

## Getting Legal Help

South Carolina Legal Services  
(free legal assistance for qualifying applicants)

- Apply Online: <https://www.sclegal.org>
- Apply by Phone: 1-888-346-5592
- Mon. - Thurs. 9am-6pm

Transgender Law Center  
<https://transgenderlawcenter.org/>

SC Lawyer Referral Services  
1-800-868-2284

### Help with Fees:

Trans Lifeline Microgrants for Name Changes  
<https://translifeline.org/microgrants>



## Other Legal Representation and Materials:

**Lawhelp.org/sc** is South Carolina's guide to hundreds of free legal resources such as:

- Information about your rights and legal responsibilities
- Legal forms and court documents

**Sclegal.org** is a statewide website that contains:

- Information for the public in all civil law areas
- Legal library

### Follow us:

- Facebook: [facebook.com/sclegal](https://facebook.com/sclegal)
- Twitter: [twitter.com/sclegal](https://twitter.com/sclegal)
- YouTube: [youtube.com/sclegalservices](https://youtube.com/sclegalservices)
- Instagram: [instagram.com/sclegalservices](https://instagram.com/sclegalservices)

## Other Legal Representation

Consumer & Bankruptcy • Education  
Employment • Family • Federal Income Tax  
Housing • Migrant Farm Workers  
Probate • Public Benefits

This brochure was prepared by South Carolina Legal Services and is provided as a public service.

Copyright retained by South Carolina Legal Services

Printed June 2021

**LSC** | America's Partner  
for Equal Justice  
LEGAL SERVICES CORPORATION



**South Carolina  
Legal Services**

*Balancing the Scales of Justice*

# Gender Marker: How to Change Birth Sex on Records?



## Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

## For Free Services

1 (888) 346-5592

[www.lawhelp.org/sc/online-intake](http://www.lawhelp.org/sc/online-intake)

[contactus@sclegal.org](mailto:contactus@sclegal.org)

[www.sclegal.org](http://www.sclegal.org) / [www.lawhelp.org/sc](http://www.lawhelp.org/sc)



## What is a Gender Marker?

- A gender marker is the indicator on a birth certificate, ID, or passport (M) male or (F) female that shows one's gender at birth.

## Why would I want to change my Gender Marker?

- You have transitioned your gender and wish your birth certificate and official identification to reflect this change.

## How can I change my Gender Marker?

- A court action must be filed to change your South Carolina birth certificate.
- The judge has to issue an order granting the change.
- The South Carolina Department of Health and Environmental Control (DHEC) will issue a new birth certificate with the change.

## What is the law in South Carolina?

- Currently, there is no South Carolina law addressing gender marker changes.
- There is no statute, regulation, or caselaw on gender marker changes.
- Because the law has not been developed, it is difficult to know whether each case will be successful.
- You should speak with a South Carolina licensed attorney before proceeding with a court action to change your gender marker on your birth certificate.

## What happens after the Court Order?

- If you were born in SC, send the court order to the South Carolina Department of Health and Environmental Control (DHEC).
- Submit a notarized statement from a licensed physician containing the following criteria:
  - 1) That there is medical certification of a physical change related to your sex.
  - 2) That a licensed physician and the court are satisfied your medical treatment has been completed with the result being that you are now a different sex from your biological sex at birth and is not merely in the process of transitioning.
  - 3) That the change is permanent in nature.
  - 4) That the change in sex is made with the intent to change permanently and for all purposes.
- Medical treatment does NOT have to include surgery, but the transition needs to be a point where it is “irreversible and permanent.”



## Can I also apply for a name change at the same time?

You can file a legal name change and gender marker change in the same action.

Please see South Carolina Legal Services' "How to Change Your Name" brochure.



## Can I change my Gender Marker and/or Name if I have a criminal record?

It will be determined on a case-by-case basis. If approved, the court will send a copy of the gender marker and name change order to the State Law Enforcement Division (SLED).