



# Amendment to Sex Designation on a Birth Certificate to Reflect Gender Identity

## Frequently Asked Questions (FAQs)

As of February 4, 2019

**PURSUANT TO N.J.S.A. 26:8-40.12:** The State Registrar shall issue an amended certificate of birth to a person born in the State who requests an amended certificate of birth which shows the gender and, if applicable, the name of the person as it has been changed. Specifically, the State Registrar shall issue the amended certificate of birth upon receipt of: (1) A certified copy of an order from a court of competent jurisdiction which indicates that the name of the person has changed (if the person has changed his or her name); and (2) a form provided by the State Registrar and completed by the person, or person's parent or guardian, which affirms the following language: "I, (petitioner's full name), hereby attest under penalty of perjury that the request for a change in gender to (female, male, or undesignated/non-binary) is to conform my legal gender to my gender identity and is not for any fraudulent purpose."

### **Q1: When does the new law, N.J.S.A. 26:8-40.12, go into effect?**

February 1, 2019.

### **Q2: At birth, may I choose to have my child's sex designated as "undesignated/non-binary"?**

No. By statute, "undesignated / non-binary" is an option only available to individuals seeking to amend their birth certificates; it is not an available option at the time of birth for the child's original birth certificate. The sex designation categories for a child's original birth certificate remain: male, female or not yet determined. Please see FAQ #5 for additional information regarding the meaning of "not yet determined" and when it is used on an original birth certificate.

### **Q3: What are the sex designation options available to amend a birth certificate to reflect gender identity?**

1. Male (M)
2. Female (F)
3. Undesignated/Non-binary

### **Q4: What does "Undesignated/Non-binary" mean?**

"Undesignated/Non-binary" encompasses all gender identities that are not exclusively male or female, including, but not limited to: intersex, agender, amalgagender, androgynous, bigender, demigender, genderfluid, genderqueer, neutrois, nonbinary, pangender, third sex, transsexual, Two Spirit, or otherwise unspecified.

**Q5: I've heard about a "Not Yet Determined" category on birth certificates. What does "Not Yet Determined" mean?**

The "Not Yet Determined" designation is only used for limited purposes in cases when an infant's sex is not determined by health care providers at birth. This category is not for general use.

**Q6: Who can request an amendment to the sex designation on a New Jersey birth certificate to reflect gender identity?**

- **Adults.** An adult (18 years of age or older) subject of the birth certificate may request an amendment to the sex designation on their birth certificate to reflect gender identity.
- **Parent or guardian of a minor.** A parent or legal guardian of a minor may request an amendment to the minor's sex designation on the birth certificate to reflect the minor's gender identity.

**Q7: What is the process to amend the sex designation on a birth certificate?** The process is different for adults and minors.

**Adults must submit the following to the State Registrar by mail (on-line submission option coming soon):**

1. **Reg L-2 Form.** The subject of the birth certificate must complete, sign, and submit the "Request Form and Attestation to Amend Sex Designation on a Birth Certificate for an Adult to Reflect Gender Identity" (the Reg L-2 form).
2. **Proof of identity.** Submit proof of identity (in the form of government-issued identification) establishing that the requestor is the subject of the birth certificate to be amended.
3. **Proof of legal name change, if applicable.** If the requestor's name on the original birth certificate does not match the name listed on the proof of identity submitted, a certified copy of the court order documenting the requestor's legal name change is also required.
4. **Court ordered legal name change, if applicable.** The requestor's name may be changed on the amended birth certificate (to reflect a name change from the original birth certificate), but it is not a requirement. If you are seeking to change the name on the amended birth certificate, a certified copy of the court ordered legal name change must be submitted with the Reg L-2 form. (See Q8 below for more information on name change).
5. **Fees, if applicable.** See Q9 below regarding applicable fees.

**For minors, a parent or guardian must submit the following to the State Registrar by mail (on-line submission option coming soon):**

1. **Reg L-3 Form.** The minor's parent or the minor's legal guardian must complete, sign, and submit the "Parent/Guardian Request Form and Attestation to Amend Sex Designation on a Birth Certificate for a Minor to Reflect Gender Identity" (the Reg L-3 form).
2. **Proof of identity: Parent.** If you are requesting the amendment on behalf of a minor and you are the minor's parent, you must provide your full name as it appears on the minor's birth certificate, along with government-issued identification showing your full legal name (if your current legal name is different than what appears on the minor's birth certificate, submit legal name change court order, or marriage certificate).
3. **Proof of identity: Guardian.** If you are requesting the amendment on behalf of a minor and you are the minor's guardian, you must provide government-issued identification showing

your full legal name along with the certified copy of the court order appointing you as the guardian of the minor.

4. **Court ordered legal name change for minor, if applicable.** The minor's name on the amended birth certificate may be changed (to reflect a name change from the original birth certificate), but it is not a requirement. If seeking to change the minor's name on the minor's birth certificate, a certified copy of the court ordered legal name change for the minor must be submitted with the Reg L-3 form. (See Q8 below for more information on name change).
5. **Fees, if applicable.** See Q9 below regarding applicable fees.

#### **Q8: How do I submit my requested changes?**

1. By mail. Amendments to sex designation can only be processed by mail through the State Office of Vital Statistics & Registry. Local offices may not accept nor process such amendments. The required forms, supplemental documents, copies of identification, and fee must be mailed to:

Office of Vital Statistics & Registry – Records Modification Unit  
NJ Department of Health  
P.O. Box 370  
Trenton, NJ 08625-0370

2. Online. (COMING SOON). The system will allow you to request the change, upload required documents, print and sign the required attestation, and pay the fee.
3. Amendment requests are not accepted in-person.

#### **Q9: Name change, if applicable. Can the name on a birth certificate be changed at the same time as an amendment to the sex designation to reflect gender identity?**

Yes. For both adults and minors, to change the name on a birth certificate, one must obtain a certified copy of the court order granting the legal name change. If a court order documenting legal name change is submitted together with the REG L-2 form (for adults) or the REG L-3 form (for minors), then the State Registrar will amend the birth certificate to reflect the new legal name and gender identity. Please note that name change is not required to amend sex designation.

NOTE: Name changes will not be processed without submission of the court order establishing the legal name change. For information about how to petition the court for a legal name change, please see the New Jersey Judiciary's webpages for [Name Change - Adult](#) and [Name Change - Minor](#).

There is a one-time \$2 fee to register a court ordered legal name change with the State Registrar.

#### **Q10: What fees apply?**

There are fees for issuance of certified copies of amended birth certificates and to register court ordered legal name changes with the State Registrar. The fees are the same for adults and for minors. As of

February 1, 2019, fees must be submitted by check or money order payable to “Treasurer, State of New Jersey.” Cash is not accepted. (Online submission is coming soon and will allow for credit card payment online.) Total fees vary depending on the exact request. Fees include:

- \$6.00 one-time fee for the first requested certified copy of the amended birth certificate.
- \$2.00 for each additional certified copy of the amended birth certificate ordered at the same time as the first request.
- \$2.00 one-time fee to register a court ordered legal name change with the State of New Jersey, Department of Health, Office of Vital Statistics and Registry. Only submit this fee if requesting a name change on the amended Birth Certificate
- There is no fee to simply file either the REG-L2 or the REG-L3 forms with the State Registrar. Fees are charged only upon request for copies of amended birth certificates.
- Note: For copies of certified birth certificates requested at any later date, the fee is \$25.00 for the first copy and \$2.00 for each additional copy.

**Q11: Are fee waivers available for certified amended copies of birth certificates?**

Yes. Under N.J.S.A. 26:8-63(f), homeless individuals are eligible to receive one (1) free copy of the individual’s birth certificate upon submission of the following:

1. Signed request from homeless shelter coordinator or social worker on the agency letterhead:
  - a. Indicating that they are working with the homeless individual, and
  - b. Accurately identifying the record to be amended.
2. Copy of a photo work ID of the shelter representative.
  - a. A personal United States government issued photo ID may be substituted for agencies that do not issue photo employee ID cards.

**Q12: What happens to my old/original birth certificate?**

The State Registrar shall place the old/original certificate of birth and all papers pertaining to the amended certificate of birth under seal. The seal shall not be broken except by order of a court of competent jurisdiction, or upon the request of the person who is the subject of the certificate of birth, or the parent or guardian in the case of a minor.

**Q12: I have more questions, who can I contact?**

- Email: You may email additional questions to [Records@doh.nj.gov](mailto:Records@doh.nj.gov) (please indicate “Sex Designation Amendment” in subject line).
- NJ Office of Vital Statistics and Registry: 609-292-4087 or 866-649-8726 (toll-free nationwide).

**NOTE:** This “FAQ” document will be revised periodically to reflect questions received over time.