

Trans  Health Guide:

# Transitioning: Legal

Transitioning can be medical, social or legal. Legal transitioning is the process of officially changing who you are in relation to the government. It means getting new legal identification with your new name and gender. Changing your legal identity can take time and be complicated and expensive. It is another step toward being recognized fully as who you are. This guide will help you get started.

## How do I change my name?

Changing your name is a major part of transition for many. Most people start using their new name socially – letting their family and friends adjust to the new name.

If you want to change your legal name, you need a formal Certificate of Change of Name.

## Certificate of Change of Name

To change your name in Nova Scotia, you must be 19 years old. You must have been born here or lived here for at least one year before applying for a name change. If you are under 19, a parent or guardian must apply for you.

You should also know:

- Nova Scotia requires finger prints and a criminal records check for anyone changing their name for any reason.
- A name change costs \$160.85 – that includes one certificate. Extra copies are available for \$18.10.
- All name changes in Nova Scotia are registered in the Royal Gazette but you can apply to have your name removed from the online publication.
- There is a two-week waiting period for name changes.
- You must provide (in english or with an official english translation):
  - \_ All birth certificates issued prior to your change of name.
  - \_ A birth certificate if you were born outside Nova Scotia.
  - \_ Immigration documents if you were born outside Canada (Record of Landing).
  - \_ For children born outside of Nova Scotia, you will need detailed birth certificates, including parentage.

To change your name, contact the Nova Scotia Vital Statistics Office by phone at 1-877-848-2578 or online at <http://gov.ns.ca/snsmr/access/vitalstats/>.

## I have changed my name, now what?

Once you have a Certificate of Change of Name, you will need to get many new legal documents, including:

- Birth certificate (\$24.20)
- Driver's license (\$74 for a standard license)
- Health card (free)
- Passport (\$87-\$92 for adults)
- Social Insurance Number (free)

## Where else should I change my name?

You're going to need to change your name in many places. We suggest you write a form letter with an explanation and a photocopy of your Certificate of Change of Name. You can re-use that letter and change it each time.

This is not a complete list and you will find many other places you need to change your name. If you have trans\* friends, ask them how and where they made their name changes.

Some places you will want to change your name:

- Deed, mortgage or lease
- Bank accounts
- Insurance policies
- Academic records – such as university diplomas
- Records of employment
- Workplace health benefits
- Workplace or student identifications
- Medical records
- Emergency contact information listings
- Any license you hold – such as dog ownership, fishing, etc.
- Contact information for businesses (e.g. rewards points programs)
- Your online persona (e.g. Facebook)

## When do I tell people that I have changed my name?

You will probably tell your close friends and family members before your name is legally changed. You get to choose when and how you tell others.

Remember how important your name is to who you are and who you have been.

- If you are seeking a new job, let your references know your new name.
- Before and during your name change you should contact a credit rating/reporting agency. Many trans\* people have found their credit history has been erased after they have changed their name.

\* We use trans\* to mean anyone who does not feel they are the gender they were labeled at birth. People who are trans\* may also use the labels of transgender, transsexual, gender non-conforming, FTM, MTF, trans man, trans woman, genderqueer, gender fluid, gender variant, two-spirit, bi-gender, pangender, ambi-gender, polygender.

## How do I change my gender marker?

A gender marker is the M (for male) or the F (for female) that is on government issued identification including your driver's licence, birth certificate, passport, etc. In Canada, the only two options for gender markers are male (M) or female (F). Currently, both provincial and federal governments require sex reassignment surgery (SRS) to have your gender marker changed. Most changes require a revised birth certificate. If you were born outside of Nova Scotia, you will have to consult the province where your birth certificate was issued.

\* **NOTE:** Before you change all your legal documentation to a new name, consider the costs to change your gender marker on legal identification. You may be able to avoid paying the fees twice if it is possible for you change your name and gender marker at the same time.

### Provincial Gender Marker

In Nova Scotia, the Vital Statistics Act requires you to have at least one SRS before you can change your gender marker. You need to provide two letters of proof from doctors (or other qualified medical practitioners) confirming that you have met their standard for SRS. Ideally, one of those two doctors is the surgeon who performed your surgery. Once you have changed your gender marker, all future legal documents will have your new gender.

▶ FOR MORE INFORMATION, SEE:  
**Nova Scotia Vital Statistics Office**  
 1-877-848-2578  
<http://gov.ns.ca/snsmr/access/vitalstats/>

### Federal Gender Marker - Passport

If you want to change your gender marker (or name) on your passport, you need to follow the new passport application process. You will need to have either a birth certificate or proof of citizenship certificate that shows your new legal sex. You need to provide two letters of proof from doctors confirming that you have met their standard for SRS. Ideally, one of those two doctors is the surgeon who performed your surgery.

▶ FOR MORE INFORMATION, SEE:  
**Passport Canada**  
 1-800-567-6868  
<http://passportcanada.gc.ca>  
 Passport Canada office in Halifax  
 1505 Barrington Street, Suite 1508

\* **NOTE:** If you need to travel during your transition period and your surgery is in the next 12 months, you can get a temporary (two-year) passport (form PPTC 152) that reflects your new gender. These forms are only available in person at Passport Canada offices. You will need written proof (from a doctor) that you have SRS scheduled.

## Federal Gender Marker - Social Insurance Number

To change your gender marker (or name) on your Social Insurance Number (SIN), there is no cost. You will need to have either a birth certificate or proof of citizenship certificate that shows your new legal sex.

▶ FOR MORE INFORMATION, SEE:  
**Social Insurance Registration Office**  
 1-800-206-7218  
<http://servicecanada.gc.ca/eng/sc/sin/>

## What are my legal rights in Nova Scotia?

In Nova Scotia, the Human Rights Act makes it illegal to discriminate or harass others in Nova Scotia in the following key areas: the workplace, housing, services and facilities (i.e. stores, restaurants), purchase or sale of property, publication, broadcast or advertisement, membership in a professional association, membership in a business or trade association and membership in an employer's or employee's organization. As of December 2012, gender identity and gender expression are specifically legally protected.

If you feel that you have been treated unfairly in one of the areas listed above because you are trans\*, you can file a complaint with the Nova Scotia Human Rights Commission. Human rights complaints can be a lengthy process but do affect change in our society.

▶ FOR MORE INFORMATION, SEE:  
**Nova Scotia Human Rights Commission**  
 1-877-269-7699  
<http://humanrights.gov.ns.ca>

## What are my legal rights in Canada?

The Nova Scotia Human Rights Act does not cover all aspects of life. Some human rights are covered at the federal level. For example, if you work for the Canadian government or the Canadian Armed Forces, the Canadian Human Rights Act protects you.

The Canadian Human Rights Act protects people in Canada from discrimination when they are employed by or receive services from the federal government, First Nations governments or private companies that are regulated by the federal government. As of April 2013, there are no trans\* specific protections included in the Canadian Human Rights Act. Bill C-279 was passed in the House of Commons in March 2013 and is now waiting for senate approval. Bill C-279 will add legal protections for gender identity if the Senate approves this bill.

▶ FOR MORE INFORMATION, SEE:  
**Canadian Human Rights Commission**  
 1-888-214-1090  
<http://www.hrc-ccdp.ca>