

KANSAS GENDER MARKER CHANGE PROCESS

1. Complete, signed, and notarized affidavit (attached to this document) requesting a change in sex designation on a birth certificate
2. One of the following as evidence of gender change:
 - a. Passport with the updated gender marker; **OR**
 - b. Driver's license with the updated gender marker (valid state-issued ID from Kansas Driver's License Bureau also accepted); **OR**
 - c. Certification issued by a healthcare professional or mental health professional with whom the person has a doctor-patient relationship stating that based on his or her professional opinion the true gender identity of the applicant and that it is expected that this will continue to be the gender with which the applicant will identify in the future
3. A signed Application (attached to this document) to Amend a Kansas Birth Certificate.
4. A copy of the front and back of the applicant's legal photo ID
5. A check or money order (NOT CASH) payable to Kansas Vital Statistics (\$15 for the change; \$15 for each certified copy)
6. A self-addressed stamped envelope
7. Applications can be submitted in person or by mail to:

*Kansas Office of Vital Statistics
1000 SW Jackson, Suite 120
Topeka, KS 66612-2221*

FREQUENTLY ASKED QUESTIONS KANSAS GENDER MARKER CHANGE

Who should I contact if I have questions about the gender marker change process?

Birth Certificate Amendment Unit Supervisor, Kansas Office of Vital Statistics: Penny Avsher, 785 – 296 – 1438.

Douglas County Legal Aid Office: 785-864-5564.

What steps should I take after changing my birth certificate gender marker?

If you have a passport and/or driver's license, and your gender marker on these documents does not currently align with your gender identity, you can have your gender marker changed on these documents.

The National Center for Transgender Equality has a comprehensive guide for changing your gender marker on a U.S. passport:
<https://transequality.org/know-your-rights/passports>.

The Kansas Department of Motor Vehicles has a comprehensive guide for changing your gender marker on a driver's license and other state-issued IDs. You can find this information attached at the end of this document, or at this link:
http://transascity.org/files/Kansas_Gender_Reclass_Memo_051011.pdf

The NCTE has a step-by-step guide on the Kansas ID gender marker change process as well: <https://transequality.org/documents/state/kansas>.

What should I do if I was not born in Kansas, and my birth certificate is in another state?

If your birth certificate is not issued by Kansas, you should research your state's gender marker change requirements and follow the procedure outlined by their laws.

The National Center for Transgender Equality has a comprehensive guide to the gender marker change procedure in each state:
<https://transequality.org/documents>

On the Application to Amend a Kansas Birth Certificate, what should I write under “Reason for Request?”

“Personal reasons” is a sufficient explanation for reason for gender marker change; this document will not be made public.

If I am only applying to amend my gender marker, do I need to fill out the entire “Birth Information on Legal Certificate” section of the Application?

Yes. This information is required to locate your birth certificate.

If I am a minor requesting a name change, does my legal guardian have to approve and sign off on my gender marker change?

Yes. The legal guardian should sign the application on behalf of the minor requesting a name change and provide a copy of their state-issues ID. The minor requesting a name change should sign the affidavit.

Where I can find a notary public to notarize my affidavit?

- You can go to UPS and have your affidavit notarized by one of their notary publics, at a small cost
- Many banks employ notary publics at no or small cost to their customers.
- For University of Kansas students, Legal Services for Students will notarize documents without an appointment every weekday from 9am – 5pm, no cost.

Will my birth certificate now read “Amended Birth Certificate?”

Yes, your birth certificate will say “Amended Birth Certificate” in the upper left-hand corner. This is normal for any amendment of a birth certificate. This amendment notification will look the same for both name changes and gender marker changes.

Will my birth certificate become a public record once it is amended?

No. The Office of Vital Statistics is not an Open Records office, and your birth certificate and amendment are not public records.

What gender markers are available on Kansas birth certificates?

Only “female” and “male” gender markers are available on Kansas birth certificates. Kansas currently does not recognize a third gender marker, like “x,” on birth certificates.

Does my application have to be mailed, or can I submit it in person?

You can submit your application in person or by mail. You should visit the Office of Vital Statistics at 1000 SW Jackson, Topeka, KS Suite 120. You should ask for the amendment division, where you will submit your application materials.

Where can I look for more information about gender marker changes in Kansas?

The National Center for Transgender Equality has a comprehensive guide to gender marker and name changes in every state. Here’s the website for Kansas: <https://transequality.org/documents/state/kansas>

The Kansas Department of Health and Environment houses information for the Office of Vital Statistics. You can visit them here: http://www.kdheks.gov/vital/amendments_and_corrections.html

When should I expect to hear back about my birth certificate amendment?

As of October 2019, the Kansas Office of Vital Statistics says an amendment should take from 3-5 weeks, depending on the request volume.

Affidavit

I, _____, hereby request that the Kansas Department of Health and Environment, Office of Vital Statistics, amend the sex from _____ to _____ on the birth record of _____, who was born on ___/___/___ in _____ County.

By: _____
Signature

Print name

NOTARY ACKNOWLEDGEMENT

State of _____

County of _____

Sworn to before me on this _____ day of _____, _____

Notary Public _____

My commission expires _____

Affix Seal

**You must submit the original affidavit to:
Kansas Department of Health and Environment
Office of Vital Statistics
1000 SW Jackson, Ste. 110
Topeka, Kansas 66612**

***Faxed or scanned copies of the affidavit are not accepted**

Application to Amend a Kansas Birth Certificate

Name of Requestor: _____ Today's Date: _____
(Person requesting the amendment)

Address: _____ City/State: _____ Zip: _____

Reason for Request (PLEASE BE SPECIFIC) _____

Email: _____ Phone Number: _____

Signature of Requestor:  _____

***IMPORTANT:** The person requesting the amendment must submit a copy of their identification.

Fees

K.A.R. 28-17-6 requires a \$15.00 fee for any search of files necessary for preparing an amendment to a birth certificate.

IF THE CERTIFICATE IS NOT LOCATED, THE \$15.00 FEE MUST BE RETAINED BY THIS DEPARTMENT FOR THE DOCUMENT SEARCH.

In addition, the fee for each certified copy is \$15.00. The correct fee(s) must be submitted with the request.

Make checks or money orders payable to Kansas Vital Statistics. For your protection, do not send cash.

Birth Information on Legal Certificate

Name on Birth Certificate: _____

Date of Birth: _____ Place of Birth: _____ Race: _____ Sex: _____
City and County (must be in Kansas)

Hospital of Birth: _____

Full Maiden Name of Mother: _____ Birthplace of Mother: _____

Full Name of Father/Parent: _____ Birthplace of Father/Parent _____

Number of Copies Ordered: _____ Total: \$ _____

***Requirements-Read before turning in application.**

- 1) This request form must be completed.
 - 2) Enclose a copy of both front and back of a current legal photo ID.
 - 3) Enclose appropriate fees.
 - 4) Person requesting the certificate must sign above.
 - 5) If submitting by mail, enclose a self-addressed stamped envelope.
- *Request will be returned if the above steps are not completed correctly.

Kansas Office of Vital Statistics
1000 SW Jackson, Suite 120
Topeka, KS 66612-2221

OFFICE USE ONLY

Typed/ID# _____

Payment Type CASH CHECK CCARD MO

INITIAL

To: State Driver's License Examiners
From: Ted E. Smith, KDOR Staff Attorney
Date: May 10, 2011
Subject: Requests for Gender Reclassification on Kansas driver's licenses and identification cards

Method for Gender Reclassification based on Court Order

The Kansas Division of Vehicles (hereafter "Division") will rely upon a court order announcing a gender reclassification to support an applicant's requested gender change on a State-issued driver's license or identification card. The applicant must provide the examiner with an original order or file stamped photocopy of the order. The Division retains the right to retain the pleadings provided. It is not necessary that the Division be specifically named in the lawsuit or that the Division is specifically ordered to change the applicant's gender classification. If the court order of gender reclassification announces a new, full legal name for the applicant, the examiner may rely upon the order to modify the applicant's full legal name.

Method for Gender Reclassification based on Medical Declaration

The applicant is required to mail a written request to the Kansas Chief Driver's License Examiner, Division of Vehicles – Kansas Department of Revenue, Docking State Office Building, RM 130, 915 SW Harrison, Topeka, KS 66612

The request must include all of the following:

- 1) A letter from the applicant requesting the change in gender classification. The letter must include: the applicant's current full legal name, Kansas residential address, and gender classification shown on the applicant's current driver's license or identification card, as well as the name, residential address, and gender classification the applicant wants on the new driver's license or identification card. The applicant should also include the applicant's current phone number and email address, if any.
- 2) The applicant must also provide a letter on official letterhead from the applicant's licensed medical, osteopathic physician stating that applicant has undergone the appropriate clinical treatment for change of sex or that the physician has re-evaluated the applicant and determined that gender reclassification based on physical criteria is appropriate.
- 3) The applicant must provide a photocopy of the applicant's current Kansas driver's license or identification card.

If the Division approves the request, the applicant will receive a letter from Chief Driver's License Examiner authorizing the applicant's change of gender designation. After the applicant receives this authorization letter, the applicant may visit any Kansas driver's licensing exam station to update the applicant's records and get a new driver's license or identification card. The applicant must take all of the following to the exam station: the Division's authorization letter, the applicant's current driver's license/identification card, and the appropriate fee required by law to secure an original, renewal, or replacement driver's license.

Procedural Limitations on Considering Gender Classification Request

If the applicant wants to change the applicant's full legal name in the Division's record, the applicant must also include an original or certified copy of a court order of name change.

Please Note: the simple production of medical records will not suffice to justify gender reclassification. The Division requires an emphatic declaration or finding of gender classification by the applicant's attending physician - this declaration or finding need not be specifically directed to the Kansas Division of Vehicles.

Medical information provided to the DMV will be held in strictest confidence per K.S.A. 2010 Supp. 45-221(a)(1), and the Federal Driver's Privacy Protection Act, section 2721 *et seq.*

Historical Gender Classification

If the applicant has had a prior gender classification change on the applicant's driver's license or identification card, using a letter from your physician or mental health care provider, court order, or other declaration, such applicant is grandfathered and no further action is necessary to maintain the current gender classification on the Kansas driver's license or identification card.