

# What is my legal gender?

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If you are transgender, nonbinary, gender diverse, or have experienced a sex or gender change, you might have questions about what defines your legal gender. This can help you. If you need to make decisions related to changing the sex or gender on various IDs and records, this can help you learn about how sex or gender is identified on various records. This can also help you learn what can happen if you do or don't change the sex on your different IDs.

## 1. Defining legal gender

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**Important Notice:** During 2025, the information related to federal ID rights and sex/gender on federal records is changing rapidly. There is a current federal ban on changing the sex or gender on federal records including your passport and Social Security records. Other federal record and ID information will be affected including immigration related records, Bureau of Indian Affairs records and others. Passports that have already had a sex designation change

at some time previously could be reverted back to the sex that was assigned on your original birth certificate record when the passport expires or is renewed. There might also be risks for trying to renew your passport if you have had a gender related name change **and** your name change order **also** lists a sex or gender change.

## What is my legal gender?

The concept of “legal gender” is complicated. Legal gender usually is the sex or gender that is listed on various government IDs and records.

Your gender identity and lived experience might not match your legal gender. Your legal gender might not define your gender identity and lived experience of your gender and sex.

## Is my legal gender the sex or gender that is listed on my birth certificate?

No, not exactly. There are **many** records that have your sex or gender listed on them. **No single record or ID exclusively controls what is called your “legal gender.”** Historically, no single government or agency rule defines what is your legal gender. This is because **so many** various records can affect the sex designations that are used in a person’s daily life.

Even if you get a court order proving your sex change, your legal gender will be defined by each type of record and situation as you deal with them

**individually.**

**For example:**

- If you must show photo ID during an interaction, usually in that situation the sex that is listed on that specific photo ID will be considered to be your legal gender.
- If your credit is checked, the sex that is listed on your Social Security record can show up on the credit report record. In that situation, the sex on your Social Security record would be your legal gender.
- When you apply for a job, if the employer asks for your sex, usually you will list the sex that is on your state photo ID or whatever photo ID you provide to your employer to verify your identity. You will usually have to provide your Social Security card or proof of work permit but those won't have your sex on the card itself.
- If your employer does a background check when you are hired that includes checking full records from Social Security or a credit check, then your employer might be able to see the sex that is listed on your Social Security record.

**When you are born**, doctors, birth professionals, and your parents assign you a sex on your birth certificate or birth record. Historically in the U.S., newborns have been assigned either Female or Male. Recently, some places also began to issue newborns a birth certificate with an intersex designation or other kind of sex identifier if appropriate. In some places, after a person is born, a parent or the person themselves can ask for the sex designation that is on the birth certificate to be changed.

**What defines my legal gender at the federal level?**

If you were born in the U.S. **and** were registered for a Social Security card at your birth by your parents or guardians, the sex that was **first** listed on your birth certificate was reported to the Social Security Administration (SSA). **That** sex designation became the sex that was first listed on your Social Security record. The sex that was **first listed on your Social Security Record** is most commonly considered to be your federal “legal gender”. This is called your “Sex Identification on the Social Security Record”. That sex is the sex that Homeland Security and the Department of State can find out even if you changed it later.

- If you applied for a Social Security card later on in your life or applied for a Social Security during your citizenship process, the sex you were assigned on that application will be your Sex Identification on the Social Security Record.
- If you don't have a Social Security card and live in Washington state, your legal gender would most likely be the gender that is listed on your state photo ID.
- If the only ID that you have ever had is a birth certificate, then the sex on your birth certificate would be your legal gender.

Some kind of record of your sex or gender exists in many places that don't necessarily include a **visible** gender marker or sex designation like your photo ID has on it.

## What if I am under 18? Who decides my legal gender?

That question is hard to answer simply. It depends on many things including:

- Which adult helps you make decisions in your life
- Whether you are emancipated or not
- Where you were born
- Whether a parenting plan makes decisions about certain things in your life
- Which IDs you want to change to have reflect your lived gender (if any)

Usually, the gender or sex that will show up on all your school records and at your jobs would be the sex that is on your Social Security record. But for people under 18, the sex that is on your birth certificate can be used a lot too.

You can ask your employer to make sure your badge or anything else visible to coworkers and customers does have your chosen identifiers on it even if your legal records haven't been changed.

You can get an ID in Washington as a teenager and you can choose "X", "M" or "F" for your WA state ID. Your school might change all the visible records except your transcript to match that ID. It is very hard to change school transcripts in most places without a court order. If you get a court ordered name change, your school should change your name on your transcripts. Even if you don't legally change your name, your school still has to follow Washington rules about letting you use your chosen name and pronouns at school even if they can't change them on your transcript. You should ask your school about what is required to change your sex or gender if it is listed on your transcript.

Changing your gender on your permanent school and work records can be very complicated for people who are under 18 depending

on your situation. If you need help with your school, [try to get legal help \(https://teamchild.org/youth-education-law-collaborative/\)](https://teamchild.org/youth-education-law-collaborative/) from Team Child. If you are a houseless youth, get in touch with [Legal Counsel for Youth and Children \(https://lcywa.org/needhelp\)](https://lcywa.org/needhelp) to see if they can help you with your ID changes.

## 2. Gender on IDs and records

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### **Where does my sex show up on different records? Are the records connected to each other?**

Your sex or gender can show up, be visible, or be listed somewhere **in** the record on many different records. Some of the records are connected. Usually, records will be the most often interconnected with the information that is on your Social Security record. These are just some of the places your sex or gender can end up in the record:

- Credit reports
- Hospital medical reports
- Background checks
- Tribal rolls and records and Indian Money Account records
- Data searches
- School transcripts
- Benefits account records like for SSDI or SSI
- IDs

- Immigration records

## Aren't my photo IDs the only IDs that list my sex or gender?

**No.** Many different identity records or IDs have your gender or sex listed on them somewhere **in** the record **or** on the ID itself.

Your Social Security card **doesn't** list your sex or gender marker anywhere **on the card itself**. But your actual Social Security record **does in fact have a sex listed on the record**. And **that** Social Security record sex designation can be found on credit reports, hospital medical records, Federal Student Aid records, federal records, background searches, financial records, and **many** other places.

Your photo ID is also important and can impact many records that could have your sex or gender listed on them.

Many people choose to change the gender or sex on their photo ID **first** before changing other records. Many people may choose to have their photo ID be the **only** sex or gender record change they make changes to.

You **don't** have to change your birth certificate, Social Security record, Passport, **or any other ID** to be able to choose your sex or gender identifier on your Washington photo ID or drivers license.

As of January 2025, you can no longer change your sex designation on either your Passport or Social Security record. This also affects other federal records. This information will be updated if that

changes. **You can still** change your name **on both your Passport and Social Security record.**

## How does the REAL ID Act affect the sex that is on my IDs?

Historically, the REAL IDs have been issued by state ID issuers **but** are issued according to federal rules for background checks. Typically, the sex marker ID rules for your REAL ID have been based **on the state** you were in even though federal rules are part of the process. This is the same for REAL IDs here in Washington.

In Washington, your REAL ID or enhanced ID can still say “F”, “M”, or “X” because Washington Department of Licensing issues the ID. If that changes, this information will be updated. Currently, the State Department says it will accept X designations on IDs for entering a U.S. border.

If you are worried about how the X designation on your ID might impact your travel, you might want to get legal advice before you leave the country. You can try to get legal help from the non-emergency Legal Help Desk (<https://lambdalegal.org/helpdesk/>) at Lambda Legal (<https://lambdalegal.org/helpdesk/>).

## 3. Changing gender on IDs

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## Can I change my name on my IDs but not change my gender on those IDs?

Yes absolutely. Many people who are transgender, nonbinary, or gender diverse only change their name legally and may never change their sex on any IDs. All identity records and IDs should have a process for changing your name on them. You will probably need to provide a copy of a [name change court order](#) to do so. This includes Passports and Social Security records.

Transgender people can still change their names on their [Passports](#) (<https://travel.state.gov/content/travel/en/passports/have-passport/change-correct.html>) and [Social Security records](#) (<https://www.ssa.gov/personal-record/change-name>) if they meet the proof requirements. A name change court order is enough to change your name on those records.

## Do I need a court order to change my legal gender?

No. In Washington, you don't need a court order to change the gender that is on your state ID. If you were born in Washington, you don't need a court order to change the sex on your birth certificate.

You can't currently change the sex or gender on your federal IDs **even if you get a court order** that confirms you have had a sex change. Your federal IDs are IDs like your Passport and Social Security records.

## Do I have to change the sex or gender on all my IDs for any legal reasons?

No. Depending on their lifestyle needs, many people may never change the sex that is listed on some of their IDs. Deciding which IDs to change and whether to change any IDs at all can be a very personal decision.

**There is no wrong decision as long as it is the right decision for you and your situation.** People have been living with mixed or mismatched genders on their different IDs in the U.S. for many decades:

- Many people only change the sex or gender on some of their IDs or records but **not** all.
- Some people change the sex or gender on **every** record they are able to.
- Some people **never** change the sex or gender on **any** record or ID **except** their state issued photo ID.
- Some people **may never be able to** change the sex or gender on any or all of their records even if they want to.
- Some people **may never want to** change any gender or sex record or ID even though they might be transgender, nonbinary, gender diverse or have gone through a sex, gender, or gender identity change.

## ( )What can happen if the sex or gender on my IDs doesn't match across all my IDs?

The sex or gender marker that is listed on all your IDs **can** be mismatched across IDs or records. For example, if your Washington state ID says "X" for your sex designation, it is okay if your Social Security record says "F" or "M". It

**shouldn't** cause you problems based on the current state of common Social Security Administration (SSA) practices as of May 2025. This information will be updated if SSA practices begin to change or revert back to sending out what are called "information mismatch letters".

If you **receive a letter from the Social Security Administration** or any other federal government agency about an information "mismatch" on your Social Security record that could be related to your sex or gender change information, you should try to get legal help right away. **Don't** ignore the letter. **Respond to the letter as soon as possible**. If it affects your public benefits like unemployment benefits, contact the Unemployment Law Project (<https://unemploymentlawproject.org/contact/>) right away. If it affects your public benefits like SSI or SSDI, contact the Benefits Law Center (<https://benefitslawcenter.org/contact-blc/>) or Northwest Justice Project (<http://www.nwjustice.org/get-legal-help>) right away.

Passport rules are related to national security and can be very strict.

Passports are an ID that is also connected to other IDs **in certain ways**.

Current Department of State passport practices are using the sex that was assigned to your original birth record as the sex that will be issued for your passport. Even if you have changed your birth certificate to show a different sex designation, whatever sex was originally assigned to you when you were born will most likely be

the sex designation that the State Department will allow for your passport and other federal documents. Even if you get a court ordered sex or gender change, your passport will be issued using the sex assigned to you at birth.

## 4. Passports

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**Isn't my Passport the most important ID to change my sex on?**

**Isn't my Passport my federal legal gender?**

**No.** The Social Security record is the **only** sex record that **all** citizens and legal permanent residents of America **must** have (generally speaking). It is the most universal record that people born in America have from their birth onwards. It is considered to be a mandatory record generally. **Passports aren't mandatory.**

Passports are an optional ID related to life needs and travel needs. It can be very hard to manage your financial life in the U.S. **without a Social Security number** (and record). But that isn't true for living without a passport. You don't have to have a passport to work, have a bank account, make purchases, vote and so on. But doing those things can be very difficult or impossible without a Social Security number (and record).

**What happened recently with the federal rules related to sex designation on passports?**

In January 2025, an executive order changed the rules that affect sex designations on passports. You **can no longer change the sex designation** on your passport. This federal ban is indefinite but is being challenged by lawsuits (<https://www.aclu.org/cases/orr-v-trump>).

If you have already changed the sex designation on your passport, it will most likely eventually revert back to whatever sex was assigned on your birth certificate **originally**. This will be most likely to happen to people who had a passport at some point in their life that was issued using their original birth certificate sex designation. But it could happen to anyone **even** if you think the Department of State doesn't have any reason to know about the sex that was originally assigned to you on your birth record.

As of May 2025, the Department of State says it will continue to accept X designations on passports and enhanced IDs for re-entering a U.S. border. This information will be updated if this changes.

If you are worried about how the X designation on your ID might impact your travel, you might want to get legal advice before you leave the country. You can try to get legal help from the non-emergency Legal Help Desk (<https://lambdalegal.org/helpdesk/>) at Lambda Legal (<https://lambdalegal.org/helpdesk/>).

If the Department of State blocks your ability to get a passport at all because of your sex or gender change, you should get legal help right away

(<https://intake.aclu-wa.org/>). You should be able to get a passport if you otherwise are eligible for one, **but** it will most likely have to be with the sex designation that was on your original birth certificate. It may not matter that you have had that birth record sex designation changed with your birth state. The State Department passport sex designation (<https://travel.state.gov/content/travel/en/passports/passport-help/sex-marker.html>) **doesn't** have to match what your birth certificate says **now**. They say it must match your **original** birth certificate sex assignment. This is being called your "biological sex at birth."

If it could become unsafe for you to travel using a passport with a gender or sex on it that doesn't match your lived experience, try to get legal help. If the recent federal policies made it unsafe or impossible for you to travel, you should try to get legal help right away (<https://intake.aclu-wa.org/>).

## What can happen if I change the sex on my passport? What if I don't?

You can no longer change the sex that is listed on your passport pending developments with January 2025 federal rules change. This information will be updated if that changes. The ACLU has filed a law suit to challenge (<https://www.aclu.org/cases/orr-v-trump>) the current federal passport ban.

The sex that is listed on your passport can have various consequences in your life related to **howyou use** your passport.

- If you use it as your main everyday photo ID, then it will impact purchases, identification verification and other daily tasks that require a photo ID.
- If you use your passport to travel in and out of the U.S., then it will impact your travel situations. It could potentially impact your safety or comfort while traveling.

Currently, the State Department says it will accept X designations on IDs for re-entering a U.S. border.

If you have changed the sex designation on your passport previously, you should prepare to have the sex designation on your passport changed the next time your passport is expired, renewed or replaced. The Department of State will only reissue you a passport with the sex that was assigned to you at your birth **no matter what** your birth certificate says now. This could have consequences in your life. You can try to get more information from the non-emergency Legal Help Desk (<https://lambdalegal.org/helpdesk/>) at Lambda Legal (<https://lambdalegal.org/helpdesk/>).

Just because you are a U.S. citizen doesn't mean you have the right to be granted re-entry into the U.S. if you leave. Many things can affect your re-entry rights including passport validity.

## What if I already changed the sex or gender on my passport?

If you already changed the gender or sex on your passport, your passport should remain valid as it is **but only for the time being**. Once your passport expires, is renewed or is replaced, you will be assigned a sex designation according to the Department of State practices at that time. This includes all X designation passports and all passports that were changed between M and F. This includes any passport that ever had a sex designation change that wasn't just a simple recording error.

Once you have to renew or replace your passport, you will most likely be forced to have the sex designation be re-assigned to the sex that was assigned to your original birth certificate. It doesn't matter what your birth certificate says now if you have had it changed.

## 5. Social Security records

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### Can I change the sex identification record on my Social Security record?

**No**, not currently as of 2025. The Social Security Administration (SSA) issued an emergency rule stating that they no longer have **the technical ability** to process or issue sex changes for anyone's Social Security records.

Historically, the Social Security Administration **did** let you change the sex that is on your Social Security record **but there were limits**. You could **only**



choose a “F” or “M” sex designation for your Social Security record. It didn’t matter if your state ID, passport or birth certificate have a gender or sex designation other than “F” or “M” on them. You were still limited to choosing either “M” or “F” with SSA. But you did get to choose either “F” or “M” without having to provide proof of any medical changes. This is called “self-attestation”.

The Social Security Administration didn’t require proof of gender to change the sex designation on your record. You didn’t need to provide a doctor’s letter. You shouldn’t have been asked to get a court order to change your sex on the record. Instead, you would just choose which of the two sex designation options worked best for you when you completed your Application for a Social Security card form or replacement card. On the form the options are listed as “Sex”. That **used to be** the best way to change your federal legal gender if you wanted to affect the most interconnected records.

An executive order doesn’t usually have the power to change a Social Security Administration rule like the SSA rule that affects sex change on the record. Usually, SSA rules have to go through public comment periods for that kind of change and publish information about the rule changes on the SSA public register (<https://www.ssa.gov/regulations/recentregulatory.html>). **The federal policy that permits a sex identification change on your social security record hasn’t changed.** The 2025 emergency message issued by the SSA didn’t say that the policy had changed. It said that the SSA doesn’t have the ability to change sex on records anymore. If SSA does start issuing changes to the sex part of SSA records again, this information will be updated.

## What can happen if I changed or do change the sex on my Social Security card and record? What can happen if I don't?

Currently you can't change your sex on your Social Security record. SSA said they will update their emergency message about this by July 31, 2025.

If the SSA begins to issue sex changes for their records again and returns to the most recent rules for doing so, then you will be able to change the sex on your Social Security record again.

You might be able to get more information about the SSA ban and how it impacts you if you contact the non-emergency [Legal Help Desk](https://lambdalegal.org/helpdesk/) (<https://lambdalegal.org/helpdesk/>) at [Lambda Legal](https://lambdalegal.org/helpdesk/) (<https://lambdalegal.org/helpdesk/>).

If SSA starts issuing sex changes to their records again according to the most recent rules, you will still have to choose either "F" or "M" no matter what your state ID or birth certificate says. They might make you choose the sex that was originally assigned to your birth certificate similar to what the Department of State just did with passports. This information will be updated when SSA releases more information about the rules and the bans.

If you change or have changed the sex on your Social Security record, it shouldn't cause you any ID information [mismatch problems](#) if the sex your Social Security record doesn't match other IDs.

## Changing the sex designation on your Social Security record can have impacts.

There can be consequences from either changing your sex on your Social Security record or from leaving it unchanged if you are gender diverse. The decision whether to change these records or not is very personal and should be based only on your individual needs and situation.

If it becomes possible again and you do choose to one day change the sex on your Social Security record, **it can have impacts** related to medical insurance coverage and billing.

### For example:

When you were born, you were assigned a “F” on your Social Security record. You change your Social Security record to say “M”. After changing your SSA record to “M”, you try to access medical treatments that can usually only be billed to people with “F” on their Social Security record. For example, you might be told that you can’t be covered for or receive “female specific treatments” like a mammogram, pap smear, or prenatal care. This can cause issues depending on your provider and insurance plan. It may require you to have to advocate for yourself to get equitable coverage for treatments that you will be denied coverage for. You may have to advocate for yourself to be able to get the treatments **even given** to you if your sex on the record doesn’t match the “usual” sex to receive such treatment. There can be financial consequences if coverage is affected because of these gender specific

limitations.

## Choosing to not change the sex designation on your Social Security can also have impacts.

Many people **never** change the sex that is on their Social Security record.

**There can be consequences for this decision as well.**

- If your lived gender expression **doesn't match** the sex that shows up on your credit report for example, that could expose you to bias from a mortgage lender.
- It means the salesperson selling you a car could see that you had a physical sex change simply from running your credit report.
- You could be forced to use the sex assigned to your Social Security record at times you don't want to like on hospital ID arm bands in an emergency room.

## What if I was mistreated because my Social Security gender doesn't match my photo ID?

Washington state law requires equity in treatment and coverage (<https://app.leg.wa.gov/RCW/default.aspx?cite=49.60.030>) related to gender and gender identity. If you think your insurance or medical provider treated you unfairly because of your sex or gender identity, you can try to file a complaint about the treatment. If you need to file a complaint, **do it as soon as you can after the incident**. There are strict timelines for these complaints. You can file a complaint with either (or both):

- Washington State Human Rights Commission  
([https://wahum.my.site.com/FileaComplaintOnline/s/?language=en\\_US](https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US))  
([https://wahum.my.site.com/FileaComplaintOnline/s/?language=en\\_US](https://wahum.my.site.com/FileaComplaintOnline/s/?language=en_US))
- Office of the Insurance Commissioner for Washington State  
(<https://www.insurance.wa.gov/file-complaint-or-check-your-complaint-status>)

Washington has protections for gender affirming care and treatment. If you experienced discrimination during healthcare, get legal help (<https://www.qlawfoundation.org/legal-clinics/>).

## 6. Birth certificates

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### What can happen if I change the sex on my birth certificate?

### What can happen if I don't?

Whether you can change the sex that is on your birth certificate is **totally dependent** on where you were born and the current rules of that place.

Many people who are gender diverse **never** change their birth certificates and it won't be a problem in their lives. For other people, it is very important personally or for privacy reasons to have a changed birth certificate that reflects their lived gender identity. For young people, birth certificates are used often as the main source of identification till they are teens. So a changed birth certificate could be very important to someone under 18. Most adults over 18 use their birth certificates far less often.

As of 2025, the Department of State will be using the information from your original birth certificate to determine the sex that will be listed on your passport. Even if you have had or receive a corrected, updated, changed or amended birth certificate from your birth place, the Department of State will use the sex that was listed on your **first** birth certificate from immediately after you were born. That sex will be used for any passport they issue to you. This information will be updated if this changes.

## 7. Other IDs

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### What will happen if I change the sex on my photo ID? What can happen if I don't?

Washington residents can choose one of three genders for their Washington state ID or driver's license. There is no proof of your sex or gender required. You don't need a medical letter or court order.

The most common ID that people will change their sex or gender on is their photo ID. This is the state issued ID that you show the most to other people during daily interactions like at stores and the bank.

Historically, if your photo ID has a different gender or sex on it than your other IDs have on them, it shouldn't cause you any problems legally. But it **can** result in you having two genders or sex identifiers during the same encounter

which can cause issues. For example, the lab at your medical provider uses the sex that is on your photo ID but the ER uses the sex that is on your Social Security record. The two sexes don't match between your 2 IDs. This can happen and can be problematic depending on the situation.

If you receive a letter about an information mismatch from Social Security, it could be related to the information that is on your state ID. Get legal help right away if you get one of these letters.

Decisions about what is best on your photo ID should be about your safety, your privacy, and your lived gender expression needs.

## Can I change my sex or gender on my Tribal record and rolls?

You will need to ask your tribe or nation. It is **very important** that if you got a court ordered name change, that you notify Social Security of the change **first** before you change your name with your Tribal enrollment office. Your tribe can be fined if there is a mismatch between their records about you and the Bureau of Indian Affairs (BIA) records. BIA records are based on Social Security records.

So, if you get a name change, update your name on your Social Security card first and then update it with your tribe's records office. Most tribal nations will accept court ordered name changes to change their records. Some of the nations in Washington will also issue court ordered name changes in their own courts. The same applies if you are able to change your sex on your Social Security record. Change it with Social Security **first** and then try to

change what records you can with your tribe.

Your tribal ID may or may not have a gender or sex listed on the photo ID card itself. Some nations include sex on the cards, some don't. Some nations don't have photo ID cards at all. But records of your sex and gender can be found in many places in your tribal records, BIA records and Indian Money Account records. Some nations believe that sex or gender can change. Some nations believe that sex and gender can't change and won't issue any record changes based on their cultural beliefs, practices and rules.

Tribal rolls and records can be some of the hardest change. Bureau of Indian Affairs records can be difficult to impossible to change completely. This is because of how complicated and how varied the information included in Tribal and BIA records are. Your family tree (which often lists your sex) could be in your records and in other people's records related to you. All those records would have to be changed. You might be able to get your tribe to [change your birth certificate \(https://www.washingtonlawhelp.org/resource/gender-change-on-a-birth-certificate-1\)](https://www.washingtonlawhelp.org/resource/gender-change-on-a-birth-certificate-1) if they issued you one. That would depend on their rules. You should be able to get certain information changed on your Indian Money Accounts or other BIA resources payment related accounts if you have had a court ordered name change. If you need help with your tribal records, rolls or BIA information, you should contact your tribal nation's records office.



## **What about other IDs? How do I change the sex on all my records?**

Each type of ID, account, and record has its own process, rules and requirements.

## **What if I need to change my name on my records too?**

There are different rules and processes for changing your name on your IDs and records. Each ID has its own rules.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

<https://assets.washingtonlawhelp.org/en/what-my-legal->

[gender](#)