

Checklist

Changing a Sex Marker on an Ohio Birth Record

The Probate Court may issue an order to change the sex 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). All applications to change a sex marker filed in Portage County Probate Court will not be placed online, and shall have restricted access pursuant to Sup. R. 45(E).

The process for changing a sex 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.

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 sex marker on a Minor's birth record:

- ☐ Photocopy of Driver's License or photo ID for Applicant
- ☐ Original birth record that is being corrected
- ☐ Application to Change Sex Marker on Birth Record
 - If one 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 Sex Marker
- ☐ Affidavit of Applicant
- ☐ Affidavit Regarding Birth Record Change
 - This must be executed by someone other than applicant who has personal knowledge of the individual who is the subject of the application
- ☐ Licensed Professional Statement Regarding Birth Record Change

All Affidavits must be notarized. Probate Court Deputy Clerks may not notarize documents for the Applicants.

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

- ☐ Photocopy of Driver's License or photo ID for Applicant
- ☐ Original birth record that is being corrected
- ☐ Application to Change Sex Marker on Birth Record
- ☐ Order Changing Sex Marker
- ☐ Affidavit of Applicant
- ☐ Affidavit Regarding Birth Record Change
 - This must be executed by someone other than applicant who has personal knowledge of the individual who is the subject of the application
- ☐ Licensed Professional Statement Regarding Birth Record Change

All Affidavits must be notarized. Probate Court Deputy Clerks may not notarize documents for the Applicants.

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.