



Department of Health

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Gender X FAQs

NYS Bureau of Vital Records

Overview

What changed?

As approved by New York State's 2022 Enacted Budget and through an expansion of the [Gender Expression Non-Discrimination Act](#), beginning in 2023, New Yorkers can update nearly all State forms with a gender-neutral 'X' (non-binary) designation. Amended [Domestic Relations Law § 20-C](#) now requires that a revised marriage certificate be issued to reflect a properly documented change in name or gender designation.

As a result, the New York State Department of Health's (NYSDOH's) Bureau of Vital Records has adopted new procedures for capturing gender X (non-binary) on birth, death, and marriage records for events that occurred in New York State (NYS) outside of New York City.

Birth Certificates

Can I select gender 'X (non-binary)' on my newborn's NYS birth certificate?

Not at the time of the birth. State law requires that an original birth certificate, officially called the 'Certificate of Birth,' serve as medical documentation of a birth event. Therefore, the medically determined sex of the infant (male, female or intersex) by attending clinical personnel at the time of birth must be recorded.

While the medical determination of sex assigned at birth will remain on the original birth certificate, which will be sealed from release, a new birth certificate will be issued with the amended gender information located in the 'sex' field.

Who is eligible to request an amendment to gender designation on a NYS birth certificate?

Individuals 17 years or older can change their own gender designation on their birth certificate, including requests for 'X (non-binary)' gender designations.

For minors (16 years or younger), the custodial parent(s) or legal guardian(s) of a minor named on the birth certificate can change the minor's gender designation on the minor's birth certificate, including requests for 'X(non-binary)' gender designations. The requesting parent(s) or legal guardian(s) name must be on the birth certificate.

How can a parent or legal guardian change the gender designation on the NYS birth certificate of a minor child (16 years or younger)?

To change the gender identification of a minor child (16 years or younger) the parent/legal guardian must complete and submit the following forms to the NYSDOH Bureau of Vital Records, which can be done by [selecting the correct forms from our website](#):

- Parent/Legal Guardian Notarized Affidavit of Gender Change for a Person 16 Years of Age or Under (DOH-5304)
- Parent/Legal Guardian Application for Amendment of Certificate of Birth for Gender Designation for a Minor (DOH-5306)

Mail forms to:

New York State Department of Health Vital Records
Fulfillment Unit
P.O. Box 2602
Albany, NY 12220-2602

One certified copy of the amended birth certificate will be provided to the applicant free of charge. Additional copies are \$30.00 each.

While the medical determination of sex assigned at birth will remain on the original birth certificate, which will be sealed from release, a new Certificate of Live Birth will be issued with the amended gender information located in the 'sex' field.

Please note, this process is specific to the gender information only. Changing an individual's name on a birth certificate requires a court order per the requirements of Civil Rights Law Article 6.

I am an adult (17 years or older). How can I change my gender designation on my NYS birth certificate?

An individual 17 years or older can change their gender identification on their birth certificate by submitting the following forms to the NYSDOH Bureau of Vital Records, which can be done by [selecting the correct forms from our website](#):

- Application for Correction of Certificate of Birth for Gender Designation for an Adult (DOH-5305)
- Notarized Affidavit of Gender Error for a Person 17 Years of Age or Older (DOH-5303)

The medical determination of sex assigned at birth will remain on the original birth certificate, which will be sealed from release (except by court order), and a new Certificate of Live Birth will be issued with the amended gender information located in the 'sex' field.

Please note, this process is specific to the gender information only. Changing an individual's name on a birth certificate requires a court order per the requirements of Civil Rights Law Article 6.

Once all the proper documentation has been submitted, how long will it take to get the new certificate, with the gender 'X (non-binary)' designation updated?

Once all the proper documentation has been submitted, NYSDOH's Bureau of Vital Records will carefully review and update the information as quickly as possible. Because of the importance of ensuring all the documentation has been submitted correctly, it can take up to six months for the new certificate to be returned.

If you have questions or comments, please contact the Vital Records Call Center at (855) 322-1022.

Marriage Certificates

How can I change my gender designation on my certificate of marriage?

Documentation is required to revise a marriage certificate to reflect a change in name or gender designation. Documentation must consist of the following:

A judgment, order or decree affirming a change of name or gender designation of either party to a marriage;

An amended birth certificate demonstrating a change of name or gender designation; and

In the case of a change of gender designation, a notarized affidavit from the individual attesting to their change of gender designation. [DOH-1827](#) - Affidavit for Correction of Marriage can be used for this purpose.

The documentation listed above must be submitted to the NYS town or city clerk where the original marriage license was purchased/applied for. Once completed, the town or city clerk will issue a new Certificate of Marriage Registration.

Please note, this process is specific to gender information only. Changing an individual's name on a marriage certificate requires a court order per the requirements of Civil Rights Law Article 6.

Can I submit a change to my gender designation on my certificate of marriage to the NYS Bureau of Vital Records?

No. This request, and supporting documentation, must be submitted to the NYS town or city clerk where you purchased/applied for the original marriage license. When completed, the town or city clerk will issue you a new Certificate of Marriage Registration. If your request was mistakenly submitted to the NYS Bureau of Vital Records, your paperwork will be returned to you.

Once all the proper documentation has been submitted, how long will it take to get the new certificate, with the gender 'X (non-binary)' designation updated?

Once all the proper documentation has been submitted, NYSDOH's Bureau of Vital Records will carefully review and update the information as quickly as possible. Because of the importance of ensuring all the documentation has been submitted correctly, it can take up to six months for the new certificate to return.

If you have questions or comments, please contact the Vital Records Call Center at (855) 322-1022.

Death Certificates

Can I change the gender designation of my loved one on their death certificate?

There are many reasons to request a correction or amendment to a death certificate, from a simple typographical error to changing confidential medical information. Completing the application and supplying the correct supporting documents are critical steps to ensure that the correction or amendment is done in a timely manner.

If your loved one had already made a change to gender designation on their NYS birth certificate prior to their death, this correction can be made with supporting documentation. However, if no formal gender designation change was made on their NYS birth certificate prior to their death, this change cannot be made after their death.

Who can apply for a death certificate correction/amendment?

The following individuals can request a death certificate correction/amendment:

- The decedent's spouse on record.
- A parent, child, or legal guardian of the person.
- A sibling of the decedent.
- The informant if within six months of death.
- The funeral firm that handled the disposition if within six months of death.
- Medical Certifier who handled the case.
- Anyone with a court order.