

KNOW YOUR RIGHTS:

NAME AND GENDER MARKER CHANGES IN TEXAS - DRIVER'S LICENSES, BIRTH CERTIFICATES, PASSPORTS, AND SOCIAL SECURITY



Updated: October 2026

- Trans people deserve to live free from persecution — in Texas and everywhere. Yet since 2024, Texas state agencies, the Attorney General, the Texas Legislature, and the federal government have cut off nearly every path for trans Texans to get identity documents that reflect who they are.
- This fact sheet explains what has changed, what you can still do — including changing your legal name — and where to get help. It is general information, not legal advice. Contact the organizations listed at the end of this document if you need help with your specific situation.
- Not having accurate identity documents jeopardizes people's health and safety. When someone's ID does not reflect who they are, it can create dangerous encounters with police, employers, health providers, and others by "outing" them as transgender, non-binary, or intersex and immediately putting them at risk of harassment, discrimination, bullying, and violence.
- Texas leaders' obsession with harming trans people is needlessly cruel. Transgender people have always existed and always will, and the vast majority of Texans do not support taking away their ability to access basic goods and services. Trans people deserve better than policies that erase their identities and prohibit them from fully participating in society.

WHERE THINGS STAND RIGHT NOW

- Legal name change: Still available. Texas courts continue to grant name changes under Chapter 45 of the Texas Family Code, and DPS, DSHS, the Social Security Administration, and the State Department all still process name changes with a court order. Ask the court for a name-only order (see below).
- Gender marker on a Texas driver's license or state ID: Not available since Aug. 20, 2024, except to fix a clerical error.
- Gender marker on a Texas birth certificate: Not available since around Aug. 30, 2024, unless you can prove with medical records that the sex recorded at birth was wrong.
- Texas court orders changing a gender marker: Mostly unavailable. Since H.B. 229 took effect on Sept. 1, 2025, most Texas judges have stopped signing gender marker orders. No court has overturned orders that were already granted.
- U.S. passport gender marker: Not available. Since the Supreme Court's Nov. 6, 2025, order in *Trump v. Orr*, the State Department issues passports only with the sex assigned at birth. Passports already issued — including with an "X" — remain valid until they expire.
- Social Security record: Name changes are still processed. Gender marker changes have not been available since early 2025.

TEXAS DRIVER'S LICENSES AND STATE IDS (DPS)

- On Aug. 20, 2024, the Texas Department of Public Safety (DPS) suddenly and arbitrarily ordered its employees to stop updating gender markers on people's driver's licenses and state issued ID cards, even when required to do so by court order.
- DPS also required its employees to internally document and report any attempts by people to update the sex listed on their driver's licenses or state IDs. Public records show that DPS logged at least 110 people between August 2024 and August 2025, and DPS refuses to say why it is keeping this list or whether it has shared it with anyone.
- If your court order changes both your name and your gender marker, DPS will refuse to process any of it — including the name change. You will need a separate, name-only court order to update your name on your license or ID.
- DPS offices have applied these policies inconsistently. If you already have a license or ID with a corrected gender marker, it will generally stay valid until it expires. Think carefully before renewing or replacing it unless you need to, and check for the latest updates.
- Texas is part of a wave of states — including Florida, Kansas, Montana, and others — targeting trans people's identity documents. In February 2026, Kansas began revoking roughly 1,700 driver's licenses that had previously been corrected. We are not aware of Texas doing this yet, but please contact us if you hear of this happening.

TEXAS BIRTH CERTIFICATES (DSHS)

- Around Aug. 30, 2024, the Vital Statistics Unit of the Texas Department of State Health Services (DSHS) changed the form that people born in Texas use to update their birth certificate.
- Previously, this form allowed people to update the sex listed on their birth certificate, while also allowing people to correct other information on their birth certificate, like their name, parent, and the date, place, or time of birth.
- Now, DSHS refuses to update the sex listed on someone's birth certificate unless it was "incomplete" or "inaccurate" at the time of birth, which requires submitting medical records.
- Like DPS, DSHS will not process an order that changes both your name and your sex. Use a name-only court order to update the name on your Texas birth certificate.
- If you were born in another state, that state's rules apply to your birth certificate — and many states still allow gender marker changes. Check your birth state's requirements (for example, through Advocates for Trans Equality's ID Documents Center).

GOVERNOR'S DIRECTIVE AND ATTORNEY GENERAL OPINION

- On Jan. 30, 2025, Gov. Greg Abbott sent a letter to every state agency directing them to recognize only two sexes and praising DPS and DSHS for refusing to follow court orders that changed people's sex designations.

- On March 14, 2025, the Attorney General released [Opinion KP-0489](#), which claims that Texas court orders updating people's legal gender markers are "void."
- The Opinion advises state agencies to "immediately correct any unlawfully altered driver's licenses or birth certificates that were changed pursuant to such orders."
- Attorney General opinions in Texas are nonbinding and cannot change Texas law nor supersede court orders.
- As of October 2026, we are not aware of Texas agencies systematically changing documents that were already corrected back to a person's sex assigned at birth — but the Attorney General has told them to, and other states have started doing so. If you already have corrected documents, keep certified copies of your court order and amended birth certificate in a safe place, and do not give up your originals.
- If you or anyone you know has had their documents reverted, please contact the ACLU of Texas or Lambda Legal at the links below.

HOUSE BILL 229 AND OTHER 2025 STATE LAWS

- In 2025, the Texas Legislature passed [House Bill 229](#) (H.B. 229), which took effect Sept. 1, 2025. H.B. 229 adds definitions of "male," "female," and "sex" to the Texas Government Code based on reproductive anatomy at birth and requires government entities that collect information about people's sex to record everyone as either male or female.
- H.B. 229 does not say anything about court orders, does not change the law that allows anyone to change their legal name (Chapter 45 of the Texas Family Code), and does not repeal the laws that allow birth certificates to be amended or that recognize "sex change" court orders. But state agencies and many judges are treating H.B. 229 as if it bans gender marker changes.
- H.B. 229 says that intersex people "must receive accommodations in accordance with state and federal law," but it does not explain what that means for their identity documents, and the agencies have not said either.
- Other 2025 laws raise the stakes of carrying an ID that "outs" you. [Senate Bill 8](#) restricts restrooms and locker rooms in government buildings, public schools and universities, and jails and prisons based on sex assigned at birth and lets the Attorney General investigate complaints, and [Senate Bill 1188](#) requires medical records to list "biological sex" at birth.

COURT ORDERS AFTER H.B. 229

- Since H.B. 229 took effect, most Texas judges have stopped signing orders changing a person's gender marker.
- We believe judges still have the power to grant these orders. Texas district courts have broad authority under the Texas Constitution, and nothing in H.B. 229 takes that authority away.
- If a judge already granted your gender marker order, that order has not been overturned. The Attorney General's opinion that these orders are "void" is his opinion, not a court ruling. Keep certified copies of your order.
- Name changes are also still protected. Chapter 45 of the Texas Family Code gives every adult the right to petition for a name change in the county where they live, and courts across Texas continue to grant them, including for transgender people. You can still ask for a name-only order.

FEDERAL DOCUMENTS: PASSPORTS AND SOCIAL SECURITY

- On Jan. 20, 2025, President Trump signed Executive Order 14168, directing federal agencies to recognize only sex assigned at birth on federal documents and records.
- Passports. The State Department immediately stopped issuing passports with updated gender markers or an “X” marker. The ACLU sued in [Orr v. Trump](#), and a federal court blocked the policy nationwide in June 2025. But on Nov. 6, 2025, the U.S. Supreme Court allowed the government to enforce the policy while the case continues. The case is still ongoing.
- Right now, anyone who applies for a new passport, a renewal, or a replacement is at risk of receiving a passport showing the sex they were assigned at birth — even if their previous passport was correct.
- Passports that were already issued with an updated marker or an “X” remain valid until they expire. You do not have to turn them in. Some airline booking systems do not accept “X,” so check with your airline before international travel.
- Consular Reports of Birth Abroad follow the same policy as passports.
- For up-to-date information, see the ACLU’s [Q&A on Orr v. Trump](#), Lambda Legal’s [Passport and Identity Document Information for the Transgender Community](#), and Advocates for Trans Equality’s [Know Your Rights: Passports](#).
- Social Security. In early 2025, the Social Security Administration stopped allowing people to update the sex marker in their Social Security record. SSA still processes name changes with a court order. Your Social Security card does not show sex, but mismatches between agencies’ records can cause problems with employment verification, benefits, and license renewals.
- If you change your name, update your record with Social Security first. DPS and many other agencies check your name against Social Security’s records before they will update theirs.

ARE THESE CHANGES LEGAL?

- Very likely not.
- DPS, DSHS, and the Attorney General are required to follow court orders like every other state agency and official.
- State agencies are also not allowed to suddenly and arbitrarily change their rules about how driver’s licenses, birth certificates, and other documents are issued.
- These agencies’ sudden implementation of these rules with no public comment or announcement is an abuse of government power that likely violates state and federal law.
- It is clear discrimination for government agencies to target trans Texans and try to stop us from updating information on our ID documents in the same way as everyone else, and such discrimination likely violates state law and the U.S. and Texas Constitutions.
- No court has ruled on whether the DPS and DSHS policies, the Attorney General’s opinion, or H.B. 229 are legal. The ACLU of Texas continues to evaluate legal options, and hearing from people who are affected is essential to that work (see “Get Help” below).
- DPS and DSHS are also prohibited by state and federal law from sharing any applicant’s name, driver’s license number, or other personal information.
- These agencies can only share data with law enforcement or public health authorities under very limited circumstances.

- The information gathering that DPS now seems to be embarking on departs from their current practices, and they may not release this information to any other person or government entity, nor use it for any purpose, without violating state and federal laws.

WHAT YOU CAN STILL DO

- DPS has made clear that it will not update gender markers on Texas driver's licenses or IDs — even if required to do so by court order — and is internally collecting data on anyone who submits such a request on or after Aug. 20, 2024.
- You can still change your legal name. File a name-change petition in the county where you live (Texas Family Code, Chapter 45). Ask the judge for a name-only order — do not combine it with a request to change your gender marker. Then update your name with Social Security, DPS, DSHS (birth certificate), the State Department (passport), and your employer, bank, school, and health providers.
- If you already have corrected documents, protect them. Get certified copies of your court order and amended birth certificate now and keep them somewhere safe. Before renewing or replacing a corrected license, ID, or passport, think about whether you need to do it right now, because the replacement may come back with the wrong marker.
- If you were born outside Texas, check whether your birth state still allows gender marker changes on birth certificates. Many do.
- If something goes wrong, document it. If DPS or DSHS changes your documents back, refuses a name change, or asks about your gender marker history, write down the date, office, and what was said, keep any paperwork, and contact the ACLU of Texas or Lambda Legal (links below).
- These new rules are part of a pattern of arbitrary and discriminatory administrative and/or executive actions targeting transgender Texans.

WHY IS HAVING ACCURATE IDENTIFICATION SO IMPORTANT?

Not Having Accurate IDs Jeopardizes People's Health, Privacy and Safety

- Having a driver's license or birth certificate that does not reflect someone's gender identity and outward gender expression puts transgender, non-binary, and intersex people in unsafe and dangerous situations.
- Prohibiting accurate IDs will have a chilling effect on trans people's ability to live their lives, from the ballot box to housing, getting proper health care, obtaining a loan, attending school, driving their cars, getting paid, and accessing public services. The overall impact will be deep harm to a community that is already more marginalized and more vulnerable every day as they participate in society.

People Need IDs that Accurately Reflect Who They Are

- Every person needs an ID to vote, travel, apply for housing, pick up medications, receive treatment at doctors' offices, and verify one's identity in every facet of life.
- Driver's licenses are the primary form of government issued ID. Almost 90% of Americans of driving age hold driver's licenses. Birth certificates are also often critical as a secondary form of identification.

- Requiring driver's licenses, state IDs, and birth certificates to be based on a vague, subjective, and highly politicized view of sex erases the identities of transgender, non-binary, and intersex people and deprives them of identity documents that accurately reflect who they are for no reason. Having an accurate identity document does not affect other people's ability to go about their lives, but it can severely hinder a trans, non-binary, or intersex person's ability to live their daily lives.

Good Public Policy Requires that Transgender People Have Accurate IDs

- Ensuring transgender people hold IDs that are consistent with their gender identity will assist poll workers, law enforcement, and other government entities seeking to verify people's identities. It will also help private entities further government interests in employment and commerce and other contexts where accurate IDs are required.

GET HELP AND GET INVOLVED

- Continue to support trans Texans and oppose bigotry and hate.
- Contact your elected officials, make sure you are registered to vote, and make a plan to vote.
- Contact the ACLU of Texas legal intake and the Lambda Legal Help Desk if you or someone you know is directly affected by any of these policies — especially if your documents are changed back, your name change is refused, you are denied a passport, or you learn that DPS has shared information about you:
- <https://intake.aclutx.org/>
- <https://lambdalegal.org/helpdesk/>
- For assistance with the process to obtain a court order or updating your other legal documents, visit <https://translegalaidtx.com/> or other clinics across the state.
- For federal documents, see the ACLU's [Q&A on Orr v. Trump](#) and Lambda Legal's [Passport and Identity Document FAQ](#).