

Gay and Lesbian Activists Alliance of Washington, D.C.
P.O. Box 75265, Washington, DC 20013
(202) 667-5139
www.glaa.org

**Testimony on Bill B20-0142,
"JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013"**

Delivered before the Committees on Health & Judiciary and Public Safety
May 16, 2013

Good morning, committee chairs Alexander and Wells and councilmembers. I am Rick Rosendall, President of the Gay and Lesbian Activists Alliance, which has been fighting for LGBT equality in the District since 1971.

We endorse Bill 20-0142, "JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013," with changes I will discuss shortly. We thank the bill's co-introducers and co-sponsors.

People who undergo treatment related to gender transition – with or without surgery – deserve an original birth certificate that matches their gender identity, and not just an amendment. Whether the birth certificate is recorded as new or amended makes no difference to anyone but the person who is seeking the change. No one goes through the lengthy and expensive gender transition process in order to commit fraud.

Seventeen states currently allow for the issuance of new birth certificates under similar circumstances: California, Connecticut, Georgia, Hawaii, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Oregon (at the discretion of the agency), and South Dakota.¹ Additionally, Indiana has no gender in their birth certificates. This would also be acceptable moving forward.

We support the seven changes requested by the DC Trans Coalition, specifically:

1. Section 217(d) of the D.C. Official Code (the old provision that requires a court order and proof of a "surgical procedure") should be deleted. Retaining this old language, even while setting up an easier way to get updated birth certificates with the new provision, means keeping out-of-date and arguably offensive language. Our law should be consistently updated to make it a model for other jurisdictions.
2. The updated bill language should be located in §7-210, the new birth certificate section, not in §7-217, the amended birth certificate section. Transgender people should be able to provide their employers and public officials with a birth certificate denoting the gender with which they identify, without having to explain that their birth certificate was

¹ "Modernizing State Vital Statistics Statutes and Policies to Ensure Accurate Gender Markers on Birth Certificates: A Good Government Approach to Recognizing the Lives of Transgender People," Lisa Mottet, *Michigan Journal of Gender & Law*, January 2013, Vol. 19 Issue 2, p. 373, <http://tinyurl.com/c8clyzn>

amended. Further, having a clean birth certificate without markups is of great intrinsic value to many people.

3. §7-217(d-1)(B) should read "by a licensed health care provider who has treated..." instead of "by a health-care provider licensed in the District of Columbia who has treated..." This is especially important for people who were born in DC but now live elsewhere.
4. §7-217(d-1)(B) should read "the individual has undergone surgical, hormonal, or other treatment appropriate for the individual; or..." instead of "the individual has undergone surgical, hormonal, or other medically appropriate treatment for a gender transition; or..."
5. §7-217(d-1)(B) should include language that addresses people with intersex conditions. The language should read "...a gender transition, or that an individual has an intersex condition, and that in the health care provider's professional opinion the individual's gender designation should be changed accordingly."
6. The name change publication requirement in Section 16-2502 of the D.C. Official Code should be eliminated entirely, not just for those who are changing their name because of gender designation. The non-transgender community should have the same rights as the transgender community. Also, under the language introduced in February, an individual who seeks to change his or her name as part of a gender transition would have to mark that information on the name change request, thereby being "outed" in court records and to everyone they have to show their name change papers to for the rest of their lives. This should not be necessary. Eighteen other states have no such publication requirement.
7. The bill should include language allowing someone who lives in DC but was born elsewhere to have a DC Superior Court judge issue an order to the person's birth state/foreign jurisdiction asking for an amendment of gender marker on the original birth certificate. Furthermore, the bill should empower Superior Court judges to issue a legal order that a person has changed gender, in case a person wants one for various reasons.

For more explanation of these proposed changes, please see the DC Trans Coalition testimony, which we endorse. These changes will ensure that the bill accomplishes its intended purpose of helping those who need new birth certificates.

We have heard too many horror stories over the years from members of the trans community. This legislation will help prevent future recurrences, and will bring the law into conformity with existing District policy of equality for transgender people.

Thank you.