

**Checklist**  
**Changing a Gender Marker on an Ohio Birth Record**

The Probate Court may issue an order to change the gender marker on an Ohio birth record pursuant to the decision in *Ray v. McCloud*, S.D. Ohio No. 2:18-cv-00272, 2020 U.S. Dist. LEXIS 247732 (Dec. 16, 2020). Applications to change a gender marker filed in Lucas County Probate Court may have restricted access upon motion of the Applicant and for good cause shown pursuant to Sup. R. 45(E).

The process for changing a gender marker on a birth record is not a process to change a legal name or make any other change, alteration or correction to the birth record. Any requests for change of name or correction of other errors on a birth record must comply with the established legal processes for each action.

**Filing Fee**

Court Costs: \$85.00

**Requirements**

The birth record to be changed must be a certified State of Ohio Certification of Birth issued by the Office of Vital Statistics. Birth records from other states must be changed in the state of issuance.

A birth record change may be obtained in the Probate Court in the county:

- Where the birth occurred
- Where the person resides whose birth is being corrected, **or**
- Where the mother resided at time of birth

**Required Documents for changing the gender marker on a Minor's birth record:**

- New Case Information Sheet
- Photocopy of Driver's License or photo ID for Applicant
- Original birth record that is being corrected
- Application to Change Gender Marker on Birth Record
- Consents of Parents or Guardians
  - If one of the parent's consents is missing, or the whereabouts of a parent are unknown, the Court may set the matter for a hearing, or order other service on the non-consenting parent as required by R.C. §3705.15 and Sup. R. 73
- Order Changing Gender Marker
- Affidavit Regarding Birth Record Change
- Licensed Professional Statement Regarding Birth Record Change

All Affidavits must be notarized.

**Required Documents for changing the gender marker on an Adult's birth record:**

- New Case Information Sheet
- Photocopy of Driver's License or photo ID for Applicant
- Original birth record that is being corrected
- Application to Change Gender Marker on Birth Record
- Order Changing Gender Marker
- Licensed Professional Statement Regarding Birth Record Change

**Note: If an Order to change a birth Record is issued by this Court, it is the Applicant's responsibility to obtain an updated birth record from the Ohio Department of Vital Statistics. The Court does not obtain a new birth record for you.**

**PROBATE COURT OF LUCAS COUNTY, OHIO**  
**JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF**  
**THE BIRTH RECORD OF \_\_\_\_\_**

**CASE NO. \_\_\_\_\_**

**APPLICATION TO CHANGE GENDER MARKER ON BIRTH RECORD**

Applicant requests that the Court issue an Order changing the gender marker on the birth record pursuant to R.C. §3705.15. All available facts required on the birth record are as follows:

Information recorded in this box should match information listed on the Birth Record.			
Full Name	Gender <input type="checkbox"/> Female <input type="checkbox"/> Male	Date of Birth (month/day/year)	Place of birth (city and county)
Information of Parent(s) listed on the Birth Record			
Parent's Name		Parent's Name	
Place of Birth	Date of Birth	Place of Birth	Date of Birth
Has a legal name change been granted <input type="checkbox"/> Yes <input type="checkbox"/> No		Court that granted legal name change:  Case No.	

A true and accurate copy of the original birth record to be changed is attached to this application.

Applicant states that they identify as the gender opposite of that which is currently indicated on the birth record. Therefore, Applicant requests that the birth record for the above-named individual be changed to reflect the gender with which they identify.

Two affidavits including a statement from a licensed professional accompany this Application in support of the requested birth record change.

Therefore, Applicant requests the Court order the birth record to be changed to the gender opposite of that currently listed on the individual's birth record.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Type or Printed Name

**PROBATE COURT OF LUCAS COUNTY, OHIO  
JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF:** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**NEW CASE INFORMATION STATEMENT**

**ATTORNEY OF RECORD TO COMPLETE THE FOLLOWING SECTION**

THE UNDERSIGNED CERTIFIES THAT THIS CASE  IS,  IS NOT RELATED TO ANY CASE NOW PENDING IN ANY JUDICIAL SYSTEM.

CASE NUMBER OF RELATED CASE \_\_\_\_\_

DESCRIPTION AND JURISDICTION OF RELATED CASE \_\_\_\_\_

**PLEASE CHECK ONE OF THE FOLLOWING:**

- CORRECTION/REGISTRATION OF BIRTH     DISINTERMENT     TRUSTS     MINOR SETTLEMENT  
 NAME CHANGE  
 OTHER \_\_\_\_\_

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**STATEMENT OF PERMANENT ADDRESS**

**The following address is my permanent address. I understand that I am required to notify the Court of any change in my address and that the Court is authorized to remove me if I fail to comply with this requirement.**

\_\_\_\_\_  
Signature, Attorney of Record

\_\_\_\_\_  
Signature, Applicant

\_\_\_\_\_  
Print Attorney Name

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
( )  
Phone Number

\_\_\_\_\_  
( )  
Phone Number

\_\_\_\_\_  
Ohio Supreme Court ID Number

\_\_\_\_\_  
Ohio Supreme Court ID Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
E-Mail Address

**PROBATE COURT OF LUCAS COUNTY, OHIO**

**JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF  
THE BIRTH RECORD OF:** \_\_\_\_\_

**CASE NO:** \_\_\_\_\_

**APPLICATION TO RESTRICT PUBLIC ACCESS TO RECORDS**

Now comes \_\_\_\_\_ and hereby requests this Court to order that public access to the records in the above-captioned matter be restricted from public access pursuant to Sup.R. 45(E). Public access to the records will jeopardize the applicant's personal safety or well-being for the following reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibits attached in support of application.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant

**ORDER**

It is hereby ORDERED that public access to the records in the above-captioned case are restricted for good cause shown pursuant to Sup.R. 45(E).

\_\_\_\_\_  
Judge Jack R. Puffenberger

**PROBATE COURT OF LUCAS COUNTY, OHIO**  
**JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF THE BIRTH RECORD OF \_\_\_\_\_**

**CASE NO. \_\_\_\_\_**

**AFFIDAVIT REGARDING BIRTH RECORD CHANGE**

STATE OF OHIO            )  
  )  
COUNTY OF \_\_\_\_\_ )

**SS:**

The undersigned affiant is a person well-acquainted with the individual who is the subject of the application in this case, or the minor who is the subject of the application. The undersigned states with respect to the individual seeking to have a sex marker changed on their birth record:

- The individual identifies as the gender opposite of that listed on their birth record.
- The individual has expressed a desire to have the gender marker changed on their birth record to reflect the gender with which they identify.
- The individual holds themselves out to the public to be the gender they desire the birth record to reflect.
- The individual goes by a name that is consistent with the gender they desire the birth record to reflect.

The undersigned certifies under penalty of perjury that the statements in this Affidavit are true and complete.

\_\_\_\_\_ Date

\_\_\_\_\_ Affiant

Sworn to and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ Notary Public

**PROBATE COURT OF LUCAS COUNTY, OHIO  
JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF  
THE BIRTH RECORD OF:** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**CONSENT OF PARENTS OR GUARDIANS**

The undersigned being the parents or Legal Guardians of a minor who is the subject of this application, do consent to the change of the gender marker on the birth record as proposed, and waive notice of any hearing on the matter.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Typed or Printed Name

**PROBATE COURT OF LUCAS COUNTY, OHIO**  
**JUDGE JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF**  
**THE BIRTH RECORD OF \_\_\_\_\_**

**CASE NO. \_\_\_\_\_**

**LICENSED PROFESSIONAL STATEMENT**  
**REGARDING BIRTH RECORD CHANGE**

To be completed by a physician, psychologist, therapist, nurse practitioner, or social worker who is licensed to practice in the United States that certifies the gender identity of the applicant.

PHYSICIAN       NURSE PRACTITIONER       PSYCHOLOGIST  
 THERAPIST       SOCIAL WORKER       OTHER: \_\_\_\_\_

LICENSED PROFESSIONAL'S LAST NAME	FIRST NAME	TELEPHONE NUMBER
PROFESSIONAL LICENSE / CERTIFICATE NUMBER	ISSUING STATE	NAME OF HOSPITAL OR MEDICAL CLINIC
STREET ADDRESS	CITY, STATE	ZIP CODE

MY PROFESSIONAL OPINION IS THAT THE APPLICANT'S GENDER IDENTITY IS:  MALE  FEMALE

I certify that my practice includes the treatment and counseling of persons with gender identity concerns, including the individual named above, who is my patient. I certify under the penalty of perjury that all the information on this form is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Licensed Professional

\_\_\_\_\_  
Typed or Printed Name

**PROBATE COURT OF LUCAS COUNTY, OHIO**  
**JUDGE JACK R. PUFFENBERGER, JUDGE**

**IN THE MATTER OF**  
**THE BIRTH RECORD OF \_\_\_\_\_**

**CASE NO. \_\_\_\_\_**

**ORDER TO CHANGE GENDER MARKER ON BIRTH RECORD**

This matter is before the Court on the Application to Change Gender Marker on the Birth Record of \_\_\_\_\_ . The Court finds that the Ohio Revised Code permits a person to correct a birth record that, among other things, "has not been properly or accurately recorded." R.C. §3705.15. Further, "[n]o portion of the Ohio Revised Code prohibits using R.C. §3705.15 to change the sex marker on a birth certificate." *Ray v. McCloud*, S.D. Ohio No. 2:18-cv-272, 2020 U.S. Dist. LEXIS 247732, at \*2 (Dec. 16, 2020).

The Court is satisfied from the evidence presented that reasonable cause exists to change the gender marker on the birth record, as requested. Therefore, the Court grants the Application to Change Gender Marker on Birth Record.

The Court orders that the gender marker on the birth record of \_\_\_\_\_ shall be changed to indicate the gender of the individual as:

- Male
- Female

A copy of this Order to Change Gender Marker on Birth Record shall be forwarded to the Director of Health, at Columbus, Ohio, as provided by law.

It is so ordered.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jack R. Puffenberger, Probate Judge

**CERTIFICATION OF ORDER**

The above Order to Change Gender Marker on Birth Record is a true copy of the original kept by me as custodian of the records of this Court.

Jack R. Puffenberger, Probate Judge

(Seal)

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Date