

## Rhode Island Legal Name/Gender Marker Change – Probate Court

[www.QueerRI.com/legal](http://www.QueerRI.com/legal)

Please be aware this information is a guide, not legal advice. If you have an experience that is different than what is listed below, please let us know so we can adjust this resource. If you feel you have been wrongfully denied a name or gender marker change, please contact the [Transgender ID Project](#) through GLAD for free legal assistance.

This process is slightly different for each city/town, including cost. The first step is changing your name legally. After that is complete, you will be able to change BOTH your legal name and gender marker (if you desire) on all additional documents. To complete the legal name change process, it can cost \$100-200, depending on your city/town/county. You will generally have to complete the steps listed below.

If you are a minor, your parents will need to complete the steps below. Adults complete name/gender marker changes with Probate Court, minors and their parents can choose to complete name/gender marker changes in Family Court (free) or Probate Court (cost varies). This guide specifies the process for Probate Court only as for Family Court, the process varies significantly. If you want to complete your name change in Family Court, present to the family court office with your legal guardians and identification to start the process.

### Legal Name Change

#### 1. Obtain a certified copy of your birth certificate (original – free, copy - \$22 to \$62.50)

The Change of Name Petition Form in step 2 requires you to attach a certified copy of your original birth certificate. If you were born in RI, you can obtain a certified copy of your birth certificate online or by mail (details below). If you were born in another state, please check your state's Vital Records website to determine how you can obtain a copy of your birth certificate. **You may also use your original birth certificate, which will be given back to you once the process is complete. If you want or need to obtain a copy, you can follow the steps below.**

- a. **In Person** by appointment only (\$22 – check or money order only – same day). You can do this in person at the Center for Vital Records in Cranston, RI or any city or town clerk's office. To schedule an appointment with the Center for Vital Records, you must call 401-222-5960.
  - i. While there, you can complete the [Application for a Certified Copy of a Birth Record](#) form. In box 3 you can check "other use" and specify "name change."
  - ii. Bring a valid, government issued picture ID. If you do not have government-issued picture ID, you may submit two other documents that have your name and current address (utility bill, bank statement, car registration, copy of income tax return).

- iii. Bring a check or money order (you can get money orders for free at the Post Office).
- b. **By Mail** (\$25 – check or money order only – 8 to 12 weeks) Complete the [Application for a Certified Copy of a Birth Record](#) form. In box 3 you can check “other use” and specify “name change.”
  - i. Attach a photocopy of valid, government issued picture ID.
  - ii. Include a check or money order (you can get money orders for free at the Post Office).
  - iii. Mail to Center for Vital Records, Simpson Hall, 6 Harrington Rd, Cranston, RI 02920.
- c. **Online or by phone** at [www.vitalchek.com](http://www.vitalchek.com) / 888-388-1032 (\$45-\$62.50 debit, credit, or check – 1 to 7 weeks). VitalChek recommends UPS Air Shipping for security and delivery time of about 1 week (it’s free for regular mail, but not secured, and it can take 30-45 *business days* in regular mail). If you choose UPS Air Shipping, you or another resident must be home to sign for the delivery.

## 2. Fill out a [Change of Name Petition \(PC-8.1\)](#)

- a. Complete all information on **Page 1** (except for the “Estate of” line in the top left box)
- b. A line asks you to state a “reason” for the name change and to “be specific.” You do not have to disclose your gender identity to change your name! You can answer with “preferred name” or “common usage.” Be aware this form and your answers may become part of the public record.
- c. **Page 2:** This needs your signature to be notarized. If you are a minor, both parents need to sign as the “petitioner(s)” and have their signature notarized. You can either have both parents sign at the top (squeeze it in next to each other), have one sign at the top and one in the blank space at the bottom, or print out two copies of Page 2 and submit both. Most banks, shipping stores, and libraries will notarize a signature. The maximum cost for having something notarized in RI is (\$25).

## 3. Call Probate Court & Obtain a Background Check

The Change of Name Petition Form requires you to attach a background check (BCI) of the person who is changing their name. Some probate courts will include the process of obtaining a BCI on your behalf as part of their name change procedure, and some require you to get it on your own. Minors no longer need a BCI for a name/gender marker change.

- a. Call the [Probate Court in the city or town](#) where you currently reside and ask them for clear instructions on their legal name change process, including:
  - i. Ask: If you need obtain a BCI and if yes, if you need to complete it on your own or if the Probate court will obtain it for you

- ii. Ask: What are all fees involved & acceptable payment methods. The fees vary by city/town, but it is usually less than (\$100).
- iii. Note: As of June 2024, publication in the newspaper is no longer required. If the probate court tells you otherwise, you can direct them to read the updated RI Law [R.I. Gen. Laws § 33-22-28](#)
- b. If the court says you must complete your own BCI, follow these steps (\$5)
  - i. Go to <https://riag.ri.gov/i-want/get-background-check> or your local police station or town website. Make sure you get an original copy of the BCI report. You do not need fingerprinting.

#### 4. File the petition

Once you have your notarized Name Change Form, original or certified copy of your birth certificate, and if needed, BCI report, you are ready to file your petition!

- a. Go to the Probate Court office in the city/town you currently reside in during operating hours. Provide all paperwork and pay the required fee. The court clerk will provide you with a date for you to return to the courthouse to either attend a hearing or pick up your signed decree.
- b. You can request additional copies of the name change decree and pay for them at the time of filing. It is helpful to have at least 1-2 extra certified copies.

#### 5. Attend the hearing

Go to the probate court at the date and time given to you. You do not need to bring anything with you, and you can bring a friend or family member for support if you would like. Sit down and wait for your (previous) name to be called. Typically, probate courts do multiple name changes all in the same time slot, so you may need to wait your turn.

When your name is called, follow the judge's instructions (i.e. sit / stand towards the front). The judge may ask you 1-2 questions about your name change. The judge should not be asking you extremely personal questions or asking you for intimate details about your gender identity. You can simply restate the reason you wrote on your application form. If they want additional details, share what you feel comfortable sharing.

#### 6. Obtain name change decree

During the hearing, they will let you know if you will receive your name change degree by mail or need to come pick it up. You will need this form to change all of your other documents. You will also receive a form stating whether or not the name on your birth certificate/birth record has been updated as well.

## Next steps

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Once your name change is complete, you will need to change your name on all other documents as soon as possible. You can change your gender marker at the same time on your remaining documents if you desire. Please note that updating your birth certificate is optional. If you are changing your birth certificate, you can change your birth certificate first, then Social Security, then wait 24 hours before going on to update your Driver's License, Passport, health insurance, credit cards, etc.

## Birth Certificate (if born in RI)

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Some Probate Courts will automatically update you name on your birth certificate once you change it. If that is the case, the following steps are only needed to update your gender marker on your birth certificate.

### 1. OPTIONAL: Amend your birth certificate (\$32-35)

You are not required to update your birth certificate, and for some individual who were born in different states/countries, it may be impossible to update. Please keep in mind that you may need to use your birth certificate for legal or employment reasons in the future. It is your personal choice whether you choose to update it or not.

- a. **In Person** by appointment only (\$32). You can do this in person at the Center for Vital Records in Cranston, RI. To schedule an appointment with the Center for Vital Records, you must call 401-222-5960. Or you can **mail** (\$35) the below documents to the Center for Vital Records.
  - ☐ While there, you can complete the [Application for a Certified Copy of a Birth Record](#) form. In box 3 you can check "other use" and specify "name change" or "name/gender marker change."
  - ☐ Bring a valid, government issued picture ID (or for mail, a copy)
  - ☐ Bring a check or money order made out to the General Treasurer, State of Rhode Island (you can get money orders for free at the Post Office).
  - ☐ For name change, bring a certified copy of name change decree (they will mail it back to you)
  - ☐ For gender marker change, bring a notarized self-attestation letter signed by person whose birth certificate will change (if they are age 18 or older), or the applicant's legal guardian(s). If you choose to complete the process in person, the Health Department will create an affidavit for you or your guardian to sign and they will notarize it for you during the appointment.

## Social Security

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You can update name and gender marker at the same time. However please note, as of 11/2024 the SSA does not allow gender marker 'X.'

### 1. Amend your social security card in person (free)

- a. Complete the [Application for a Social Security Card](#) form.
- b. Gather supporting documentation:
  - ☐ Proof of citizenship: U.S. birth certificate or U.S. passport.
  - ☐ Proof of name change: Court order approving name change.
  - ☐ Proof of identity: Current driver's license, state-issued ID or passport. If you do not have one of these documents, you will be asked to submit another type of document, such as an employee ID, school ID, health insurance card, or US military ID.
- c. **Go in person** to your local SSA office during open hours. In RI you do not need an appointment. You can find the nearest SSA office online at: <https://secure.ssa.gov/ICON/main.jsp>

## Driver's License

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You can update your Rhode Island driver's license at any DMV branch location. You can update your name and gender marker at the same time (\$27.50). You must go in person for either / both.

**Note: Name change must be done with Social Security first. It will take 24 hours for changes at Social Security to become effective for the DMV to process your transaction.**

### 1. Name/Gender Marker Change (\$27.50)

- a. Gather required documents:
  - ☐ Current RI license or ID card
  - ☐ Original government issued document indicating name change
  - ☐ Completed [License/ID/Permit Application \(LI-1 Form\)](#)
  - ☐ Form of payment (cash, money orders, personal checks, bank checks, and credit card)
  - ☐ If you are also doing gender marker change: Completed [Gender Designation for License/Identification Card](#) form
- b. Schedule an appointment at the DMV to bring in your documents.

## Passport

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You can select male (M), female (F), or unspecified or another gender identity (X) as the gender marker on your U.S. passport book and card. The gender you select does not need to match the gender on your citizenship evidence or photo ID. You do not need to provide medical documentation to change your gender marker.

1. If you are applying to change your gender marker, submitting a passport application for the first time, or applying for a passport when your old passport has expired, you most likely need to apply [in person](#). You may need to schedule an appointment. Bring the following documents:
  - ☐ A completed [DS-11](#) U.S. Passport Application form.
  - ☐ Proof of U.S. citizenship, such as a birth certificate. You will need an original or certified copy **and** a photocopy.
  - ☐ A valid photo ID **and** photocopy of the ID, such as a driver's license or government employee ID. If you have already legally changed your name, your ID should reflect that change.
  - ☐ Recent color photo of yourself. [Review the photo requirements](#)  
[<https://travel.state.gov/content/travel/en/passports/how-apply/photos.html>]
  - ☐ Applicable fee – check or money order. A new passport book with standard delivery is \$165.
2. If you already have a passport and are only changing your name, use [this link](#)  
[<https://travel.state.gov/content/travel/en/passports/have-passport/change-correct.html>] for information and process. You may be able to complete this change by mail.

## Don't forget!

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Once your name change is complete, you will need to change your name on all other documents as soon as you can. Here is a list of some common places you will need to ensure you change your name/gender marker with.

- ☐ Legal name change
- ☐ Social Security
- ☐ Birth Certificate (optional)
- ☐ Drivers License
- ☐ Passport

### **AND**

- ☐ Health insurance \_\_\_\_\_
- ☐ School records / school ID \_\_\_\_\_
- ☐ Employer \_\_\_\_\_
- ☐ Bank accounts (usually in person) \_\_\_\_\_
- ☐ Retirement or savings accounts \_\_\_\_\_
- ☐ Local post office \_\_\_\_\_
- ☐ Health Source RI if you get SNAP, TANF, WIC, etc. \_\_\_\_\_
- ☐ Memberships and subscriptions \_\_\_\_\_
- ☐ Professional licensing boards / certifications \_\_\_\_\_
- ☐ Rental and lease agreements \_\_\_\_\_
- ☐ Utility companies \_\_\_\_\_
- ☐ Doctors / Electronic health records \_\_\_\_\_
- ☐ Car registration / title / loan \_\_\_\_\_