



Massachusetts Transgender Political Coalition

PO Box 301897, Jamaica Plain, MA 02130

www.masstpc.org info@masstpc.org

617-778-0519

Obtaining a Legal Name Change¹

If you have any additional questions about the name change process, please feel free to contact MTPC at 617-778-0519. We are also collecting people's stories of experiences with discrimination or positive experiences in order to advocate for improved policies at <http://www.masstpc.org/projects/discrimination-stories.shtml>.

Court Process

In order to file for a legal name change, you need to go to probate/family court in your county.

Probate Court locations can be found at

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/>

Paperwork needed:

- A certified copy of your birth certificate
- *If applicable - any previous name change decrees.*
- Name Change Petition Form

Name Change Petition Form

You can get the form at the probate court, or you can download a copy of the form at:

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/documents/cjp27.pdf>

or MTPC can email you a copy of the form.

You are the petitioner: *fill in your current legal name and address*

Reason for change: Some people choose to write: "common usage," "personal" or "it's the name that I use."

To change your name you do NOT need:

- to be on hormones;
- to have surgery;
- to have a note from a therapist .

As long as you are not changing your name in order to commit fraud, you have the right to change your name either through a court process or through "common usage."

¹ No references are made for 'legal' gender change in this document.



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If you are changing your first and last name you maybe required to put a notice in the newspaper. This is a separate charge and you can usually choose which paper this goes.

Each probate court has different process for handling name changes – in some courts you may go before a judge or before a judge’s clerk; in other courts , the judge looks at the petitioner’s paperwork outside his/her/hir presence. You may be able to finish everything that day or the Clerk’s office may ask you to return in two weeks or so. If you face difficulty changing your name as a result of a criminal record, you may wish to contact a lawyer.

Fees

The fee for a name change is \$165 as of 2008 and may continue to rise over time. However, the fee should not prohibit anyone from changing their name.

If you can’t afford the fee:

If you receive public benefits, have an income below your local poverty line, or otherwise cannot afford \$165, fill out the “affidavit of indigency.” The Clerk of the Court can help you fill it out if you have any trouble. Do not pay any fee you cannot afford.

You can get the “affidavit of indigency” form at the probate court, you can download a copy of the form at: http://www.mass.gov/courts/formsandguidelines/aff_indigency.pdf , or MTPC can email you a copy of the form.

You will likely want to obtain several certified copies of your legal name change in order to change the documents listed below, and to change bank accounts, health insurance, student records, and any other changes you need to make.



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Changing your name on identity documents

Change your name with Social Security Office

All documents you bring to Social Security need to be originals or certified copies by the issuing agency.

You can find the nearest SSA office at the Social Security website at <http://www.ssa.gov>

Paperwork needed:

1. Fill out a **Form SS-5** (<http://www.ssa.gov/online/ss-5.pdf>), "Application for a Social Security Card." (This form is also available at SSA office)
2. **Proof of legal name change:** A legal name change document, such as a court ordered name change or marriage certificate (if you changed your name through marriage). The document must have the old name and new name listed on it. If it does not have enough identifying information, SSA will request an identity document in your prior name and another in your new legal name in addition to the name change document. (*Massachusetts issued court-ordered name changes list old and new name*)
3. *If you were born outside of the U.S., you also need to prove your U.S. citizenship or current lawful, work-authorized immigration status.*
4. If you are a U.S. citizen and have not previously established citizenship with SSA, you will need to present a birth certificate, U.S. passport, or other **proof of citizenship**.

Changing your name on Massachusetts State issued identification such as driver's license or Mass ID card

All documents you bring to RMV need to be originals or certified copies by the issuing agency.

Paperwork needed:

1. **Proof of legal name change** - A court order showing your legal name change.
2. Your Social Security Card with your new legal name change
3. Cash for the RMV fee. (check RMV site <http://www.mass.gov/rmv/> for current fees)

Although changing your name on driver's license is standard procedure for RMV employees, there have been some incidents where a clerk has tried to deny a name change (often through ignorance rather than malice). As long as you have all the necessary legal paperwork the employee is forbidden from denying your name change. The RMV does not have the authority to ignore a Court Order.

If the clerk denies your name change, ask to speak with a supervisor. Record the name of the clerk, date, time, and reason you were given for the denial. Record the name, date, time, and outcome of speaking with the supervisor. If the supervisor refuses to change your name, ask to



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speak with the RMV branch manager, and again record name, date, time and outcome. Contact MTPC for further information or assistance at 617-778-0519

Changing your name on your passport

All documents need to be originals or certified copies by the issuing agency. See

http://www.travel.state.gov/passport/forms/ds5504/ds5504_2663.html for more information.

If you have a current valid passport less than one year old:

1. A completed application for a U.S. Passport: Name Change, Data Correction, and Limited Passport Book Replacement Form DS-5504, which you can download at http://www.travel.state.gov/passport/forms/ds5504/ds5504_2663.html
2. A certified copy of a marriage certificate or name change court degree to prove that your name has legally changed.
3. Your current passport
4. Two new photos
5. Using the DS-5044 form, there is no fee unless you need your passport immediately.

Using US Postal Service - All of this information should be mailed to:

National Passport Processing

P.O. Box 13290

Philadelphia, PA 19101-3290

If your passport is older than one year:

1. A completed DS-82 form (Application for a U.S. Passport by Mail), which you can download at http://www.travel.state.gov/passport/forms/ds82/ds82_843.html.
2. A certified copy of a marriage certificate or name change court degree to prove that your name has legally changed.
3. Your current passport.
4. Two new photos.
5. *You will have to pay all of the fees associated with getting a new passport.*

Using US Postal Service - All of this information should be mailed to:

National Passport Processing

Post Office Box 371971

Pittsburgh, PA 15250-7971