

Judicial Declaration of Gender Identity (Part 1): Judicial Declaration of Gender Identity of an Adult

Hi. I'm Jay. My pronouns are they and she. I am here to help you understand how to request a judicial declaration of gender identity for an adult. The process I am going to explain applies to you if you were born in or live in the State of Maryland. A quick note, if you are a parent, guardian, or custodian who is seeking a judicial declaration for a minor, watch part 2 of this series. There is a different process for that.

So, let's get started. What is a judicial declaration of gender identity?

CHAPTER HEADING: JUDICIAL DECLARATION OF GENDER IDENTITY

A judicial declaration of gender identity is a court order stating your gender marker or sex designation. You might need a court order to update or correct your gender marker on documents with certain agencies or organizations. I should mention that you don't necessarily need a court order to update your gender marker with all agencies. For example, both the Social Security Administration and the Maryland Motor Vehicle Administration have a process to update your marker. So does the Maryland Division of Vital Records, which can issue a new birth certificate.

But if you do need a court order, you'll have to file a petition.

CHAPTER HEADING: PETITION

There is a form you can use, called the Petition for Judicial Declaration of Gender Identity of an Adult, With or Without a Name Change. It's Form CC-DR-120. Your petition needs to include information about you and the gender designation you are seeking. If you have any documentation that supports your request, attach it to the petition. This may include records from your healthcare provider or documents that reflect the sex designation you want the court to recognize.

Your petition can also include a request to change your name. If you are requesting this, you'll need to provide your current legal name and a list of any former names. Attach a document that shows your current legal name. You can use a copy of your birth certificate, driver's license, or passport.

Your petition also needs to include the reason for your request. It cannot be for any illegal or fraudulent purpose. Once everything is ready to go, the next step is to file the petition and attachments in a circuit court. Each county in Maryland and Baltimore City has one. But which court?

CHAPTER HEADING: WHICH COURT?

You can file your petition in the circuit court where you live, carry on a regular business, work, habitually engage in a vocation, or where you were born. There is a filing fee, but you may be eligible for a waiver based on your income. Visit mdcourts.gov/feewaiver to learn more.

If the court has questions, it may hold a hearing. If not, a judge can sign an order declaring your gender identity and changing your name, if that was part of your request. Your petition will never be denied without a hearing.

If the court does not mail you a certified copy of the order, you'll need to contact the clerk's office to get copies. You can use the order to update your driver's license, birth certificate, passport, or other identity documents. It can also be used to update your information with the Social Security Administration, banks, creditors, and other agencies and institutions. If you were married in Maryland, you can ask the circuit court that issued your marriage license to issue a new marriage record with your updated gender marker and new name, if this changed. Use form CC-FM-072 and attach a certified copy of the order declaring your gender identity.

And that's the process! If you need more information, check out mdcourts.gov/genderidentity. Thanks for watching.