



Trans Law Help  
W I S C O N S I N

**WISCONSIN**

# Name & Gender Marker Change Guide

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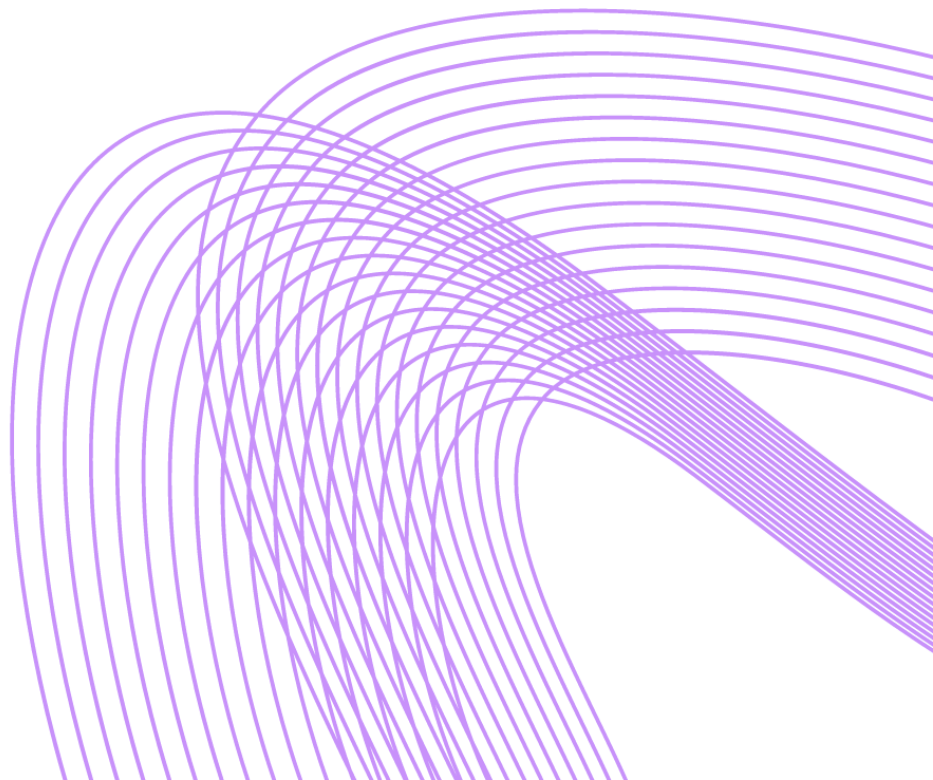
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## Legal Disclaimer

This Guide is an educational resource only and the information contained should not be considered legal advice. It seeks to provide general information about the law, including the legal rights of persons under the law, in a manner that is not directed at providing specific legal advice to a specific reader in any specific context. If you have questions about your situation, you should contact an attorney.

While this Guide attempts to describe current law and policy regarding updates to name and gender markers on identification documents, the law is evolving; as such, this Guide may not be current on all issues. Readers should consult official government websites and publications to supplement and confirm the information contained in this Guide.



## Introduction

Welcome! Thank you for reading our Guide. In the following pages, we detail the process for updating one's name and gender marker on the most common forms of identification in Wisconsin. There are many steps to changing your name and gender marker on identification documents, and there is no one-stop-shop to complete the process. You may change all your documents, or you may change only some. With a few key exceptions that are clearly noted in this Guide, it is up to you which documents you will change and when.

Your decision on which documents to update will likely be influenced by the time it takes to change a document, associated costs, privacy concerns, and availability of an affirming gender marker, among other factors. Most documents require that an individual first obtain a court order for name change before they can pursue updating other documents.

Congratulations on taking the first step towards accessing affirming documentation!

Trans Law Help Wisconsin  
Board of Directors

## Section I: Getting Started

### A. Fee Waivers

#### *Initial Considerations*

- If you cannot afford filing fees, you can request the court waive your fees. The fee waiver applies to the filing fee and other court-imposed fees. It does not include costs like newspaper publication or for purchasing copies of a court order.

#### *Process*

1. **Prepare the Forms.** Prepare the forms listed below. If filling out by hand, use black ink. **Do not sign the form.** Because the fee waiver must be notarized, do not sign it until you are in front of a notary. See Subsection I.B below for information on accessing notaries.

- ✓ Petition for Waiver of Fees (CV-410A)
- ✓ Order for Waiver of Fees (CV-410B)

The Petition for Waiver of Fees asks for information about:

- ▶ The receipt of public assistance (including supplemental security income, food stamps/food share, medical assistance, etc.);
- ▶ The individual's gross income, assets, and debts; and
- ▶ Members of the individual's household and their gross incomes.

When you file a request for a fee waiver, you may need to provide proof of your financial status. Such proof may include copies of pay stubs from the last 30 days, proof of SSI/SSDI for the current month, and proof of public assistance received in the current month.

**Caution:** You cannot use a Quest card as proof of public assistance.

2. **File the Forms.** When you go to file forms with the court for a petition for name change or for gender marker change, bring your notarized petition for fee waiver with you so that you may request that you be allowed to file your petition without paying the \$164.50 filing fee.

## B. How to Access Notaries

- Finding a Notary. It can be difficult and confusing to find a notary, especially if you have never had to do so before. Below is a non-exhaustive list of common places where one can typically find notaries.
  - ▶ Bank or credit union
  - ▶ FedEx / UPS Stores
  - ▶ Wisconsin attorneys can notarize documents

► County courthouse

- ◊ Some courthouses have small law libraries that can help you find forms and occasionally have a notary. Call your courthouse to determine if they have a notary available, and how much (if anything) the notary charges per document.
- Paying a Notary. Some notaries will provide notarization services for free, but they are allowed to charge up to \$5 per document under state law. Notaries that charge for their services will usually charge \$1–\$2 per document.

### C. Birth State Different from Current State

The approach to changing your name and/or gender marker on your birth certificate will vary based on your current state of residence and your state of birth. The below are three combinations commonly seen in Wisconsin. Remember, in many circumstances you can obtain updated ID documents without changing your birth certificate.

- **Wisconsin Birth Certificate, Current Wisconsin Resident.** You may proceed with the process explained below in Sections II & III. Petition a Wisconsin court to order your Wisconsin birth certificate be changed. Then, contact the Wisconsin Vital Records Office to have them change your birth certificate.
- **Wisconsin Birth Certificate, Non-Wisconsin Resident.** You may proceed with the court process for changing a birth certificate that applies in your current state of residence. The Wisconsin Vital Records Office reports it will comply with out-of-state court orders. When you have a court order from your current state, contact the

Wisconsin Vital Records Office to have them change your Wisconsin birth certificate. To determine your current state's process for changing a birth certificate, visit [transequality.org/documents](https://transequality.org/documents).

- **Non-Wisconsin Birth Certificate, Wisconsin Resident.** Visit [transequality.org/documents](https://transequality.org/documents) for information on other states' procedures for changing a birth certificate. If the state agency in charge of birth certificates will respect an out-of-state court order, you may consider petitioning a Wisconsin court to order such a change. This is an undeveloped area of law and a court may deny your request. If granted, you would then contact your birth state's office of vital records to have them change your birth certificate.
- **Marriage Certificates.** In general, the above principles apply to marriage certificates. However, you should always consult a state-specific resource or government website. Visit [transequality.org/documents](https://transequality.org/documents) for more information.



## Section II: Wisconsin Name Change

### A. Name Change for Adults and Minors 14 or Older in Wisconsin

Adults and minors 14 years or older living in Wisconsin may follow this process to seek a court order for name change. Obtaining a court order for a name change means that Wisconsin officially recognizes the individual's name change and that the individual, depending on their state of birth, may be able to use the order to change their name on various identification documents. Information on changing the name of a minor under 14 years of age is addressed in Subsection B below.

**Caution:** A person may not change their name to avoid creditors, to conceal a criminal record, or if they are subject to “sex offender” reporting requirements. Additional requirements apply to those who hold a professional license.

#### *Initial Considerations*

- **Associated Costs.** Up to \$350. Some court-imposed fees may be waived for low-income petitioners.
  - ▶ **Filing Fee:** \$164.50 to file a petition for name change.
  - ▶ **Newspaper publication (if applicable):** \$75–\$100. This fee is imposed by the newspaper in which notification must be published and can vary.
  - ▶ **Certified Copies of Name Change Court Order.** These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for

certified copies. It is best to purchase a few certified copies, but an exact number is not required.

- ▶ Vital Records Office Fee (if applicable): \$10 to file an order to change a Wisconsin birth certificate.
- ▶ Certified Wisconsin Birth Certificate (if applicable): The Wisconsin Vital Records Office charges \$20.00 for the first copy of an amended birth certificate and \$3.00 for duplicates purchased at the same time.

**Tip:** If you plan to change both your name and gender marker, consider waiting to update documents until a court has ordered both changes since new copies are expensive.

- **Timeline.** The process can take 4–8 weeks.
  - ▶ This timeline includes the required three-week newspaper publication period.
  - ▶ If you can use the confidential process, as described in the next paragraph, the timeline will be shorter.
- **Confidential or Public?** The courts offer two variations on the procedure to obtain a name change and you will need to decide which you will follow.
  - ◇ Public. The default name change process creates a public record of the name change, requires publication of a notice of the name change hearing, and becomes accessible on CCAP, the website for Wisconsin circuit court records.

- ◇ Confidential. If a petitioner would be put at risk by following the public process, they may attempt to proceed using the confidential process.
- ◆ A petitioner must demonstrate that they are “endangered,” or that they would be endangered by proceeding through the public process. It is up to the judge assigned to a case to determine whether a petitioner meets the endangerment standard.
- ◆ To follow the confidential procedure, you must complete a different set of forms. The confidential forms are listed throughout the Process section below and are shown in [brackets].

### *Process*

1. **Determine Where to File.** You must file paperwork with the circuit court of the county in which you live. The Wisconsin Court System provides a [list](#) to help you locate your circuit court.
  - ▶ Precise filing procedures vary from county to county. Check with the county clerk of courts to determine local procedures. In general, you can file by going in-person to your local courthouse.

**2. Prepare the Forms.** Prepare the forms listed below. If filling out by hand, use black ink. The forms include directions for preparing each of the documents and are all available from the Wisconsin Circuit Court Forms webpage [here](#).

- ✓ Petition for Name Change, CV-450 [confidential CV-451]
- ✓ Notice & Order for Hearing, CV-460 [confidential CV-461]
- ✓ Order for Name Change, CV-470 [confidential CV-471]
- ✓ Order Denying Name Change, CV-475 [confidential CV-476]

The “Petition for Name Change” must include a reason for the name change. When deciding what to write, the most important consideration is that the answer be truthful. Otherwise, it is up to the petitioner to determine what they would like to write. Example answers include:

- ▶ “Proposed name better suits Petitioner’s gender identity”
- ▶ “Proposed name has been ‘name in use’ by Petitioner for [fill in number] years”
- ▶ “Petitioner wishes to have a name that better suits their gender identity”

**Note:** It is always within the discretion of the judge whether the reason for an individual's name change is legally sufficient. If you wish to provide additional information for the judge to consider, a letter from your doctor or therapist might be a useful means of doing so.

- 3. Optional—Request a fee waiver.** If you cannot afford the filing fees, you can request a fee waiver. More information on how to complete the fee waiver is included in Subsection I.A above.

- 4. File the Forms.** Take the forms you have prepared to your local courthouse. Many courthouses are open during business hours, but it is best to confirm current hours by calling or visiting that court's website.

**Caution:** Many courthouses require visitors go through a metal detector. Procedures vary but are generally less demanding than airport-style security. If you are frequently flagged when passing through security screenings, you may want to give yourself more time.

At the courthouse go to the clerk of courts' office to file your forms. If it is not obvious where the office is, you may ask a security guard or other employee. The clerk of courts' office is also where you will pay the filing fee or submit your Petition for Waiver of Fees, whichever is applicable to you.

- ◇ **Non-Confidential Petitioners:** The clerk will then take the forms, assign a case number and a judge, and return the "Notice and Order for Name Change Hearing" to you. You should then take that order to the office of the judge assigned to the case. The clerk you are speaking to will provide you directions to that office. If applying through the regular process, the judge's clerk will then assign a hearing date at

least 4–5 weeks from the filing date to allow time for newspaper publication. Continue to Step 5 below.

- ◇ **Confidential Petitioners:** Because newspaper publication is not required, you may receive a hearing date in a much shorter time frame. Your hearing date may be the same day. However, the date will depend on the assigned judge’s availability and may be as long as several weeks in the future. It is best to expect the hearing to be same day so that you can be prepared. Ignore Step 5, continue to Step 6 below.

**5. Newspaper Publication.** If filing for a name change through the regular process, you must publish notice of the hearing in a designated newspaper. Increasingly, these are also available on the newspaper’s website.

- ▶ **Time:** Three weeks (the notice of hearing information must be published once a week for three consecutive weeks before the scheduled hearing).
- ▶ **Costs:** \$75–\$100.
  - ◇ If the publication fee would cause you financial hardship, some newspapers may have reduced or waived publication fees for individuals with limited means to pay. Ask when you are purchasing the notice.
- ▶ **Method of Publication:** The notice should indicate in which newspaper you must publish. If it does not, ask the clerk of courts. You must then contact the newspaper and pay them to run the notice.

- ◇ Dane County requires an individual to publish the notice of hearing information in the Wisconsin State Journal. Milwaukee County requires publication in the Milwaukee Journal Sentinel. Other counties may allow an individual to choose between several newspapers.
- ▶ Proof of Publication: Once the notice has been published for three weeks, the newspaper will send you a “Proof of Publication” affidavit in the mail with a copy of the notice. You can request an additional copy from the newspaper so that you may retain a back-up copy. Save this document.

**Tip:** Save the “Proof of Publication” affidavit and notice; you must bring these to the hearing.

## 6. Gather Documents Before Hearing.

- ▶ **All Petitioners:**
  - ◇ Bring your original birth certificate *or* a certified copy to the hearing. It is best to do so regardless of your birth state.
  - ◇ If the clerk returned a copy of your petition to you when you filed it, bring that and any similar documents to the hearing.
  - ◇ If you plan to provide a letter from a doctor or therapist supporting your petition, bring it to the hearing. There is **no requirement** to provide a letter for name change petitions.

- ▶ **Non-Confidential Petitioners:** Bring the “Proof of Publication” affidavit and a copy of the published notice to the hearing.

## 7. Attend the Hearing.

- ▶ At the courthouse, proceed to the specified courtroom. If your documents do not indicate a courtroom, consult posted notifications or ask an employee or the clerk of courts.
- ▶ Arrive at the hearing on time. If you are more than 10 minutes late for a scheduled hearing, you may not be allowed to have the hearing. This may force you to restart the process from Step 1, above.
- ▶ When the clerk calls the case, step forward and give them the “Proof of Publication” affidavit and a copy of the published notice (if applicable). If you choose to provide a letter from a doctor or therapist, give that letter to the clerk at this time as well.

**Caution:** If your name change is not confidential any document you provide to the court during the hearing (including a doctor or therapist’s letter) will become a public record. There is no requirement to provide a letter for name change petitions.

- ▶ You will next be placed under oath and asked for basic information on the petition, such as current legal name, the name you are pursuing as your legal name, and reason for requesting a name change.



- ◇ **Confidential Petitioners.** At this point, the judge will evaluate whether they believe you meet the “endangerment” standard. They will likely ask you questions about why you believe you meet the standard. If they are satisfied that you do, you may proceed to Step 8 below. If the judge determines that you do not meet the “endangerment” standard and you would still like to proceed with a name change, you may ask the judge if you can instead file a non-confidential petition at that time. Some judges may require that you first return to the clerk of courts’ office, some may allow you to give them the public paperwork since you are already having a hearing.
- ▶ If there are no objections, the judge will grant the petition and sign the “Order for Name Change” (or, if it is a confidential name change, then the “Confidential Order for Name Change”).

## 8. Purchase Copies of the Order.

- ▶ Following the hearing, if the judge grants the petition, the judge’s clerk will give you a copy of the forms. Take the forms to the clerk of courts’ office or wherever the judge’s clerk instructs you in order to file the Order. In some counties the clerk will not give you the forms but will instead tell you to pick them up at the clerk of courts’ office or elsewhere.
- ▶ Purchase certified copies of the Order. These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for certified copies. It is best to purchase a few certified copies, but an exact number is not required.

**Note:** If you intend to update your Wisconsin birth certificate, note that you must have the clerk complete DHS Form 5021 (discussed in Step 9 below).

## 9. *Optional*—Update Wisconsin Birth Certificate.

- ▶ If you have a Wisconsin birth certificate you may inform the Wisconsin Vital Records Office of your name change. Section VII explains how to change a Wisconsin marriage license.

### ▶ Required Documents:

- ✓ One certified copy of the Order for Name Change

**Note:** The Vital Records Office will likely return the certified court order once the name change is processed.

- ✓ DHS Form 5021, “Report of Legal Name Change”

- ◆ The Wisconsin Vital Records Office does not offer this form online. Trans Law Help Wisconsin provides a copy for reference, available [here](#). Because government forms are subject to change, applicants should confirm the current form by [contacting DHS](#).

- ✓ Proof of Identity:

- ◆ If applying in person, identification must be a valid ID (not a photocopy).

- ◆ If applying by mail, identification must be a photocopy of your ID.
- ◆ Acceptable forms of identification include:
  - One of:
    - Driver’s license or State ID;
    - US Government issued photo ID;
    - US or Foreign passport; or
    - Tribal or Military ID card.
  - Two of:
    - Bank statement;
    - Current, dated, signed lease;
    - Health insurance card;
    - Utility bill or traffic ticket; or
    - Vehicle registration/title

► Pay Fees:

- ◆ There is a \$10 filing fee and it does **not** include copies of the amended birth certificate.
- ◆ Updated birth certificates cost \$20 for the first copy and \$3 for each additional copy. The certificate(s) can be ordered when submitting Form 5021 by including additional payment at that time.
- ◆ If filing by mail, pay the fee by check or money order made out to “State of Wisconsin Vital Records.”

- ◇ If filing in person, the Vital Records Office will accept check, money order, and debit and credit cards.

▶ File the Forms.

- ◇ Deliver or mail the required documents and payment to the below addresses. In some counties, a different local office can also administer birth certificate changes. If you have questions, contact the Vital Records Office [here](#).

**In Person:** Wisconsin Vital Records Office  
1 West Wilson Street, Room 160  
Madison, WI 53703

**By Mail:** State Vital Records Office  
Special Services Lead  
P.O. Box 309  
Madison, WI 53701-0301

- ▶ Information Included on the Amended Birth Certificate. In most circumstances the amended birth certificate will still show the old name, often in smaller print on the bottom of the birth certificate.
  - ◇ If you received a Confidential Order for Name Change, the Vital Records Office should issue a new birth certificate. Unlike an amended certificate, a new birth certificate will not list your previous name.
  - ◇ If you are concerned by this policy, you may consider asking the judge at your name change hearing to order the Vital Records Office to issue you a new (rather than amended)

birth certificate that will not include your old name. The judge has discretion to deny this request.

**Note:** If you also plan to change your gender marker, you may consider waiting to update your birth certificate.

When you report a change of gender marker to the Vital Records Office, you will use a different form that allows them to issue you a new birth certificate. A new birth certificate does not show your old name or gender marker regardless of whether you used the confidential or regular name change process. See Section III, below.

## B. Name Change for Minors Under 14 Years Old

Minors under the age of 14 living in Wisconsin may follow this process to seek a court order for name change. Obtaining a court order for a name change means that Wisconsin officially recognizes the individual's name change and that the individual, depending on their state of birth, may be able to use the order to change their name on various identification documents. Depending on your family's situation, name changes for minors under 14 can become substantially more complicated than other name changes. If this is the case, you may consider working with an attorney. Information on changing the name of an adult or a minor 14 years or older is address in Subsection A above.

**Caution:** A person may not change their name to conceal a criminal record or if they are subject to "sex offender" reporting requirements.

### *Initial Considerations*

- **Associated Costs.** Up to \$400, depending on process server fees. Some court-imposed fees may be waived for low-income petitioners.
  - ▶ **Filing Fee:** \$164.50 to file a petition for name change.
  - ▶ **Newspaper publication (if applicable):** \$75–\$100. This fee is imposed by the newspaper in which notification must be published and can vary.
  - ▶ **Process Server.** In some circumstances, explained below, one parent/guardian may need to serve the petition on another parent/guardian. Process servers usually charge at least \$50, but fees can increase substantially based on circumstances.
  - ▶ **Certified Copies of Name Change Court Order.** These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for certified copies. It is best to purchase a few certified copies, but an exact number is not required.
  - ▶ **Vital Records Office Fee (if applicable):** \$10 to file an order to change a Wisconsin birth certificate.
  - ▶ **Certified Wisconsin Birth Certificate (if applicable):** The Wisconsin Vital Records Office charges \$20.00 for the first copy of an amended birth certificate and \$3.00 for duplicates purchased at the same time.

**Tip:** If you plan to change both your name and gender marker, consider waiting to update documents until a court has ordered both changes since new copies are expensive.

- **Timeline.** The process can take 4–8 weeks.
  - ▶ This timeline includes the required three-week newspaper publication period.
  - ▶ If you can use the confidential process, as described in the next paragraph, the timeline will be shorter.
- **Confidential or Public?** The courts offer two variations on the procedure to obtain a name change and you will need to decide which you will follow.
  - ◇ Public. The default name change process creates a public record of the name change, requires publication of a notice of the name change hearing, and becomes accessible on CCAP, the website for Wisconsin circuit court records.
  - ◇ Confidential. If a minor would be put at risk by following the public process, the petitioning parent may attempt to proceed using the confidential process.
  - ◇ A petitioner must demonstrate that the minor is “endangered,” or that they would be endangered by proceeding through the public process. It is up to the judge assigned to a case to determine whether the minor meets the endangerment standard.

- To follow the confidential procedure, you must complete a different set of forms. The confidential forms are listed throughout the Process section below and are shown in [brackets].

### *Process*

- 1. Determine Where to File.** You must file paperwork with the circuit court of the county in which you live. The Wisconsin Court System provides a [list](#) to help you locate your circuit court.
  - ▶ Precise filing procedures vary from county to county. Check with the county clerk of courts to determine local procedures. In general, you can file by going in-person to your local courthouse.
- 3. Who May File?** Wisconsin law imposes certain restrictions on who may file for this type of name change and how. The petition must be brought by one of the following:
  - ▶ Both living parents;
  - ▶ Sole surviving parent;
  - ▶ One parent, if the other parent retains parental rights and proper procedure (Step 6 below) followed;
  - ▶ One parent, if other parent's parental rights have been terminated; or
  - ▶ Sole guardian / custodian if:
    - ◇ Both parents deceased; or



- ◇ Parental rights of both parents terminated.

**4. Prepare the Forms.** Prepare the forms listed below. If filling out by hand, use black ink. The forms include directions for preparing each of the documents and are all available from the Wisconsin Circuit Court Forms webpage [here](#).

- ✓ Petition for Minor Name Change, CV-455 [confidential CV-456]
- ✓ Notice and Order for Name Change Hearing, CV-460 [confidential CV-461]
- ✓ Order for Name Change, CV-470 [confidential CV-471]
- ✓ Order Denying Name Change, CV-475 [confidential CV-476]

If there is a non-petitioning parent, **one** of the following must be filed and it **must be notarized**. See Subsection I.B above, How to Access Notaries. The non-petitioning parent forms are discussed further at Step 6 below.

- ✓ Response of Non-Petitioning Parent, CV-480; or
- ✓ Affidavit of Attempted Service, CV-465.

**5. Optional—Request a fee waiver.** If you cannot afford the filing fees, you can request a fee waiver. More information on how to complete the fee waiver is included in Subsection I.A above.

**6. File the Forms.** Take the forms you have prepared to your local courthouse. Many courthouses are open during business hours, but it is best to confirm current hours by calling or visiting that court's website.

**Caution:** Many courthouses require visitors go through a metal detector. Procedures vary but are generally less demanding than airport-style security. If you are frequently flagged when passing through security screenings, you may want to give yourself more time.

At the courthouse, go to the clerk of courts' office to file your forms. If it is not obvious where the office is, you may ask a security guard or other employee. The clerk of courts' office is also where you will pay the filing fee or submit your Petition for Waiver of Fees, whichever is applicable to you.

◇ **Non-Confidential Petitioners:** The clerk will then take the forms, assign a case number and a judge, and return to you the "Notice and Order for Name Change Hearing." You should then take that order to the office of the judge assigned to the case. The clerk you are speaking to will provide you directions to that office. If applying through the regular process, the judge's clerk will then assign a hearing date at least 4–5 weeks from the filing date to allow time for newspaper publication. Continue to Step 6.

◇ **Confidential Petitioners:** Because newspaper publication is not required, you may receive a hearing date in a much shorter time frame. The date will depend on the assigned judge's availability and may be as long as several weeks in the future. Your hearing date may be the same day. If you must serve a non-petitioning parent, the hearing date will **not** be the same day. Ignore Step 7.

**7. Serve Non-Petitioning Parent.** Additional procedures apply when a parent retains parental rights but does not join the petition. These procedures apply even if seeking a confidential name change.

▶ Serve the Non-Petitioning Parent: After you file your petition with the court, you must give the non-petitioning parent the opportunity to object to the name change. To do so, the petitioning parent must serve the petition on the non-petitioning parent and have them complete the Response of Non-Petitioning Parent (CV-480) and have it notarized. You can serve the non-petitioning parent by providing the forms listed in Step 3 to a professional process server. The process server will then follow the legal requirements to locate and serve the non-petitioning parent.

▶ Non-Petitioning Parent Absent: If the non-petitioning parent cannot be located, then the petitioning parent must complete the Affidavit of Attempted Service (CV-465) and have it notarized.

**8. Newspaper Publication.** If filing for a name change through the regular process, you must publish notice of the hearing in a designated newspaper. Increasingly, these are also available on the newspaper's website.

▶ Time: Three weeks (the notice of hearing information must be published once a week for three consecutive weeks before the scheduled hearing).

▶ Costs: \$75–\$100.

- ◇ If the publication fee would cause you financial hardship, some newspapers may have reduced or waived publication fees for individuals with limited means to pay. Ask when you are purchasing the notice.
- ▶ Method of Publication: The notice should indicate in which newspaper you must publish. If it does not, ask the clerk of courts. You must then contact the newspaper and pay them to run the notice.
  - ◇ Dane County requires an individual to publish the notice of hearing information in the Wisconsin State Journal. Milwaukee County requires publication in the Milwaukee Journal Sentinel. Other counties may allow an individual to choose between several newspapers.
- ▶ Proof of Publication: Once the notice has been published for three weeks, the newspaper will send you a “Proof of Publication” affidavit in the mail with a copy of the notice. You can request an additional copy from the newspaper so that you may retain a back-up copy. Save this document.

**Tip:** Save the “Proof of Publication” affidavit and notice; you must bring these to the hearing.

## 9. Gather Documents Before Hearing.

- ▶ **All Petitioners:**

- ◇ Bring your original birth certificate *or* a certified copy to the hearing. It is best to do so regardless of your birth state.
  - ◇ If the clerk returned a copy of your petition to you when you filed it, bring that and any similar documents to the hearing.
  - ◇ If you plan to provide a letter from a doctor or therapist supporting your petition, bring it to the hearing. There is **no requirement** to provide a letter for name change petitions.
- ▶ **Non-Confidential Petitioners:** Bring the “Proof of Publication” affidavit and a copy of the published notice to the hearing.

#### 10. Attend the Hearing.

- ▶ At the courthouse, proceed to the specified courtroom. If your documents do not indicate a courtroom, consult posted notifications or ask an employee or the clerk of courts.
- ▶ Arrive at the hearing on time. If you are more than 10 minutes late for a scheduled hearing, you may not be allowed to have the hearing. This may force you to restart the process from Step 1, above.
- ▶ When the clerk calls the case, step forward and give them the “Proof of Publication” affidavit and a copy of the published notice (if applicable). If you choose to provide a letter from a doctor or therapist, give that letter to the clerk at this time as well.

**Caution:** If your name change is not confidential any document you provide to the court during the hearing (including a doctor or therapist’s letter) will become a public record. There is no requirement to provide a letter for name change petitions.

▶ You will next be placed under oath and asked for basic information on the petition, such as the minor’s current legal name, the name you are pursuing for the minor, and reason for requesting a name change.

◇ **Confidential Petitioners.** At this point, the judge will evaluate whether they believe the minor meets the “endangerment” standard. They will likely ask you questions about why you believe the minor meets the standard. If they are satisfied, you may proceed to Step 10 below. If the judge determines that the minor does not meet the “endangerment” standard and you would still like to proceed with a name change, you may ask the judge if you can instead file a non-confidential petition at that time. Some judges may require that you first return to the clerk of courts’ office, some may allow you to give them the public paperwork since you are already having a hearing.

▶ If there are no objections, the judge will grant the petition and sign the “Order for Name Change” (or, if it is a confidential name change, then the “Confidential Order for Name Change”).

## 11. Purchase Copies of the Order.

▶ Following the hearing, if the judge grants the petition, the judge’s clerk will give you a copy of the forms. Take the forms to

the clerk of courts' office or wherever the judge's clerk instructs you in order to file the Order. In some counties the clerk will not give you the forms but will instead tell you to pick them up at the clerk of courts' office or elsewhere.

- ▶ Purchase certified copies of the Order. These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for certified copies. It is best to purchase a few certified copies, but an exact number is not required.

**Note:** If you intend to update your Wisconsin birth certificate, note that you must have the clerk complete DHS Form 5021 (discussed in Step 11 below).

## 12. *Optional*—Update Wisconsin Birth Certificate.

- ▶ If the minor has a Wisconsin birth certificate you may inform the Wisconsin Vital Records Office of the name change. If the minor has an out-of-state birth certificate or if you currently live outside Wisconsin, review Subsection I.C above for your options.
- ▶ Required Documents:

- ✓ One certified copy of the Order for Name Change

**Note:** The Vital Records Office may return the certified court order once the name change is processed.

- ✓ DHS Form 5021, "Report of Legal Name Change"

- ◆ The Wisconsin Vital Records Office does not offer this form online. Trans Law Help Wisconsin provides a copy for reference, available [here](#). Because government forms are subject to change, applicants should confirm the current form by [contacting DHS](#).

✓ Proof of Identity:

- ◆ If applying in person, identification must be a valid ID (not a photocopy).
- ◆ If applying by mail, identification must be a photocopy of your ID.
- ◆ Acceptable forms of identification include:

- One of:

- Driver's license or state ID card;
- US Government issued photo ID;
- US or Foreign passport; or
- Tribal or Military ID card.

- Two of:

- Bank statement;
- Current, dated, signed lease;
- Health insurance card;
- Utility bill or traffic ticket; or
- Vehicle registration/title

OR

► Pay Fees:



- ◇ There is a \$10 filing fee and it does **not** include copies of the amended birth certificate.
  - ◇ Updated birth certificates cost \$20 for the first copy and \$3 for each additional copy. The certificate(s) can be ordered when submitting Form 5021 by including additional payment at that time.
  - ◇ If filing by mail, pay the fee by check or money order made out to “State of Wisconsin Vital Records.”
  - ◇ If filing in person, the Vital Records Office will accept check, money order, and debit and credit cards.
- ▶ File the Forms.
- ◇ Deliver or mail the required documents and payment to the below addresses. In some counties, a different local office can also administer birth certificate changes. If you have questions, contact the Vital Records Office [here](#).

**In Person:** Wisconsin Vital Records Office  
1 West Wilson Street, Room 160  
Madison, WI 53703

**By Mail:** State Vital Records Office  
Special Services Lead  
P.O. Box 309  
Madison, WI 53701-0301

- ▶ Information Included on the Amended Birth Certificate. In most circumstances the amended birth certificate will still show the

old name, often in smaller print on the bottom of the birth certificate.

- ◇ If you received a Confidential Order for Name Change, the Vital Records Office should issue a new birth certificate. Unlike an amended certificate, a new birth certificate will not list the minor's previous name.
- ◇ If you are concerned by this policy, you may consider asking the judge at the name change hearing to order the Vital Records Office to issue you a new (rather than amended) birth certificate that will not include the minor's old name. The judge has discretion to deny this request.

**Note:** If you also plan to change your gender marker, you may consider waiting to update your birth certificate.

When you report a change of gender marker to the Vital Records Office, you will use a different form that allows them to issue you a new birth certificate. A new birth certificate does not show your old name or gender marker regardless of whether you used the confidential or regular name change process. See Section III, below.

## Section III: Gender Marker Change on Wisconsin Birth Certificate

### *Initial Considerations*

- **Who May Change Their Gender Marker.** At this point in Wisconsin, only people who have had what the law describes as a “surgical sex-change procedure” may legally change their gender marker. You should discuss with your healthcare provider(s) whether, in their medical opinion, the gender affirming care you receive qualifies as a “surgical sex-change procedure.”
  - ▶ Wisconsin requires either an F or M gender marker on birth certificates. There is no gender neutral or X option.
- **Associated Costs.** Up to \$350. Some court-imposed fees may be waived for low-income petitioners.
  - ▶ Filing Fee: \$164.50 to file a petition for gender marker change.
    - ◇ If you previously changed your name in Wisconsin, in some circumstances you may not be required to pay this fee. These are addressed in the Process subsection below at Step 4.
  - ▶ Certified copies of Court Order. These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for certified copies. It is best to purchase a few certified copies, but an exact number is not required.

- ▶ Vital Records Office Fee: \$10 to file an order to change a Wisconsin birth certificate (if applicable).
- ▶ Certified copy or copies of Wisconsin birth certificate (if applicable). The Wisconsin Vital Records Office charges \$20.00 for the first certificate and \$3.00 for duplicates purchased at the same time.

**Tip:** If you plan to change both your name and gender marker, consider waiting to update documents until a court has ordered both changes since new copies are expensive.

- **Timeline.** The process can take as little as one week.

**Note:** If you were born in Wisconsin but currently reside in a different state, see Subsection I.C above. If you need to report the change to the VRO, you may skip to Step 7, below. VRO may require additional procedures.

### *Process*

1. **Determine Where to File.** You must file paperwork with the circuit court of the county in which you live. The Wisconsin Court System provides a [list](#) to help you locate your circuit court.
  - ▶ Precise filing procedures vary from county to county. Check with the county clerk of court to determine local procedures. In general, you can file by going in-person to your local courthouse.
2. **Prepare the Forms.** There is no standard petition for changing a gender marker on a Wisconsin birth certificate. You can write a letter to the court stating your desire to change your gender

marker, or you may use the Petition and Order for Name Change forms as a template to create your own petition. The existing forms for Petition and Order for Name Change (CV-450 and CV-470, respectively) are available through the Wisconsin Circuit Court Forms page available [here](#). Alternatively, you may simply write a letter to the court explaining what you are trying to do.

In addition to a “Petition for Gender Marker Change,” an individual must present the following documents to the court:

- ✓ Certified copy of current birth certificate
- ✓ Certified copy of Order for Name Change (if applicable)
- ✓ Notarized letter from a surgeon, or your physician, stating that the petitioner has had gender-affirming surgery

**Tip:** Wisconsin law requires the petitioner to show they have had what it calls a “surgical sex-change procedure.” Because of this, consider asking your healthcare provider to use the same term in their letter. Since the judge has discretion to determine whether your letter is acceptable, it is best to use language that corresponds to the law.

- ✓ DHS Form 5035, “Report of Order to Change Name & Sex on Birth Certificate Due to Surgical Sex-Change Procedure”
- ◆ The Wisconsin Vital Records Office does not offer this form online. Trans Law Help Wisconsin provides a copy for reference, available [here](#). Because government forms

are subject to change, applicants should confirm the current form by [contacting DHS](#).

- ✓ Proposed Order for Gender Marker Change (optional, unless represented by an attorney)

- ◆ Typically, if you are not working with an attorney to change your gender marker on your Wisconsin birth certificate, you will not be required to provide this order. If you hire an attorney you may discuss with them whether they should prepare a proposed Order for Gender Marker Change.

**3. *Optional—Request a fee waiver.*** If you cannot afford the filing fees, you can request a fee waiver. More information on how to complete the fee waiver is included in Subsection I.A above.

**4. *File the Forms.*** Take the forms you have prepared to your local courthouse. Many courthouses are open during business hours, but it is best to confirm current hours by calling or visiting that court’s website.

**Caution:** Many courthouses require visitors to go through a metal detector. Procedures vary but are generally less demanding than airport-style security. If you are frequently flagged when passing through security screenings, you may want to give yourself more time.

At the courthouse go to the clerk of courts’ office to file your forms. If it is not obvious where the office is, you may ask a security guard or other employee.

- ▶ There are three options for you to file your case:

- ◇ Option 1: If you have not previously changed your name in Wisconsin, you will need to pay the \$164.50 filing fee or submit your Petition for Waiver of Fees, whichever is applicable to you.
- ◇ Option 2: If you previously changed your name in Wisconsin, you may be able to file your gender marker change case as a part of your existing name change case. Because it is not a new case, there is no new filing fee. If your name change was public, your gender marker change documents will appear under that case on CCAP. This option is only available if you resided in the same county currently as you did when you changed your name. Not all courts will accept this approach.
- ◇ Option 3: If you are seeking to change your name at the same time as your gender marker, some courts may allow you to file both at the same time. If this is your situation, explain to the clerk of courts what you seek to do. This is uncommon and many courts may reject this approach.

- ▶ Regardless of which option you choose, the clerk will then take the forms, assign a case number (unless Option 1) and a judge, and hand you a copy of the “Notice for Gender Marker Change.” You should then take that order to the office of the judge assigned to the case. The clerk you are speaking to will provide you directions to that office. The judge’s clerk will then assign a hearing date.

**5. Attend the Hearing.** In some cases, you may be able to immediately go into the courtroom and speak with the judge after filing the documents with the judge’s clerk. It is best to expect the

hearing to be the same day so that you can be prepared. A formal hearing may not be necessary. A judge may instead allow you to meet in the judge's chambers, where the judge will review the documents and decide whether to grant your petition.

**Note:** It is possible that the judge may ask you additional questions about your surgery letter. While it is their prerogative to ask fact-finding questions about the petition, it is possible that these inquiries could become quite invasive.

If your hearing is scheduled for a different day, you will need to come back to finish the process.

- ▶ Arrive at the hearing on time. If you are more than 10 minutes late for a scheduled hearing, you may not be allowed to have the hearing. This may force you to restart the process from Step 1, above.
- ▶ When the clerk calls the case, step forward. You will be placed under oath and asked for basic information on the petition, such as current legal name, the name you are pursuing as your legal name, and reason for requesting a name change.
- ▶ If there are no objections and the judge is satisfied by your physician's letter, the judge will grant the petition and sign the "Order for Gender Marker Change."



## 6. Purchase Copies of the Order.

- ▶ If the judge signs the Order for Gender Marker Change, the court will seal the Order. This means a person would need a court order before they could view a copy of the judge's order.
- ▶ Following the hearing, if the judge grants the petition, the judge's clerk will give you a copy of the forms. Take the forms to the clerk of courts' office or wherever the judge's clerk instructs you to go to file the Order. In some counties the clerk will not give you the forms but will instead tell you to pick them up at the clerk of courts' office or elsewhere.
- ▶ Purchase certified copies of the Order. These typically cost \$2.50/copy for non-certified copies and \$7.50/copy for certified copies. It is best to purchase a few certified copies, but an exact number is not required..

**Note:** If you intend to update your Wisconsin birth certificate, note that you must have the clerk complete DHS Form 5035 (discussed in Step 7 below).

## 7. Update Wisconsin Birth Certificate.

- ▶ If you have a Wisconsin birth certificate, you should inform the Wisconsin Vital Records Office of the gender marker change.
- ▶ Required Documents:
  - ✓ One certified copy of the Order for Gender Marker Change

**Note:** The Vital Records Office may return the certified court order once the name change is processed.

- ✓ DHS Form 5035, “Report of Order to Change Name & Sex on Birth Certificate Due to Surgical Procedure”
  - ◆ The Wisconsin Vital Records Office does not offer this form online. Trans Law Help Wisconsin provides a copy for reference, available [here](#). Because government forms are subject to change, applicants should confirm the current form by [contacting DHS](#).
- ✓ Proof of Identity:
  - ◆ If applying in person, identification must be a valid ID (not a photocopy).
  - ◆ If applying by mail, identification must be a photocopy of your ID.

◆ Acceptable forms of identification include:

▪ One of:

- Driver's license or State ID;
- US Government issued photo ID;
- US or Foreign passport; or
- Tribal or Military ID card.

▪ Two of:

- Bank statement;
- Current, dated, signed lease;
- Health insurance card;
- Utility bill or traffic ticket; or
- Vehicle registration/title

OR

► Pay Fees:

- ◆ There is a \$10 filing fee and it does **not** include copies of the amended birth certificate.
- ◆ Updated birth certificates cost \$20 for the first copy and \$3 for each additional copy. The certificate(s) can be ordered when submitting Form 5035 by including additional payment at that time.
- ◆ It is a good idea to purchase multiple copies, but no set number is required. This is because a copy of your birth certificate may be needed to change other documents and not all agencies return the original.
- ◆ If filing by mail, pay the fee by check or money order made out to "State of Wisconsin Vital Records."

- ◇ If filing in person, the Vital Records Office will accept check, money order, or debit and credit cards.
- ▶ File the Forms:
  - ◇ Deliver or mail the required documents and payment to the below addresses. In some counties, a different local office can also administer birth certificate changes. If you have questions, contact the Vital Records Office [here](#).
- ▶ After the clerk has signed and placed the court seal on DHS Form 5035, you may file it, a certified copy of your Order for Gender Marker Change, and payment of the required fees either in person or by mail.

**In Person:** Wisconsin Vital Records Office  
1 West Wilson Street, Room 160  
Madison, WI 53703

**By Mail:** State Vital Records Office  
Special Services Lead  
P.O. Box 309  
Madison, WI 53701-0301

- ▶ Information Included on the New Birth Certificate: In most circumstances the registrar at the Vital Records Office should issue a new birth certificate. Barring unusual circumstances, this should be a birth certificate that does not indicate previous name or gender marker.

- ◇ The registrar at the Vital Records Office will send notice of the change to the local registrar who filed your original birth certificate. The local registrar is supposed to destroy the certified copy of your original birth certificate.
  
- ◇ The registrar at the Vital Records Office should impound the original record in that office and all correspondence, court orders, and other related materials. This means that the original birth certificate will not be accessible without a court order.

## Section IV: Updating the Social Security Administration

For most people, the next step after obtaining a court order for name or gender marker change is to update their information with the Social Security Administration (SSA). Because Social Security cards show name, but not gender marker, slightly different procedures are required to change each. Subsection A, below, covers how to change your name with the SSA. Subsection B covers how to change your gender marker with the SSA.

### A. Changing Name on Social Security Card / Account

#### *Initial Considerations*

- ▶ Associated Costs: Free.
- ▶ Time: 2–3 weeks.
  - ◇ The SSA estimates that an individual will receive their new card by mail about ten days after the application is processed. Delays related to covid-19 have extended this timeline. Review the SSA’s website for most up-to-date time estimates.
- ▶ When to Apply: You may apply at any time you can compile all the required documents. You may apply separately or at the same time as you apply to update your gender marker with the SSA.

Some applicants may be eligible for a “my Social Security” account. In some circumstances, *my* Social Security accounts can be used to update both name and gender marker on a Social Security card entirely online. Visit [www.ssa.gov/myaccount/](http://www.ssa.gov/myaccount/) for more information on *my* Social Security and see [www.ssa.gov/ssnumber/](http://www.ssa.gov/ssnumber/) to find out if you are eligible.

## *Process*

1. **Prepare the Application.** Complete the Application for a Social Security Card (SS-5), which is available [here](#). The form must be printed on 8.5” x 11” paper.
  - ▶ If completing by hand, you must use blue or black ink.
  - ▶ The form provides additional instructions for preparing the application.
2. **Gather Required Documents.** You will need to gather the below documents and bring them with you to the SSA office or mail them with your application.
  - ✓ One certified copy of the Order for Name Change
  - ✓ Current Social Security card
  - ✓ One of the following identification documents (original, not photocopy):
    - ◆ U.S. driver’s license;
    - ◆ State-issued non-driver identification card; or
    - ◆ U.S. passport.

**Note:** The SSA may accept other forms of identification, such as current health insurance cards, employee identification cards, or school identification cards. For more information, see [www.ssa.gov/ssnumber/ss5doc.htm](http://www.ssa.gov/ssnumber/ss5doc.htm) (click the blue box that says “Corrected” under “Type of Card” on the left sidebar).

### 3. Submit Required Documents.

- ▶ **In-Person:** Bring the completed application and documents to your local SSA office or your local Social Security Card Center. To find the location and hours of the office nearest you, see [here](#).
- ▶ **By Mail:** You may choose to mail the application and required documents to the SSA at the address listed for your local office. If submitting via mail, the process will likely take longer. Any documents mailed to the SSA should be returned to you.

### 4. SSA Processes Your Application.

- ▶ The SSA will process your application. If you applied by mail, you can expect to receive 2–3 pieces of mail from the SSA (1) returning your documents, (2) confirming your application is in progress, and (3) delivering your updated Social Security Card.
- ▶ If you applied at your local SSA office, there will still be a waiting period while SSA processes your application. Keep a close eye on your mail while you wait.



## B. Changing Gender Marker on Social Security Account

### *Initial Considerations*

- ▶ Associated Costs: Free.
- ▶ Time: 2–3 weeks.
  - ◇ Processing time is approximately the same as for a name change, but you will not receive a new Social Security card. Delays related to covid-19 have extended this timeline substantially. Review the SSA's website for most up-to-date time estimates.
- ▶ When to Apply: You may apply at any time you can compile all the required documents.
  - ◇ For some applicants, this may mean as soon as after they have updated their gender marker on their U.S. passport, for others it may mean after pursuing a court order and updating their birth certificate. You may apply separately or at the same time as you apply to update your name with the SSA.
- ▶ No X Gender Marker: The SSA requires either an F or M gender marker. There is no gender neutral or X option.

## *Process*

1. **Prepare the Application.** Complete the Application for a Social Security Card (SS-5), which is available [here](#). The form must be printed on 8.5” x 11” paper.
  - ▶ If completing by hand, you must use blue or black ink.
  - ▶ The form provides additional instructions for preparing the application.
2. **Gather Required Documents.**
  - ✓ Current Social Security card
  - ✓ One of the following identification documents:
    - ◆ U.S. driver’s license;
    - ◆ State-issued non-driver identification card; or
    - ◆ U.S. passport.

**Note:** It is not necessary for you to have changed your gender marker on any of the identification documents mentioned above before bringing them in to change your gender marker with Social Security. These documents are only used to confirm your identity and not to verify your gender marker.

- ✓ Proof of gender marker change. The Social Security Administration requires **one** of the following:
  - ◆ Full-validity, 10-year U.S. passport with new gender;
  - ◆ Amended birth certificate with new gender;
  - ◆ Court order recognizing gender marker change; or
  - ◆ Medical certification of “appropriate clinical treatment” in the form of an original letter from a licensed physician
    - Note that this is a lower standard than Wisconsin’s requirement of gender-affirming surgery. You can find a sample letter [here](#).

**Note:** If you are not a U.S. citizen, you will need to prove your U.S. immigration status. Information on updating immigration documents can be found at the NCTE’s website [here](#).

**Note:** The SSA Office may accept other forms of identification, such as current health insurance cards, employee identification cards, or school identification cards. For more information, see [www.ssa.gov/ssnumber/ss5doc.htm](http://www.ssa.gov/ssnumber/ss5doc.htm) (see “Corrected” under “Type of Card” on the left sidebar).

### 3. Submit Required Documents.

- ▶ **In-Person:** Bring the completed application and documents to your local SSA office or your local Social Security Card Center. To find the location and hours of the office nearest you, click [here](#).
- ▶ **By Mail:** You may choose to mail the application and required documents to the SSA at the address listed for your local office. If submitting via mail, the process will likely take longer. Any documents mailed to the SSA should be returned to you.

### 4. SSA Processes Your Application.

- ▶ The SSA will process your application. If you applied by mail, you can expect to receive 2–3 pieces of mail from the SSA (1) returning your documents, (2) confirming your application is in progress, and (3) delivering your updated Social Security Card.
- ▶ If you applied at your local SSA office, there will still be a waiting period while SSA processes your application. Keep a close eye on your mail while you wait.

## Section V: Updating Wisconsin Driver's License / ID

### *Initial Considerations*

- Associated Costs: \$14–\$16.
- Time: Standard DMV wait and processing time. You should receive a paper copy of your new ID same day at the DMV office.
- When to Apply: You **must** update your information with the Social Security Administration **before** you seek an updated Wisconsin driver's license or ID.
  - ▶ If you plan to apply for an updated passport, it may be easier to do so before applying for your new Wisconsin ID and then use that passport to update your Wisconsin ID.
- No X Gender Marker: Wisconsin requires either an F or M gender marker on driver's licenses and IDs. There is no gender neutral or X option.

### *Process*

1. **Gather Required Documents**: The DMV has not published a formal policy specifying requirements for a gender marker change on a driver's license. In the past, the DMV has accepted different combinations of the below documents. For name change applicants, the most common approach is to use a certified copy of the court order as proof of name change.

- ✓ Completed Application

- ◆ License Application, [MV3001](#); or
- ◆ ID Card Application, [MV3004](#).
- ✓ Proof of Name Change (if applicable), **one** of:
  - ◆ Certified copy of court order for name change;
  - ◆ Updated birth certificate;
  - ◆ Updated Social Security card; or
  - ◆ Updated U.S. passport.
- ✓ Proof of Gender Marker Change (if applicable), **one** of:
  - ◆ Updated birth certificate;
  - ◆ Updated U.S. passport;
  - ◆ Certified copy of court order for gender marker change; or
  - ◆ Letter from physician certifying “change of gender”  
(acceptance varies).

The DMV may ask for additional proof of identification, proof of residence, or proof of citizenship. The State of Wisconsin has an [interactive Driver License Guide](#) that may be useful to confirm necessary documents in advance.

- 2. Process the Application:** Take the above documents and your completed application to a convenient [DMV location](#). The DMV will likely give you a number while you wait and, in some locations, an employee will take your picture at that time. Then, be prepared to wait for a DMV employee to call you up to the service counter to proceed with your application.

**Caution:** DMV employees may call or announce the name currently on your license or ID card while you are in the waiting area. For some applicants, this may result in their old name being called out in the lobby.

- 3. Submit Paperwork.** A DMV employee or a computer will call your number, you should then proceed to the service counter. You will present your documents to the DMV employee. They will review them, ask you to pay the fee, and should issue you a temporary, paper version of your new ID.
- 4. Wait for New ID.** Like all new or updated IDs, the Wisconsin Department of Transportation will send you your new ID in the mail.

## Section VI: Updating U.S. Passport

### *Initial Considerations*

- **Costs:** Usually \$165 or more.
  - ▶ The fees to obtain a new passport vary and depend on several factors including age, whether seeking an initial passport or a renewal, whether the renewal is before or after a year of issue, whether the renewed/new passport must be handled at an acceptance center (not done by mail), and whether the passport must be expedited (\$60). For the various fees, see [here](#).
  
- **Time:** It usually takes 6–8 weeks to receive your new passport. Expediting an application shortens that period to 2–3 weeks but requires an additional fee.
  - ▶ If you can prove your application is “urgent,” your application may be expedited to about 8 days. However, this process requires you go to a passport agency, and the nearest agencies to Wisconsin are in Chicago and Minneapolis.
    - ◇ You can only go to a passport agency within 2 weeks of international travel (or 4 weeks if you also need a visa). Locations available [here](#).
  
  - ▶ X gender marker passports may not be expedited.
  
- **Renewal Eligibility:** Not every passport can be renewed. An individual must meet **all** the following criteria for renewing a passport:



- ▶ **Passport in possession.** If passport lost or stolen it cannot be renewed, but it can be replaced.
- ▶ **Passport undamaged.** Badly damaged passports cannot be renewed. Replacements must be requested by applying for a “mutilated passport replacement.”
- ▶ **At least 16 years old when last passport was issued.** You can only renew a full-validity, 10-year adult passport issued after the holder’s 16th birthday.
  - ◊ Applicants who are still under 16 will have to apply for a new minor passport even if they previously had a passport.
- ▶ **Passport recently expired.** To renew a passport, it must have been issued less than 15 years ago.
- ▶ **Not seeking gender marker change.** If changing gender marker on an existing passport, an individual must go through the process as if seeking a new / initial passport.
- **If Ineligible:** If you are not eligible to renew a passport and if you are a U.S. citizen, apply for a new passport. A new passport requires in-person application. Click [here](#) to see the different passport application locations.
- **Gender Marker Changes:**

- ▶ No medical certification is required to change the gender marker on a passport. However, an applicant must follow the procedure as if they are applying for a new passport, The State Department does not permit renewal applicants to change their gender marker.
- ▶ To apply for a passport with an updated gender marker, select the gender marker you wish to use.
  - ◇ Beginning April 2022, the State Department will issue passport booklets with an X gender marker. This change only applies to passport *booklets* issued through the standard process. It does not include passports requested on an expedited basis nor does it apply to passport cards. X gender markers are expected to be offered on those documents beginning in “late 2023.” See [here](#) for updates.

## Process

### 1. Required Documents.

#### a. For Name Change (renewal):

| <u>Renewal More than One Year after Passport Issue</u> | <u>Renewal Less than One Year after Passport Issue</u> |
|--|--|
| ✓ <a href="#">Form DS-82</a>                           | ✓ <a href="#">Form DS-5504</a>                         |
| ✓ Most recent passport                                 | ✓ Most recent passport                                 |

|  |   |
|--|---|
| <ul style="list-style-type: none"><li>✓ Certified Court order for Name Change</li><li>✓ Color passport photo (2 inches by 2 inches)</li><li>✓ Application Fees (\$165 not expedited)</li></ul> | <ul style="list-style-type: none"><li>✓ Certified Court Order for Name Change</li><li>✓ Color passport photo (2 inches by 2 inches)</li><li>✓ Application fees (\$0 if not expedited)</li></ul> |
|--|---|

b. For Name Change (new passport / not eligible for renewal):

- ▶ If you are not eligible to renew a passport or are applying for your first passport, you must apply in-person using [Form DS-11](#).
- ▶ Follow the same process as for gender marker changes, described in the next subsection.

c. For Gender Marker Change (any time):

- ✓ [Form DS-11](#)
  - ◆ Form DS-11 provides options for X, F, and M gender markers. **No medical certification is required** to change your gender marker to any of these options; simply select your gender marker on the form.
- ✓ Evidence of U.S. Citizenship and copies of the evidence (usually a birth certificate)

- ◆ You do **not** need to change the gender marker on your birth certificate to obtain a passport with an updated gender marker. The State Department uses your birth certificate or other evidence of citizenship **only** as proof of citizenship. **It does not verify the birth certificate gender marker.**
- ✓ Valid ID and photocopy of that ID
  - ◆ ID should list your current legal name, but the gender marker does not need to match.
  - ◆ Accepted IDs are listed in Section D of Form DS-11.
- ✓ Proof of legal name change (if applicable)
- ✓ One copy of a color passport photo (2 inches by 2 inches) that resembles your current appearance
- ✓ Application fee, \$110, plus \$35 acceptance fee (in addition to any applicable expedited fees)

## 2. Procedure for Submitting Application.

- ▶ **Via Mail (renewals only).** The State Department requires that you send the application form and supporting documents using:

- ◇ An envelope large enough to fit the application without folding
- ◇ The United States Postal Service (USPS)

For those living in Wisconsin, mail the application and other required documents to:

**Regular Service:** National Passport Processing Center  
Post Office Box 90155  
Philadelphia, PA 19190-0155

**Expedited Service:** National Passport Processing Center  
**(additional fee applies)** Post Office Box 90955  
Philadelphia, PA 19190-0955

Write “EXPEDITE” on the outside of the envelope.

▶ **In Person (first passport or gender maker change).**

- ◇ Locate a passport office that is convenient for you. Some acceptance centers may require an appointment. See [here](#).
- ◆ Many USPS post offices also offer passport services.  
  
Appointments are often required. See [here](#) for more information.
- ◇ Have all the required documentation with you and proper means to pay fees. Policies vary, but a check or money order made out to the U.S. Department of State can be used to pay the passport fees. Acceptance Fee must be paid separately.

- ▶ **In Person (urgent change to existing passport).**
  - ◇ Make an appointment at Passport Agency for travel within two weeks. The closest Agency offices to Wisconsin are in Chicago and Minneapolis. Click [here](#).
  - ◇ Make note of your appointment confirmation number.

**Caution:** You will need to go through a security screening at a passport agency before checking in for your appointment. Some offices recommend you allot at least an additional 30 minutes for this process. If you are frequently flagged when passing through security screenings, you may want to give yourself more time.

## Section VII: Updating Wisconsin Marriage License

### A. Regular Name Change

#### *Initial Considerations*

- **Timing:** After obtaining a legal name gender marker change.
- **Associated Costs:** There is a \$10 filing fee to obtain an updated marriage license.

#### *Process*

1. If in-person, visit the Wisconsin Vital Records Office, directions to which can be found [here](#).
2. Bring or mail a certified copy of the Order for Name Change and/or Order for Gender Marker Change to the Wisconsin Vital Records Office (if mailing, confirm you have all required documentation necessary for the change with a call to Vital Records)
3. If desired, you may update the document's language to say "Bride," "Groom," or "Spouse" as appropriate.

**Note:** The license itself does not explicitly include a gender marker. However, gender is implied by the bride/groom terminology.

### B. Confidential Name Change

#### *Initial Considerations*

- An individual may request in their initial petition for order of name or gender marker change that they would like it to be used to update a marriage license.

- If it is not indicated in the order that it is intended to update a marriage license, an individual can briefly describe in a note what information must be corrected on the marriage license. This note does not need to be notarized.
- If the process for amending a birth certificate has not yet been completed, it can be done simultaneously with updating a marriage license.
- Associated Costs: There is a \$10 filing fee to obtain an updated marriage license.

### *Process*

1. Visit the Wisconsin Vital Records Office, directions to which can be found [here](#).
2. Bring a certified copy of the Confidential Order for Name Change and/or Order for Gender Marker Change to the Wisconsin Vital Records Office.
3. If applicable, bring a note describing what information on the marriage license is to be updated.
4. If desired, you may update the document's language to say "Bride," "Groom," or "Spouse" as appropriate.

**Note:** The license itself does not explicitly include a gender marker. However, gender is implied by the bride/groom terminology.



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