Legal Name and Gender Marker Change for Transgender Youth

Definitions

Gender Identity: A person’s internal, deeply-felt sense of being male, female, something in between, or something else. Gender identity is not determined by body parts or sex assigned at birth.

Gender Dysphoria: Can be used as a more generic term reflecting the discomfort a transgender person experiences because their sex assigned at birth does not match their gender identity. Gender Dysphoria can also be used as a medical diagnosis from the DSM-5 with specific criteria for youth who experience it, such as preference for cross gender roles, clothes, toys, playmates etc., a strong desire to be of the other gender, and associated significant distress or impairment of function. Not all transgender or gender nonconforming individuals experience gender dysphoria.

Transgender/Trans: Individuals with an affirmed gender identity different than their sex-assigned-at-birth. Transgender can be used as an umbrella term that encompasses a diversity of gender identities and expressions. Applies to identity, not body parts.

Transition: The process whereby people may change their gender expression, bodies and/or legal documents to match their gender identity. Transition can be social, medical and/or legal and is different for every individual. In children, adolescents, and adults, it is increasingly common for gender transition to be an ongoing journey. The steps to transition can happen in different orders and at different points throughout an individuals’ lifetime for a variety of reasons, including the ability to access services, having the necessary support to take these steps, and overcoming fear of stigma.

“Outing”: When someone discloses information about another person’s sexual orientation or gender identity, either intentionally or unintentionally, without that person’s knowledge and/or consent.
Sex Assigned at Birth: The assignment of “male” or “female” at birth, typically determined by a medical professional based on examination of visible body parts. This binary sex assignment does not reflect the natural diversity of bodies or experiences, such as individuals who are intersex or those with differences in sexual development.

Affirmed Name (Chosen Name): The name, different from the one given at birth, that some transgender individuals choose as part of their social transition into their affirmed identity.

Legal Name: The name, usually given at birth, which identifies a person for legal and administrative reasons. This can be changed to one’s affirmed name via a court order.

Gender Marker: Designation of “male” (M) “female” (F) or other (X) on one’s birth certificate, ID or passport.

**Why would someone want to change their gender marker?**
When people are born, they are typically assigned a gender marker, “male” or “female” based on a doctor’s exam of their visible body parts. For transgender youth, this gender marker may not match their gender identity. Some transgender youth have transitioned socially meaning that they are living as their affirmed gender. If legal documents do not reflect this gender, this can present challenges. Changing a gender marker aligns a youth’s legal gender designation, affirming their gender identity.

**Why would someone want to change their legal name?**
For many transgender youth, the name that they were given at birth (their legal name) does not match their gender identity. As part of the social transition process, many transgender youth choose a name that more closely matches their gender identity. Changing the legal name to match the chosen name can help prevent unintentional disclosure of a youth’s transgender identity or sex assigned at birth.
Why are legal name and gender marker changes important for transgender youth?

Having a legal name and/or gender marker changed is incredibly important for a transgender child’s adjustment to home, school, and community. There are tangible social and medical benefits to allowing transgender youth to change their legal name and/or gender marker.

Using a Transgender Youth’s Chosen Name is Associated With:

- **65% fewer suicide attempts**
- **34% fewer reported thoughts of suicide**
- **71% fewer symptoms of depression**

*Figure 1. Effects of Using a Transgender Youth’s Chosen Name on depression and suicide rates. Adapted from “Chosen Name Use is Linked to Reduced Depression, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth.” By S. T. Russell et al, 2018, Journal of Adolescent Health, 63, 503-505.*

**Medical Benefits**

Transgender youth are at higher risk for poor mental health compared to their non-transgender peers.¹ Being misgendered, even inadvertently, can be a significant source of distress to transgender youth, which could contribute to increased mental health issues.² A recent study from the University of Texas at Austin showed that using a transgender youth’s chosen name in a variety of different contexts, including at home, at school, with friends, or at work decreases risk of depression and suicide (see figure 1).³ Youth allowed to use their chosen name in all four contexts (school, home, with friends, and work) had 71% fewer symptoms of severe depression, 34% fewer reported thoughts of suicide, and a 65% reduction in suicide attempts.³ For youth that experience Gender Dysphoria, being referred to by their affirmed gender identity and chosen name can reduce symptoms of Gender Dysphoria and lead to a dramatic improvement in social and psychological functioning.
Social Benefits

For many transgender youth, use of the chosen name is an important part of the social transition process. Many schools and medical institutions require a legal name change before a youth can use a chosen name. In Illinois, even in affirming school districts, some records are federally mandated to refer to the student by their legal name and/or assigned gender. This may place students at risk in school because affirming an identity that differs from one’s school ID, birth certificate, or other identification documents “outs” them, which could lead to bullying or discrimination. Additionally, students may be inadvertently misgendered or referred to by their legal name by substitute teachers or school administrators who are unaware of the student’s gender transition. For transgender youth attempting to access medical resources, having a legal name and gender marker that does not match their gender expression could place them at risk for discrimination in the context of medical treatment. Many medical or mental health offices do not have a way to document chosen name and pronouns, which could lead to misgendering by front desk staff and specialty providers. This lack of gender marker and name alignment in documentation may inadvertently create negative health care experiences for youth, influencing whether or not they access medical care in the future.

Sources


4- Vance, SR. “The Importance of Getting the Name Right for Transgender and Other Gender Expansive Youth.” *Journal of Adolescent Health*, vol. 63, 1 Feb. 2018, pp. 503-505.