



OFFICE OF CLERK OF COURTS
EAU CLAIRE COUNTY
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INFORMATION REGARDING GENDER CHANGE

The following information is provided as a courtesy through the Eau Claire County Clerk of Court (aka Clerk) to assist a party in processing a GENDER CHANGE for a vital record. This information should not be considered as a substitute for legal advice or services. If you have legal questions, you are advised to consult an attorney or make a decision based on your own study and conclusions of the law.

1. General Information:

- a. **Wisconsin Statutes** provide that the state registrar may change information on a birth certificate, including name and gender.
- b. The process for a name and gender change is generally two-fold, i.e., first there is a civil name change, then later a gender change.
- c. **Any person with a direct and tangible interest in a birth certificate registered in this state** may petition a court to change the name and sex of the registrant on the certificate due to a surgical sex-change procedure. If the state registrar receives an order which provides for such a change the state registrar shall change the name and sex on the original certificate, except that if the court orders the state registrar to prepare a new certificate the state registrar shall prepare a new certificate under sub. (6). This subsection does not apply to a name change prohibited under s. [301.47](#) [excerpt from WI STATS 69.15(4)(b)]
- d. The civil name change process can be located in the circuit court forms section under www.wicourts.gov The instructional material provides that commencement of a civil name change is to be done by petition in the county where the subject resides.
- e. The gender change process may be commenced by petition through the civil name change case.

2. Petition:

- a. The CHANGE OF GENDER **courtesy** petition form is available through the clerk. This form should be completed and signed in front of a notary.
- b. **This form applies to a birth certificate registered in the state of Wisconsin.** Applicants born out-of-state should contact vital records in the state of birth for further information on the gender reassignment process.
- c. The petition should include the following attachments:
 1. A notarized letter from the physician who performed the genital reassignment surgery, which specifies the date of the surgical sex change procedure.
 2. A certified copy of the existing birth certificate.
 3. A copy of the name change order.
 4. Any other supporting documentation you would like to provide in support of the petition.
- d. The civil name change case number should be used/inserted on the gender change petition form.
- e. A proposed order granting the petition should also be submitted. Normally this form is provided through Vital Records.

3. Filing:

- a. Present the petition, supporting documents, and proposed order to the Clerk of Court in the proper county.
- b. Once the petition is filed, the matter will be referred to the Judge that handled the name change.
- c. Initially the Court will conduct an administrative review of the petition and may:
 - Approve and/or sign the order without hearing;
 - Or will schedule a date and time for hearing on the petition.
- e. If/when the petition is approved, the Court will sign an order to that effect.
- f. After the order is filed with the Clerk, the Clerk will contact the petitioner regarding further proceeding.

4. Follow-up:

- a. If the Court approved the petition & signed the order, the Clerk is to certify that information to Vital Records for processing.
- b. Additional fees apply for certifications and/or reporting to Vital Record.
- c. Fee references are usually set forth on the bottom of the Vital Record reporting form.