema

TransEquality.org

Wayne, Oakland, and Ingham
County Court websites

legislature.mi.gov

michigan.gov

Michigan Secretary of State

DMV.org

travel.state.gov

SSS.gov

Contact - Please Reach Out with Questions!

Brenden Bell (he/him/his)

Care Manager at Affirmations

care@goaffirmations.org

248.629.6967

