NEW YORK STATE

GENDER RECOGNITION ACT FAQS

What is the Gender Recognition Act (GRA)?
The Gender Recognition Act or GRA is a comprehensive bill that updates and clarifies many issues related to name changes and correcting sex designations/gender markers on identity documents (IDs) for transgender and nonbinary New Yorkers and those born in New York State.

When does the GRA go into effect?
Most of the GRA will go into effect 180 days from the date the Governor signed the bill, which is December 21, 2021. However, the provision that requires the DMV to provide "X" as a sex designation/gender marker on driver's licenses/IDs and removes the doctor's letter requirement for gender marker changes, will go into effect 365 days (1 year) after the Governor has signed the bill. This provision will go into effect on June 24, 2022.

Has the name change process in New York changed? What will be different once the GRA goes into effect?
The name change process in New York will remain mostly the same, with two important changes.

First, New Yorkers will no longer be required to publish notice of their name change in any newspaper or other location. This applies to everyone, not only trans and nonbinary people.

Second, there will be limitations on a judge's ability to require notice of your name change to others or to require consent from others before you can obtain certified copies of your name change.

- For minors changing their name, only notice to parents or legal guardians is required. The simplest way for a minor to get a name change is for one parent to act as their petitioner and the other parent to provide an affidavit of consent, but if one or both parents does not consent, you are simply required to show the court that you have provided them with notice of the change. (This is no different than the current standard.)
- If ordered to do so, people who are currently incarcerated, under community supervision, probation, or with certain felony convictions must still notify the prosecutor(s) and court(s) involved in their criminal conviction(s) of their intent to change their name. (This is no different than the current standard.)

After a judge grants your name change, the court can require you or the clerk to provide notice that your name has been changed to the New York Division of Criminal Justice Services only IF you have been convicted of a violent felony. The court can also require you to provide notice to a court and/or local child support office that your name has changed if you are required to pay child or spousal support.

In all other situations, the GRA requires a judge to provide a written decision showing good cause for why a person or entity outside those listed above must be notified of your name change. Under no circumstances can a judge require notice of a name change to immigration officials.

Can I get an X as the sex designation/gender marker on my New York birth certificate?
Yes! For Birth Certificates, New York State and New York City Departments of Health are already processing applications for "X" gender markers for those who were born in New York.

New York City Department of Health & Mental Hygiene (links to the forms are under the "How do I change the gender marker on my birth certificate" dropdown in the FAQ)
New York State Department of Health

THE RICHARD C. FAILLA LGBTQ COMMISSION of the New York Courts
Legal Services NYC DEMAND JUSTICE
Empire Justice Center
Lambda Legal making the case for equality
NYCLU ACLU of New York
TLDEF Transgender Legal Defense & Education Fund

CHECK OUT [EASY TO REMEMBER LINK] FOR MORE DETAILS, SAMPLE PAPERWORK, AND INFORMATION ON OBTAINING LEGAL HELP WITH THESE CHANGES WHERE YOU LIVE

Can I get an X as the sex designation/gender marker on my New York driver's license or DMV-issued ID?
Once this section of the GRA goes into effect in 2022, yes! The New York DMV is in the process of updating their system to allow for X sex designations/gender markers on driver's licenses and State IDs. After June 24, 2022, you will be able to obtain an X sex designations/gender markers on your driver's license or ID.

What will I need to provide to correct my sex designation/gender marker on my New York State birth certificate? Do I still need a doctor's letter?
Currently, you do not need a doctor's letter to correct your gender marker on your New York State or New York City birth certificate. A system of self-attestation, where you select your correct gender on an application and attest it is correct under penalty of perjury is now in place. This application does not need to be verified by any secondary source, such as a medical provider, though the Gender Correction form for New York State does need to be signed in front of a notary.

What will I need to provide to correct my gender marker on my NY Driver's license or ID?
Like birth certificates, effective June 24, 2022, New Yorkers will no longer need a doctor's letter to correct their gender marker on NY Driver's licenses or IDs. The DMV will establish an application process using the self-attestation standard that will likely be rolled out at the same time as X gender markers.

Can a minor correct their birth certificate in New York state?
Yes! With parental or guardian permission, minors are able to correct the sex designation/gender marker on their state-issued birth certificates. 17-year-olds can correct their New York State birth certificate without parental consent.

Can I correct my information on my child's birth certificate?
Yes! Parents are able to correct their own name on their child's birth certificate and select the title of "father," "mother," or "parent" on an original or amended birth certificate for their child.

Will the GRA help me to correct the sex designation/gender marker on my birth certificate if I was born out of state?
Possibly, yes! The GRA grants New York State courts the power to issue an order recognizing an individual's gender identity or amending a sex designation on an identity document. This provision will allow New York State residents born out of state to update their birth certificates, using a court order from New York, in states which require a court order to do so. However, you must make sure that your certified order contains the language required by the state you were born in, so consult an attorney before moving forward.

Does the GRA help with correcting student records or other documents?
Yes! The GRA requires all entities to comply with a name change order by updating the documentation or record (including school records and marriage certificates). The GRA also states that failure to comply with a name change order may be a violation of state and local non-discrimination laws. An individual could file a complaint with the New York State Division of Human Rights or other relevant enforcement agencies should anyone refuse to comply with a name change order.

Can I change my name if I am not a U.S. Citizen?
Yes! You do not need to be a U.S. citizen to obtain a name change in New York. Also, effective December 21, 2021, the GRA prohibits judges from requiring notices to immigration officials.

What should I do if a judge orders me to publish or make notifications after the GRA goes into effect?
There are many organizations and private attorneys that assist with name changes across the state. The Transgender Legal Defense & Education Fund serves NYC and Long Island, Legal Services NYC serves NYC and organizations like Empire Justice Center, Onondaga Volunteer Lawyers Project, Volunteer Legal Services Project, Legal Assistance of Western New York, and Legal Services of the Hudson Valley all serve areas north of NYC.