

NAME & GENDER CHANGE GUIDE FOR MARYLAND RESIDENTS

DISCLAIMER: This guide provides information about the legal and administrative steps associated with changing one's name and gender on identity documents. Please note that specific steps may have changed since this guide was printed and every individual may have unique name and gender change needs. This guide is to be used as a resource only and does not constitute legal advice.

Need further assistance? Come to the

NAME & GENDER CHANGE LEGAL CLINIC

Whitman-Walker Health Legal Services Program and Trans Legal Advocates of Washington (TransLAW) hold monthly Name & Gender Change Clinics to assist clients navigating the name and gender change process. For more information or to find out about the next clinic, please visit www.translawdc.org or call 202.939.7627.



WHITMAN-WALKER HEALTH
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INTRODUCTION

This guide provides an outline for Maryland Residents who wish to change their name and/or gender marker on identity documents and other records. Listed below are the most common steps taken to make these changes in Maryland. For most clients, we recommend pursuing these steps in the order listed. We understand, however, that some clients may have unique needs and/or goals which require a different approach to pursuing name/gender changes on their identity documents.

We encourage clients to make an appointment with staff from the Whitman-Walker Legal Services Program to discuss their specific situation and goals. We know this can be a daunting process and we are happy to guide clients through the name and gender change steps. Together, we can create a name/gender change strategy that fits each client's unique needs. Call us at (202) 939-7627 or visit our main office at 1701 14th Street, NW, Washington DC 20009.

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APPENDICES

- A. County Notes Regarding Name Change Procedures
- B. Schedule of Fees and Related Expenses

STEPS TO COMPLETE THE NAME/GENDER CHANGE PROCESS IN MARYLAND

- ___(Step 1) **File the Application for Change of Name with the Court**
- File in person, or by mail if allowed in your county
 - Request at least 4 extra certified copies of court order and pay related fee
- ___(Step 2) **Publish name change**
- Depending on County-specific instructions, the court clerk may send the Order of Publication directly to the newspaper or the court clerk may send it to the client – who then delivers it to the newspaper
 - Pay the publication fee to the newspaper
 - Deliver proof of publication to the court clerk; some newspapers will mail this to the client and others will mail it to the court clerk.
- ___(Step 3) **Receive signed Order for Name Change in the mail**
- If the court schedules a hearing or contacts you to request additional information, contact Whitman-Walker
- ___(Step 4) **Fax 3 letters to MVA central office requesting gender change**
- Letters include 1 letter from client, 1 from physician, 1 from therapist
 - Whitman-Walker can help prepare and send these letters
- ___(Step 5) **Go to Social Security Administration to change name and gender**
- Bring original copy of court order and letter signed by doctor
 - Request new SSA card
 - Ask SSA agent for a printout showing correct name
- ___(Step 6) **Receive gender change approval letter from MVA central office**
- ___(Step 7) **Go to MVA to get new ID/License with correct name and gender**
- Bring original copy of court order and gender change approval letter from MVA
 - Request new card and pay related fee
- ___(Step 8) **Change your information with your bank, creditor, school, employer, insurers, etc.**

I. COURT ORDER FOR CHANGE OF NAME

You have a right to change your name so long as you are not doing so for fraudulent purposes (i.e. to evade creditors or to escape criminal charges) or in a way that interferes with the rights of others.

The first step in changing your name in MD is to apply for an Order for Change of Name from your local county or city courthouse (explained in more detail below). This involves a very straight-forward, although somewhat time-consuming process; it takes at least one month to complete.

A. What To File With The Court

To legally change your name in MD, you will need the following:

1) Completed Name Change Packet, which includes:

a) A completed, signed Petition for Change of Name

Form DR 60 (<http://www.courts.state.md.us/family/forms/dr60.pdf>). Note: For Question 4, “I am requesting this change of name because,” possible answers include “this is my name of common usage,” “this is my preferred name,” or “I am transgender;”

Note: that whatever you list in response to Question 4 will likely appear verbatim in your local newspaper as part of the publication requirement (discussed in greater detail below). If you’re concerned about revealing your transgender status, we recommend putting “this is my name of common usage” or “this is my preferred name.”

*Make sure to sign your application for name change with your *current* legal name.

b) Notice for Publication

Fill out the top section and first paragraph of the Notice for Publication, found at: <http://www.courts.state.md.us/family/forms/dr61.pdf>.

Leave the second paragraph blank.

c) Order for Change of Name

Fill out the Order for Change of Name, found at <http://www.courts.state.md.us/family/forms/jo12.pdf>.

Do **NOT** fill in the date or the Judge’s signature.

2) A copy of a document reflecting your current name

For example, passport, ID card, birth certificate (showing the name you want to change from);

3) Pay the filing fee

If you are representing yourself, the Maryland name change petition filing fee is \$135. Some counties have a \$145 filing fee if you are represented by an attorney.

Fee Waivers: Depending on your income, you may qualify for a waiver of the filing fee. Maryland Circuit Courts do not have a standardized process for waiving the final filing costs for name change petitions, but the majority of counties require you to submit the following documents with your name change petition:

- (1) Request for Waiver of Prepayment of the Filing Fee (DR 32),
- (2) Motion and Order to Waive Court Costs,
- (3) Financial Statement Form (DR 31), and
- (4) Documents supporting the information provided.

It is the judge's decision to grant or deny your request, so it is important to attach as much proof of your financial necessity for the waiver as possible. Some judges have granted reduced filing fees, or "partial waivers," rather than wholly accepting or denying fee waiver requests.

The Circuit Courts in Anne Arundel County, Baltimore County, and Baltimore City **do not** require the Motion and Order to Waive Court Costs. Calvert County, Charles County and Howard County **do not** require the Financial Statement form. See the attached County Notes for more information about the Fee Waiver requirements for these counties.

Request for Waiver of Prepayment of the Filing Fee:
<http://www.mdcourts.gov/family/forms/dr32.pdf>.

Financial Statement Form (DR 31) to accompany the waiver:
<http://www.mdcourts.gov/family/forms/dr31.pdf>.

Where to File: File the above materials with the Clerk of the court at the circuit court for the county or city in which you reside. A directory of MD circuit courts along with their addresses and phone numbers can be found at <http://www.courts.state.md.us/circuit/>. See County Notes at the end of this document for specifics related to particular counties' filing requirements, contact information, and approximate timing.

Asking for Certified Copies: At the time of filing, arrange with the Clerk to have multiple certified copies of the ultimate Order issued. We recommend that you request 5 or more certified copies of the Order for Change of Name when it is issued. These copies are required to make later name changes, and by requesting them when the Order is issued, you

can avoid future trips to the courthouse. See the attached Fee Schedule for county-specific certified copy costs.

Note for Minors: If you are a minor and wish to obtain a court order for a name change, you must have the signed consent of both of your parents/legal guardians. If you do not have signed consent from one parent/legal guardian, you will need to properly serve them with the name change documents you have filed with the court: Petition for Change of Name, Notice, Order for Change of Name, All attachments you filed with these documents, and Writ of Summons (This will be given to you after you file your documents).

In Maryland, there is a separate minor-specific Petition for Change of Name, Notice of Publication, Order for Change of Name and Parental Consent forms that minors and their parents/legal guardians must complete and submit to the courthouse in the city or county where they live. The same publication requirements and costs apply. We encourage minors and their parents/legal guardians to speak to an attorney before pursuing the name change of a transgender minor as special legal issues surround this decision, especially if the parents/legal guardians share legal or physical custody of the minor.

B. Order of Publication

After you file the above documents with the Clerk, he/she will sign the Notice of Publication which gives members of the public an opportunity to object to the petition. At least 15 days before the objection deadline, you must publish notice of the name change in your county or city newspaper. Publication requirements differ from county to county. In some jurisdictions, publication arrangements are the responsibility of the party asking for publication. In other jurisdictions the Clerk of Court will arrange to have the Notice published. Ask the Clerk if publication is your responsibility. See **County Notes** at the end of this document for more information about publication procedures in specific counties.

The newspaper that publicizes your name change will send you an invoice to have the Notice published. You are required to pay this invoice. The cost will vary from county to county, but can run as high as \$200. When your name change is publicized, buy a copy of the paper and keep it for your records. After the notice is published, you and the Clerk should receive a confirmation letter from the newspaper. In some jurisdictions, the notice is only sent to you and not to the Clerk. You will need to check with the Clerk of the Court in your jurisdiction to determine if you need to send the Clerk a copy of this confirmation.

C. Final Steps

After the Clerk receives confirmation from the newspaper, he/she will send your Petition to the judge. The judge will review all the information. If someone has contested the name change or if the judge has any questions about your petition a hearing may be scheduled.

If no one has contested the name change and everything has been done properly, then the judge may sign the Order for Name Change. You will receive a certified copy or copies of the Order in the mail. If you receive only one certified copy, you will need to obtain additional certified copies from the Clerk. As discussed earlier, certified copies of the Order are necessary to change your name with other entities, including MVA and SSA.

After you have received your Court Order for a Name Change, you can now change your name with Social Security, with the MVA, on your Passport and with all your financial institutions. While you can do all these things right away, we commonly recommend delaying certain changes only briefly so that you may change your name and gender on certain documents at the same time.

II. CHANGING YOUR NAME AND GENDER WITH THE SOCIAL SECURITY ADMINISTRATION

A. Name Change

Once you have obtained a court order recognizing your name change, you must report your name change to the Social Security Administration (SSA). You must change your name with SSA before updating the name on your MD ID.

While at the SSA office, we recommend that you REQUEST A PRINTOUT reflecting the change to your name, because you will need this printout to change your name on your MD driver's license or ID card. Otherwise, you will have to wait for your new card to arrive by mail approximately 2 weeks later.

Following your visit to SSA, you will receive a new Social Security card in the mail with your changed name and the same social security number.

To apply for a name change with SSA, you will need:¹

1. Application for a Social Security Card; (Form SS-5) (<http://www.ssa.gov/online/ss-5.pdf>) that includes your changed name;
2. Certified copy of the Court Order for Change of Name;
3. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport card (it is okay if your ID document includes your former name); and
4. Proof of U.S. citizenship or lawful immigration status, such as a passport, birth certificate or immigration documentation.

¹ Changing a name on a Social Security Card FAQ, http://ssa-custhelp.ssa.gov/cgi-bin/ssa.cfg/php/enduser/std_adp.php?p_faqid=315.

You should take these documents in person to your nearest Social Security office during normal business hours. You may also mail these materials to your nearest SSA office. You may find your nearest Social Security office here:
<https://secure.ssa.gov/ICON/main.jsp>.

B. Gender Change

Although no gender marker is listed on your Social Security card, other government agencies look to your Social Security records to verify your gender. For example, if your gender marker on your tax or employment records does not match your Social Security records, SSA may contact your employer to question the difference, thereby disclosing your transgender status. Changing your gender marker with SSA will help you avoid this situation.

To apply to change your gender on your Social Security record, you will need three items:

1. A completed application for a Social Security Card (Form SS-5);
2. An identification document, such as an unexpired driver's license or state-issued identity card, or an unexpired U.S. Passport (it is okay if your ID document includes your former name/gender). If you do not have one of these documents or cannot get a replacement within 10 working days, the SSA may accept other documents that show your new legal name and biographical information, such as a U.S. military identity card, Certificate of Naturalization, employee identity card, certified copy of medical record (clinic, doctor, hospital), health insurance card, Medicaid card, or school identity card/record. If you are not a U.S. citizen, SSA must see your current U.S. immigration document(s) and your foreign passport with biographical information or photograph. Note: SSA will not accept a birth certificate, hospital souvenir birth certificate, Social Security card stub, or a Social Security record as evidence of identity; and
3. **One** of the following items to prove your transition:
 - a. Passport: A valid, 10-year U.S. passport with the updated gender marker (NOTE: passports with less than 10 years of validity will not be accepted), or
 - b. Birth Certificate: An original, state-issued birth certificate reflecting your updated gender marker, or
 - c. Court Order: An original court order directing legal recognition of change of gender, or
 - d. Doctor Letter: A signed letter on letterhead from your licensed doctor stating that you have had appropriate clinical treatment for gender transition and including the following language:

[DATE]

U.S. Social Security Administration

I, [physician's full name, physician's medical license or certificate number], issued by [U.S. State/Foreign Country], am the physician of [patient name], with whom I have a doctor/patient relationship and whom I have treated [or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated].

[Patient name] has had appropriate clinical treatment for gender transition to the new gender [female or male].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature]

Typed Name of Physician
Address
Telephone Number

You should take these materials in person to your nearest SSA office.

III. CHANGING YOUR NAME AND/OR GENDER WITH THE MD MOTOR VEHICLE ADMINISTRATION (MVA)

If you are changing BOTH your NAME and GENDER marker, it is most efficient to change them both at the SAME TIME with the MVA, if at all possible. We understand that certain clients will only need/want to change one or the other, so we have provided separate instructions for each change below, but if you are changing both items at the same time combine the documents listed in Sections B and C.

A. REAL ID Act Requirements

Due to changes under the REAL ID Act, even if you already have a DC Driver's License or ID, the DMV may need to re-inspect your original documents to issue a REAL ID compliant identification card. You only need to do this re-inspection one time, so if you have already obtained a REAL ID license or ID card (marked with a star in the top right corner) you do not need to bring the extra documents.

Note: Non-US citizens can obtain a DC REAL ID identification card as long as they have an unexpired document issued by USCIS or US Department of State showing lawful presence.

Original Documents You Need to Take to MD MVA:

For a complete list of acceptable documents see the DC DMV Document Guide in the Appendix, also online here: <http://www.mva.maryland.gov/drivers/apply/sources-of-proof.htm>

- ✓ **One (1) Proof of Age & Identity:** Birth Certificate, Valid/Unexpired U.S. Passport, etc. (for complete list see link below)
- ✓ **One (1) Proof of Lawful Status:** Age & Identity proof documents will be verified through the Department of Homeland Security to verify your lawful status
- ✓ **One (1) Proof of Valid Social Security Number:** Original/Replacement Social Security Card or SSA printout reflecting name change
- ✓ **Two (2) Proofs of MD Residency:** Internet printouts of Bank Statements and Utility Bills are accepted for accounts you primarily handle online. The statement MUST reflect applicants name and residential address. (for complete list of acceptable documents see link below)

B. Changing Your Name with the MVA

MD law requires that you notify MVA of a name change within 30 days. This change must be reported in person and must be reported only AFTER you have changed your name with the SSA. After you have changed your name with the SSA, the MVA system will be updated by SSA in approximately 24 hours. Bring the following to any full service MVA:

- ✓ Your current driver's license or ID card,
- ✓ **A certified copy of your court order** for a name change AND
- ✓ Your newly issued social security card reflecting your new name. If you do not already have a Real ID driver's license or ID card, you will also need to bring original versions of the Real ID required documents listed above.

The MVA will change your name and will mail your ID to the address you have on file. If you have a MD driver's license, learner's permit or ID card that is not due for renewal or expired, the fee for correction is \$20. The fee for renewal is \$6 per year and a first time driver's license is \$9 per year; and the fee for a renewal/new ID cards is \$15 if you are under 18 and \$24 if you are over 18.

C. Changing Your Gender with the MVA

MD MVA policy allows you to permanently change your gender on your driver's license regardless of whether your gender change is "permanent" or "transitional." Depending on which category you fall into, the process for changing your gender with the MVA is different.

1) Permanent

If you have had GRS (gender reassignment surgery) you must submit a letter from your surgeon stating that surgery was completed with the date of completion OR a court order for a gender change. Submit these materials by fax or by mail to:

Fax: (410) 768-7627
Attn: Terry Haffner, Driver Wellness and Safety Division
MD MVA
6601 Ritchie Highway, NE
Glen Burnie, MD 21062
Phone: (410) 787-7986

2) Transitional

If you have not had any type of surgery but are undergoing hormone therapy, you can still obtain a new, permanent gender marker on your driver's license. You will need to submit all of the following to either the fax number or the mailing address listed above:

a) A Letter Written by You

The MVA requires a letter written by you requesting the change, listing the reasons for the change, and explaining how you would benefit from it. WWH Legal Services staff recommends that you mention how long you've been living in your new gender and that that you are now living full time as a male/female. You may consider stating that it is very important to you, not only for safety reasons, but for personal reasons, that you have identification that accurately reflects your identity and your appearance.

b) A Letter from the Physician Administering Hormone Therapy

The MVA requires a letter from the physician who is administering your hormone therapy and/or assisting you with plans for surgery. The letter should include the length of time you have been in treatment with the physician and should offer the doctor's final impression of your progress and prognosis for success.

c) A Letter Written by Your Psychotherapist

The MVA requires a letter from your treating psychotherapist stating the length of time length of time you have been in treatment and a summary of your progress and prognosis for success.

Be sure that each of the above documents lists your name, driver's license number and correct address. The MVA will review the materials and send correspondence to the address you list advising approval or denial. A client may take an approval letter to any full service MVA to obtain a driver's license with the proper gender marker. If

you do not already have a Real ID driver's license or ID card, you will also need to bring original versions of the Real ID required documents listed above.

D. Federally Non-Compliant IDs for People Without a SSN

What is a Federally Non-Compliant Driver's License?

The Federally Non-Compliant driver's license, learner's permit, and ID card are official state-issued identification credentials. The federally non-compliant driver's license and learner's permit allow you to legally drive, but none of the limited purpose credentials can be used for official federal purposes (such as boarding commercial airline flights, accessing federal buildings or purchasing firearms), and will be marked to reflect this requirement. You must schedule an appointment to obtain a federally non-compliant driver's license, learner's permit or non-driver ID card.

Note: Always check the MVA website for the latest requirements before beginning the federally non-compliant identification credential application process
<http://www.mva.maryland.gov/announcements/sb715-information.htm>

Steps to Prepare for Application Submission:²

- 1) Apply for/obtain necessary identity documents (such as a valid, current foreign passport)
- 2) Apply for an Individual Taxpayer Identification Number through the Internal Revenue Service, <http://www.irs.gov/Individuals/General-ITIN-Information>
- 3) File Maryland Income Taxes for the preceding 2 years
- 4) Obtain a certification letter from the MD Comptroller's Office with a unique number in order to schedule an appointment. You can apply for a certification letter online through the [Comptroller's website](#)
- 5) Obtain two residency documents such as copies of a residential lease, utility bill, or bank statement; and
- 6) Study the [Maryland Driver's Manual](#) and take the [Online Driver Test Tutorial](#) to prepare for the knowledge test.

Steps to Obtain Federally Non-Compliant Identification Credentials:

1. You Must Make an Appointment
 - <http://license.mva.maryland.gov/CheckList/default.aspx>

²MD MVA, <http://www.mva.maryland.gov/announcements/sb715-information.htm> (last visited May 27, 2014).

- You cannot make an appointment without the control number on the tax certification letter from the Maryland Comptroller's Office.
2. You Must Take the Knowledge Test and Road Skills Test
- Prior to your MVA appointment, be sure to study and review the Driver's Manual because you will be required to take a knowledge test. If you fail the knowledge test, you will be required to make another appointment.
 - MD Driver's Manuals are available in English and Spanish.
<http://www.mva.maryland.gov/drivers/maryland-drivers-manual.htm>
3. You Must Bring the Following Documents:
- a) Proof of Age & Identity- full legal name and date of birth (must be at least 16 years of age)
 - b) Proof of MD Residency (2 required)
 - c) Proof of MD Income Tax Filing, for preceding two (2) years
 - d) Driver's License Application Form (or Non-Driver ID Application Form)
- Lists of Acceptable Documents:** <http://www.mva.maryland.gov/drivers/apply/sources-of-proof.htm#federal-compliant>
- Learner's Permit Requirements:** <http://www.mva.maryland.gov/drivers/apply/learners-permit.htm>
- ID Card Requirements:** <http://www.mva.maryland.gov/drivers/apply/id-card.htm>
4. At the DMV You Will
- Provide the required documents.
 - Take and pass a vision screening (driver's license/learner's permits only).
 - Take and pass knowledge test and road skills test (driver's license/learner's permit only).
 - Take a digital photograph
 - Pay the appropriate fees (see attached fee schedule).
 - Driver's licenses, learner's permits and non-driver IDs are mailed to your listed address. P.O. Boxes are not accepted.

We encourage you to speak with an attorney before submitting your materials to the MVA.

IV. CHANGING YOUR NAME AND GENDER ON YOUR U.S. PASSPORT

If you are either a permanent resident of the United States or a citizen here, you can easily apply for a U.S. Passport that reflects your new name and gender. All you need is a court order for a name change and a letter from your physician certifying to your transition. Please see our Passport Guide, entitled “Information on Obtaining or Changing a Passport for Transgender Clients” for detailed information on how to obtain an updated passport.

This change can be made at either an earlier or later stage in the name/gender change process. If you have plans for international travel, you should prioritize this change and may want to consider completing this step earlier in the process. If you do not have a Passport and do not intend to travel internationally, you do not need to obtain a Passport.

V. CHANGING YOUR NAME WITH SELECTIVE SERVICE

A. Female to male individuals:

If you were designated female at birth, you do not have to register with the Selective Service, even if you have had sexual reassignment surgery.³ However, if you are applying for federal financial aid, grants, loans, or other benefits as a male, you may be asked to provide proof that you are exempt from the Selective Service. To obtain such proof, you should request a Status Information Letter (SIL) from the Selective Service.

To request a SIL that shows you are exempt, you can either download a SIL request form from the Selective Service website (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call them at 1-888-655-1825. The SIL request form requires female to male individuals to identify as such and attach a copy of a birth certificate showing the birth-assigned sex. If the sex on your birth certificate has been changed, attach any documentation you have to that affect. This service is free and the exemption letter you will receive does not specify why you are exempt so it will not force you to ‘out’ yourself in any other application process. Once you receive your SIL, keep it in your files.⁴

B. Male to female individuals:

If you were designated male at birth, you must register for the Selective Service if you are between the ages of 18 and 26, even if you have had sexual reassignment surgery. You may register online at <http://www.sss.gov/default.htm> or you may complete and mail a “mail-back” registration form available at any post office. In the unlikely event that the draft is resumed and you receive an order to report for examination or induction; you may file a claim for exemption from service.⁵

³ <http://www.sss.gov>.

⁴ Information taken from National Center for Transgender Equality article on Transgendered People and the Selective Service, http://transequality.org/Resources/Selective_Service_only.pdf

⁵ <http://www.sss.gov/>.

While you do not need to notify the Selective Service of a change in gender, you are obligated to inform them of a change in name. To notify the Selective Service of your name change you must fill out Form SSS 2 (technically a change of address form), available at your local post office. You must attach a certified copy of the court order changing your name.

VI. CHANGING YOUR NAME AND GENDER WITH UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

If you are a foreign-born individual who intends to apply for legal status with USCIS, has already applied for legal status with USCIS or who has already been granted some form of legal status here in the United States, Whitman-Walker Legal Services can help you obtain immigration documents (such as green cards, work authorization cards or naturalization certificates) that match your changed name and/or gender. This section does not apply to U.S. citizens who were born in the U.S., but it does apply to foreign-born persons who have been naturalized. If this section applies to you, please contact Whitman-Walker Health Legal Services at 202-939-7627 for further information.

VII. CHANGING YOUR NAME AND GENDER WITH YOUR INSURANCE CARRIERS, CREDITORS, AND OTHERS

A. Insurance Concerns

You should inform your insurance companies (including health, property, auto, and life) immediately after you receive your court order for a name change. They may require that you submit a certified copy of your court order for a name change.

You should update your health insurance company about your name change but not necessarily a gender change. Note that it is important that your health insurance company's records match your doctor's records (name and gender) in order to avoid confusion and delay or a denial of claims. Your doctor may opt to continue to file claims reflecting your sex assigned at birth.

If you have changed your gender and encounter issues with your health insurance company due to medical care related to either your new or previous gender, contact Whitman-Walker Legal Services for assistance.

B. Banks, Creditors, and Financial Institutions

You must inform your banks, any creditors, and any financial institutions where you hold an account when you legally change your name. You should have a court order changing your name before you inform them of the change; some financial institutions take the position that name changes on bank records in the absence of a court order are inconsistent with the Patriot Act.

C. Other Legal Documents

After you receive a court order changing your name, we recommend that you change your name in any legal documents in which you are named. These include your lease, wills, powers of attorney, advanced health directive, deeds, etc., or such documents that name you as a party. Changing your name on these documents ensures that your rights and powers in the document remain intact.

VIII. OBTAINING A COURT ORDER FOR A GENDER CHANGE

A court order legally changing your gender in MD is not necessary for changing your gender marker on your driver's license or identification card. However, if you successfully obtain a court order for a gender change, this guarantees you the ability to change your gender marker on your MD driver's license. Depending on the laws in the state where you were born, a court order for a gender change may be necessary to amend your birth certificate to reflect your new gender. See Section IX for more information about amending your birth certificate.

You are eligible for a court order for a gender change if you have undergone "a medical procedure that permanently and irreversibly changes your gender."⁶ The Maryland Court of Appeals established this standard in 2003, but did not elaborate on what type of medical procedures qualifies. Whitman-Walker Legal Services can help determine if you meet this standard.

To obtain a court order for a gender change, you must submit a petition to your local circuit court for an order signed by a judge that acknowledges your gender change. Note that while there is a court-issued form and procedure to change your name in MD, there is no similar procedure for changing your gender. As a result, you must draft your own individual petition seeking a court order acknowledging your gender change. You should attach any relevant supporting evidence, such as an affidavit from your surgeon that uses the language in the standard discussed above. Attorneys at Whitman-Walker Health Legal Services may be able to assist you with this process.

File the above materials with the Clerk at the Circuit Court for the county or city in which you reside. A directory of MD circuit courts along with their addresses and phone numbers can be found at <http://www.courts.state.md.us/circuit/directory.html>. Attorneys at Whitman-Walker Health Legal Services may be able to assist you with this process.

⁶ *In re Heilig*, 816 A.2d 86, 87, 372 Md. 692 (Md. 2003).

IX. AMENDING YOUR BIRTH CERTIFICATE TO REFLECT A NAME AND/OR GENDER CHANGE

A. Birth Certificates Issued in a State Other than MD

The law in the state that issued your birth certificate (the state where you were born) governs the rules for amending your birth certificate. Some states allow you to amend your birth certificate with relative ease, while others will not amend birth certificates at all. Many states require that an applicant for an amended birth certificate present a court order for a gender change (issued in the state where you live) before that state is willing to amend the gender marker on a birth certificate. Of the states that will amend your birth certificate, some insist that the information on your original birth certificate (your name and gender at birth) remain on the amended birth certificate, which will simply make note of the amendment. The Office of Vital Records in the state where you were born can give you more information about what is required to amend your birth certificate to reflect your new name and gender and what an amended birth certificate would look like. Whitman-Walker Legal Services Staff may be able to assist you with amending a birth certificate issued outside of MD.

B. Amending a birth certificate issued in MD

Maryland allows an individual to amend their MD issued birth certificate to reflect both a new name and gender. You may change your name on your MD birth certificate upon receipt of a court order changing your name. To change your gender on your MD birth certificate, you must present a court order for a gender change. MD will issue you a new birth certificate with your new name and/or gender. Your old name and/or gender will not appear on the newly issued birth certificate. Call the Division of Vital Records to confirm how you should submit your request at 410-764-3186.

MD law will only allow amendment of a birth certificate to reflect a change of gender “upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born [in MD] has been changed by surgical procedure.”⁷ This means that you must seek and obtain a court order changing your gender in the state where you live and then present that court order to the Division of Vital Records in MD. See Section VIII for more information on obtaining a court order for a gender change in MD. Call the Division of Vital Records to confirm how you should submit your request at 410-764-3186.

⁷ Md. Code Ann. § 4-214(b)(5) (2011).

* * * * *



If you have any questions about the steps described in this guide, please do not hesitate to contact us at the numbers listed below.

Whitman-Walker Health Legal Services Program
1701 14th Street NW
Washington DC 20009
Main tel (202) 939-7627 - Fax (202) 939-7651
www.whitman-walker.org/legal

Supervising Attorney: Amy Nelson
anelson@whitman-walker.org
202-939-7625

Operations Manager: Lee Brubaker
lbrubaker@whitman-walker.org
202-939-7627

Intake Coordinator: Becky Reeve
breeve@whitman-walker.org
202-939-7630

Appendix A: COUNTY NOTES REGARDING NAME CHANGE PROCEDURES

Anne Arundel County

Court Information: The fee is \$135 without an attorney and \$145 with an attorney. They will accept cash, money order or personal check (payable to “Clerk of the Court”), but no credit or debit cards. Address: Circuit Courthouse, 7 Church Circle, Annapolis, MD 21401; Phone: (410) 222-1397; Civil /Family Division - (410) 222-1431. Office Hours: 8:30am - 4:30pm, Monday - Friday; Telephone Hours: 9am to 3:30pm.

Publication Requirement: The publication must run once in *The Capital* (a/k/a *The Capital Gazette*). Each paper charges \$80 and can be reached through Suzanne Scarborough, Legal Advertising, legalad@capgaznews.com, 410-268-5000 – but the court will send the order of publication directly to the paper which will then bill the client for the \$80 fee and mail the proof of publication directly to the court. Following an 18 day waiting period from receipt of the proof, the clerk’s office will forward the petition to a judge for review. Approximately four to ten weeks later, you should receive four certified copies of the order for a name change in the mail. Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form with the word “~~Prepayment~~” crossed out and the word “Final” written over it so it reads “Request for Waiver of *Final* Filing Fee,” the (2) Financial Statement form (DR31) and supportive financial documents.

Baltimore County

Court Information: The fee is \$135 without an attorney and \$155 with an attorney. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Baltimore County Circuit Court.” The Civil Court, Family Division handles name changes in Baltimore County and their hours are 8:30am – 4:30pm Monday through Friday. The Civil Court can be reached at 410-887-2614. Address: County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

Publication Requirement: To meet the publication requirement, notice of the name change must be run one once in one of these papers: *The Daily Record*, *The Jeffersonian*, or any other generally circulated local publication of your choosing. The court will send the publication notice directly to *The Daily Record* and *The Jeffersonian*. You are responsible for sending the notice yourself to any other publication. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you. Approximately four to ten weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent. Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, and (2) the same form with the word “~~Prepayment~~” crossed out and the word “Final” written over it so it reads “Request for Waiver of *Final* Filing Fee,” the (3) Financial Statement form (DR31) and supportive financial documents.

Baltimore City

Court Information: The fee is \$135. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Baltimore City Circuit Court.” The Civil Court, Family Division handles name changes in Baltimore City and their hours are 8:30am – 4:30pm Monday through Friday. The Civil Court can be reached at 410-333-3722. Address: Clarence M. Mitchell, Jr. Courthouse, 100 N. Calvert Street, Baltimore, MD 21202

Publication Requirement: To meet the publication requirement, notice of the name change must be run once in *The Daily Record* or any other generally circulated local publication of your choosing. The court will send the publication notice directly to *The Daily Record*. You are responsible for sending the notice yourself to any other publication. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you. Approximately four to ten weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent. Additional copies are available for approximately \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, the (2) Financial Statement form (DR31) and supportive financial documents.

Calvert County

Court Information: The fee is \$135 without an attorney and \$145 with an attorney. They accept cash, check, or money order, but do not accept credit/debit cards. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Calvert County Circuit Court.” The clerk’s hours are 8:30am – 4:30pm Monday through Friday. The civil clerk can be reached at 410-535-1600, ext. 2404. You may choose to mail the petition to the Calvert County Circuit Court, Courthouse, 175 Main Street, Prince Frederick, MD 20678.

Publication Requirement: To meet the publication requirement, notice of the name change must be run once in *The Calvert Recorder*. The \$30 that you will pay for publication is extra and you must write a check for that amount out to the Calvert Recorder and give that check to the Circuit Court Clerk if you would like the Clerk to handle it. The Recorder will traditionally send a form to both the Clerk and the *pro se* party with notice that publication has been completed. The entire process may take up to four months to complete.

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Court Costs and supportive financial documents.

Charles County

Court Information: The fee is \$135 without an attorney and \$145 with an attorney. They will accept cash, money order or personal check, but no credit or debit cards. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Court.” The Clerk’s Office is open to the public from 8:30am – 4:30pm, Monday – Friday and is located at 200 Charles Street, La Plata, MD 20646. The civil clerk may be reached at 301-932-3215. You may choose to bring the petition and filing fee in person or mail it to P.O.

Box 970, La Plata, MD 20646. Approximately one week later the clerk will mail notice that the case has been initiated.

Publication Requirement: To meet the publication requirement, notice of the name change must run once (before the expiration date listed in your court paperwork) in *The Maryland Independent*; phone 301-764-2815; fax 301-932-4059; and you must arrange for publication. This paper publishes every Wednesday and Friday; the deadline to submit your paperwork is Monday at 11am and Wednesday at 11am respectively. This paper will accept a fax copy. After publication is complete, the paper will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court. The Judge in Chambers will review the Certificate of Publication and should issue the Order for a Name Change. You will receive 3-4 certified copies in the mail. Additional certified copies are \$5.50 per copy (\$5 for the certification and \$0.50 per page).

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents.

Howard County

Court Information: The fee is \$135 without an attorney and \$145 with an attorney. They will accept cash, money order or personal check, but no credit or debit cards. The Clerk’s Office is open to the public from 8:30am – 4:30pm, Monday – Friday and is located at 8360 Court Avenue, Ellicott City, MD 21043. The civil clerk may be reached at 410-313-3844. You may file in person or by mail – if submitting by mail, include proof of residence and proof of identity.

Publication Requirement: The Clerk will send the court order for publication directly to the newspaper, the *Howard County Times*, which will invoice the client for the \$100 fee and will mail the proof of publication to the client. The client delivers this proof to the paper and following a 15-day waiting period, the application moves to the judge. The entire process should take 4 to 5 weeks.

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents.

Montgomery County

Court Information: The fee is \$135. They will accept cash, money order or personal check. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Montgomery County Circuit Court.” The Family Department handles name changes in Montgomery County and their hours are 8:30am – 4:30pm Monday – Friday. The Family Department can be reached at 240-777 9426. You may choose to mail the petition to 50 Maryland Ave., Circuit Court, Family Department, Rockville, MD 20850. Approximately one week after the court receives the petition, you will receive notice in the mail that the case has been initiated and assigned a case number.

Publication Requirement: To meet the publication requirement you must indicate, in a cover letter attached to your application, which newspaper you plan to publish your notice in. Notice of the name change must be run once in: *The Gazette*, *The Sentinel*, *The Daily Record*, *The Washington Post* or *Washington Jewish Week*. The court will send the publication notice to the newspaper you indicated in your application cover letter themselves. The publication of choice

will bill you directly and then you must pay this bill before the notice is published. Some newspapers will mail the Certificate of Publication (or “Printer’s Certificate”) directly to the court once publication is complete and others will mail it to you. Approximately four to twelve weeks later, you should receive a single certified copy of the order for a name change in the mail, unless you have arranged in advance to have multiple certified copies sent. Additional copies are available for \$5.50 per copy.

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents, (3) Financial Statement form (DR31) and supportive financial documents.

Prince George’s County

Court Information: The fee is \$135 without an attorney and \$145 with an attorney. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the Prince George’s County Circuit Court.” The Clerk’s office is open to the public from 8:30am – 4:30pm Monday – Friday. The civil clerk can be reached at 301-952-3323. You may choose to mail the petition to the Clerk of the Circuit Court, Courthouse, 14735 Main Street, Upper Marlboro, MD 20772.

Publication Requirement: The Clerk’s office will send the notice to the paper of your choice: *The PG Post*, *The Sentinel*, or *The Gazette*. The paper will send you an invoice which you must pay. After receipt of payment, the newspaper will send you a Certificate of Publication which you must take back to the clerk’s office at the courthouse (located at 14735 Main St Upper Marlboro, MD 70227). The judge will review your motion and the Certificate. If approved, you will receive the Order for Change of Name in the mail. According to the Clerk, the process can take up to four months.

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents, (3) Financial Statement form (DR31) and supportive financial documents.

St. Mary’s County

Court Information: The fee is \$135, payable by cash, check or money order. When filing your petition for a name and/or gender change all checks or money orders should be made out to “Clerk of the St. Mary’s County Circuit Court.” The clerk’s office is open to the public from 8:30am - 4:30pm Monday to Friday. The civil clerk can be reached at 301-475-7844, ext. 4562. You may choose to mail the petition to Clerk of the Circuit Court, PO Box 676, Leonardtown, MD 20650. Once the petition is filed, it goes to the Judge’s Chambers for approval.

Publication Requirement: Once approved, you will receive two copies of the Order of Publication in the mail and you must immediately fulfill the time-sensitive publication requirement. The St. Mary’s County Civil Clerk does not assist with the publication requirement and you must arrange for publication in either *The Enterprise* or *The County Times*. The publication of choice will bill you directly and the you must pay this bill before the ad is run. *The Enterprise* will automatically send a Certificate of Publication to the Judge’s Chambers once publication is complete. However, if you choose to publicize in *The County Times*, you will receive the Certificate of Publication and must deliver it to the Civil Clerk. The Judge in Chambers will review the Certificate of Publication and should issue the Order for a Name

Change, which you will receive in the mail. The Court may take up to 3 months to process the petition.

Fee Waiver: To waive all filing costs, submit the (1) “Request for Waiver of Prepayment of the Filing Fee” (DR32) form, a (2) Motion and Order to Waive Final Costs and supportive financial documents, (3) Financial Statement form (DR31) and supportive financial documents.

Appendix B: SCHEDULE OF FEES AND RELATED EXPENSES

Projected costs associated with legal name and gender changes for Maryland residents.

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
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Obtaining a Court Order for Change of Name

Court Filing Fee (by County) Note: Persons who receive public assistance and can demonstrate financial hardship can apply for a fee waiver. Fees are payable to "Clerk of the [county] Circuit Court"

<ul style="list-style-type: none"> • Anne Arundel County - 410-222-1397 	\$135 if representing yourself pro se \$145 if represented by an attorney
<ul style="list-style-type: none"> • Baltimore County- 410-887-2614 	\$135 if representing yourself pro se \$155 if represented by an attorney
<ul style="list-style-type: none"> • Baltimore City - 410-333-3709 	\$135
<ul style="list-style-type: none"> • Calvert County - 410-535-1600 x2404 	\$135 if representing yourself pro se \$145 if represented by an attorney
<ul style="list-style-type: none"> • Charles County - 301-932-3202 	\$135 if representing yourself pro se \$145 if represented by an attorney
<ul style="list-style-type: none"> • Montgomery County - 240-777-9426 	\$135
<ul style="list-style-type: none"> • Prince George's County - 301-952-3318 	\$135 if representing yourself pro se \$145 if represented by an attorney
<ul style="list-style-type: none"> • St. Mary's County - 301-475-7844 x4562 	\$135 if representing yourself pro se \$145 if represented by an attorney

Publication of Legal Notice of Intent to Change Name

Note: Below are court-approved papers in which an applicant can provide public notice of name change by County. Prices reflect approximate total cost per paper/per county.

<ul style="list-style-type: none"> ▪ Anne Arundel County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Maryland Gazette - 410-268-5000 • The Capital (a/k/a Capital Gazette) - 410-268-5000 	\$80 \$80
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COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
<ul style="list-style-type: none"> ▪ Baltimore County <ul style="list-style-type: none"> • The Daily Record - 443-524-8188 • The Jeffersonian - 410-332-6284 	\$84 \$90
<ul style="list-style-type: none"> ▪ Baltimore City <ul style="list-style-type: none"> • The Daily Record - 443-524-8188 	\$84
<ul style="list-style-type: none"> ▪ Calvert County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Calvert Recorder - 301-764-2814 	\$30
<ul style="list-style-type: none"> ▪ Charles County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Maryland Independent - phone 301-764-2815; fax 301-932-4059 	\$70
<ul style="list-style-type: none"> ▪ Montgomery County [Note: County requires legal notice to run once a week for three consecutive weeks.] <ul style="list-style-type: none"> • The Gazette - 301-846-2108 • The Daily Record - 443-524-8188 • The Montgomery County Sentinel - 301-838-0788. • Washington Jewish Week - phone 301-230-6692; fax 301-230-0114 • The Washington Post - phone 202-334-7007; fax 202-334-6724 	\$50 \$84 \$35 \$70 \$300
<ul style="list-style-type: none"> ▪ Prince George's County [Note: County requires legal notice to run once a week for three consecutive weeks.] <ul style="list-style-type: none"> • The Prince George's Post - 301-627-0900 • The Prince George's Sentinel - 301-838-0788 • The Gazette - 301-764-2813 	\$50 \$30 \$50
<ul style="list-style-type: none"> ▪ St. Mary's County [Note: County requires legal notice to run once.] <ul style="list-style-type: none"> • The Enterprise - 301-862-2111 • The County Times - 301-373-4125 	\$65 \$50

Notification to Required Parties of Intent to Change Name (via Certified Mail)	
Note: This fee does not include a return receipt. A return receipt can be purchased for \$1.35(email copy) or \$2.70 (hard copy). https://www.usps.com/ship/insurance-and-extra-services.htm	\$3.30 (per party)
Certified Copy of Final Order of Name Change	
<ul style="list-style-type: none"> • Calvert County Circuit Court Clerk's Office - 410-535-1600 	\$5 + \$0.25 (per page)

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
<ul style="list-style-type: none"> • Anne Arundel Circuit Court Clerk’s Office - 410-222-1397. • Charles County Circuit Court Clerk’s Office - 301-932-3202. • Baltimore City Circuit Court Clerk’s Office - 410-887-2614. • Baltimore County Circuit Court Clerk’s Office - 410-333-3709. • Montgomery County Circuit Court Clerk’s Office - 240-777-9400. • Prince George’s County Circuit Court Clerk’s Office - 301-952-3240. • St. Mary’s County Circuit Court Clerk’s Office - 301-475-7844 x4562. 	\$5 + \$0.50 (per page)

Obtaining a New Social Security Card⁸	\$0
Changing Your Gender with the Social Security Administration⁹	\$0

Obtaining New Identification Reflecting Name and/or Gender Change¹⁰	
Fees are Payable to “Maryland Motor Vehicle Administration” and prorated per year (21 & Over: 5-8 years)	
▪ Driver’s License Renewal	\$6 / year
▪ Driver’s License Corrected	\$20
▪ Driver’s License New (Under 21)	\$9 / year
▪ Driver’s License New (21 & over)	\$72 / \$9 per year*
▪ Learner’s Permit- No previous license (includes conversion to full license)	\$50
▪ Learner’s Permit- Currently/Previously licensed	\$30
▪ Learner’s Permit Corrected	\$20
▪ Photo ID Card – New/Renewal (under 18)	\$15
▪ Photo ID Card – New/Renewal (18 & over)	\$24
▪ Photo ID Card – Duplicate / Correction	\$20
▪ Photo ID Card (65 & over or disability which limits major life activity)	FREE

⁸ United States Social Security Administration, http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1120/~/-cost-for-a-social-security-card (last visited June 5, 2014) [hereinafter “SSA”].

⁹ See SSA, *supra* note 9.

¹⁰ Maryland Motor Vehicle Association, <http://www.mva.maryland.gov/About-MVA/Fees/> (last visited May 27, 2014).

COMMON STEPS TAKEN IN ORDER TO LEGALLY CHANGE NAME AND/OR GENDER IN MD	PROJECTED COSTS (in dollars)
Obtaining a New Passport Reflecting Name and/or Gender Change¹¹	
Fees are payable to “Department of State.” Acceptable forms of payment include: Credit Cards (VISA, MasterCard, American Express, Discover) and Debit/Check Cards; Checks (personal, certified, cashiers, travelers); Money Orders and Bank Drafts	
<ul style="list-style-type: none"> ▪ First-time Applicant [Note: First-time applicants must present a valid government-issued ID at time of application, as well as a passport-size photo. The cost of obtaining a passport photo typically ranges from \$6 - \$8.] 	\$165
<ul style="list-style-type: none"> ▪ Renewal of a Passport issued <u>less</u> than one year ago at time of application (w/o Expedited Service) 	\$0
<ul style="list-style-type: none"> ▪ Renewal of Passport issued <u>more</u> than one year ago at time of application (w/o Expedited Service) 	\$140
<ul style="list-style-type: none"> ▪ Expedited Service Note: This is an <u>additional</u> cost for persons who need to receive their first-time or renewal passport within two weeks of application submission. 	\$60

Changing Name with Insurance Carrier, Creditors, Financial Institutions or on Legal Documents
The cost of changing your name with an insurance carrier, creditor, financial institution, or on other legal documents is usually just the cost of a certified copy of the Final Court Order granting the name change. See above chart for the cost of obtaining a certified copy of the court order from each County Circuit Court Clerk’s Office.

Amending a Birth Certificate to Reflect New Name and/or Gender¹²	\$48
Obtaining a Copy of Amended Birth Certificate with Name and/or Gender Change Information¹³ Check or money order made payable to the “DIVISION OF VITAL RECORDS”	\$24

¹¹ United States Dep’t of State, Bureau of Consular Affairs, http://travel.state.gov/passport/fees/fees_837.html and http://travel.state.gov/passport/correcting/ChangeName/ChangeName_851.html (last visited June 5, 2014).

¹² Maryland Dep’t of Health and Mental Hygiene, Vital Statistics Administration, <http://dhmh.maryland.gov/vsa/SitePages/birth.aspx> (last visited June 5, 2014).

¹³ Maryland Dep’t of Health and Mental Hygiene, Vital Statistics Administration, <http://dhmh.maryland.gov/vsa/Documents/apps/abcapp.pdf> (last visited June 5, 2014).