



# KNOW YOUR RIGHTS

Gender Marker Changes



# WHAT IS THE ACLU OF WEST VIRGINIA?

- Non-partisan, nonprofit membership organization
- Our mission:
  - Fulfill the promise of the Bill of Rights for all West Virginians
  - Extend rights to parts of the population who have been traditionally denied their rights including people of color, LGBTQ+ people, justice-impacted persons, people with disabilities, etc.



# HERSOM ET AL V. CROUCH



- In late 2022, ACLU-WV helped win a case for two transgender individuals in West Virginia who were barred from changing their gender markers on their birth certificates.
- Before the lawsuit, individuals in West Virginia could not get a court order to change their gender marker on their birth certificates, and the Vital Records Office would not grant an amended birth certificate without one. When you could get one, it had your prior information on it, just struck through.



# YOUR RIGHTS GENERALLY



- With certain documentation you have the right to change your gender marker on your WV birth certificate:
  - **No** need for a court order
  - **Do** need licensed physician's signature
- Some drawbacks:
  - No option for nonbinary gender marker
  - Minors must have affidavit of guardian



# HOW TO GET AN UPDATED WV BIRTH CERTIFICATE



- Fill out application for amended birth certificate with West Virginia Vital Records Office.
- Documents Needed:
  - Copy of certified original birth certificate (\$12 per copy)
  - **No** need for a court order
  - **Do** need licensed physician's signature
- Should receive a copy of amended birth certificate within 30 days of application received.



# HOW TO GET AN UPDATED WV DRIVER'S LICENSE/ID



- Fill out application for Gender Designation Form.
- Documents Needed:
  - Driver's License or ID Card Application
  - **Do** need licensed physician's signature
- Only has male or female option, no third gender
- If name is changed, must reflect on Social Security card



# HOW TO SELF-IDENTIFY GENDER ON US PASSPORT



- You can now self-identify your gender marker on your U.S. Passport.
- Cost starting at \$130 to renew, \$165 for first time
- Benefits of doing so:
  - **No** need for doctor's approval or a court order
  - **Three** gender markers to choose from

Click here for more information:

- <https://travel.state.gov/content/travel/en/passports/need-passport/selecting-your-gender-marker.html>

