

SB93 - Birth Certificate Modifications

THIS BILL CREATES BOTH THE PROCEDURE AND THE CIRCUMSTANCES THAT ALLOW A BIRTH CERTIFICATE SEX CHANGE MODIFICATION.

GENERAL CHANGES FOR BASIC ERRORS

- Name change within 1 year of birth
- Scrivener or data entry errors w/ supporting documentation to correct the error

INTERSEX INDIVIDUALS

- (a) born with external biological sex characteristics that are irresolvably ambiguous;
 - (b) is born with 46, XX chromosomes with virilization
 - (c) is born with 46, XY chromosomes with undervirilization;
 - (d) has both ovarian and testicular tissue; or
 - (e) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:
 - (i) sex chromosome structure;
 - (ii) sex steroid hormone production; or
 - (iii) sex steroid hormone action for a male or female.
- **May be changed at any time upon an affidavit attesting that the person is intersex (including lab results)**

ADULTS & EMANCIPATED MINORS

- No fraudulent purpose
- No effort to change conditions of imprisonment
- Outward expression of the sex designation sought in the petition for at least 6 months.
- Clinical distress due to current designation
- Court shall also consider the medical history and care as well as whether the change is a sincerely held part of the core identity.

ADDITIONAL REQUIREMENTS FOR MINORS

- Must be age 15.5 to apply, order effective no earlier than age 16.
- Parental permission
- Child's best interest by clear and convincing evidence
- Guardian ad litem provides evidence:
 - Child is capable of making decisions independent of parent, guardian, custodian
 - Child appreciates the implications of the decision
 - Child meets other criteria

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OBJECTING PARENT CONSIDERATIONS

- Applicant must provide status of any divorce or custody matter pertaining to the child.
- Notice to any parent must be provided with a chance to receive objection.
- Court must consider these factors in its determination.

ADDITIONAL ISSUES

- No marking of an amendment on the new birth certificate
- Department creates and maintains an amendment history on the back end.