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## **Sources of Authority to Amend Sex Designation on Birth Certificates**

### **Alabama**

Statute: Ala. Code § 22-9A-19(d) (2004).

Text: (d) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and that the name of the individual has been changed, the certificate of birth of the individual shall be amended as prescribed by rules to reflect the changes.

Notes: Amended birth certificates will note that the sex designation has been changed.

Summary: Alabama will issue a birth certificate reflecting the proper sex.

### **Alaska**

Statute: Alaska Stat. § 18.50.290 (2005).

Administrative Code: Alaska Admin. Code, tit. 7 §§ 05.895, 05.900 (2005)

Notes: Alaska has a general regulation providing for the change of information on birth certificates. As with changes of name, changes of sex will be recognized with a court order. Amended birth certificates will note that the sex designation has been changed.

Summary: Alaska will issue a birth certificate reflecting the proper sex.

### **Arizona**

Statute: Ariz. Rev. Stat. § 36-337 (A)(3) (2006).

Text: A. The state registrar shall amend the birth certificate for a person born in this state when the state registrar receives any of the following: . . .

3. For a person who has undergone a sex change operation or has a chromosomal count that establishes the sex of the person as different than in the registered birth certificate, both of the following:

(a) A written request for an amended birth certificate from the person or, if the person is a child, from the child's parent or legal guardian.

(b) A written statement by a physician that verifies the sex change operation or chromosomal count.

Summary: Arizona will issue a birth certificate reflecting the proper sex.

## **Arkansas**

Statute: Ark. Code Ann. § 20-18-307(d) (2005).

Text: (d) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended accordingly.

Summary: Arkansas will issue a birth certificate reflecting the proper sex.

## **California**

Statute: Cal. Health & Safety Code § 103425 (2006).

Text: Whenever a person born in this state has undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex, a new birth certificate may be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States. A petition for the issuance of a new birth certificate in those cases shall be filed with the superior court of the county where the petitioner resides.

Summary: California will issue a birth certificate reflecting the proper sex.

## **Colorado**

Statute: Colo. Rev. Stat. § 25-2-115(4) (2006).

Text: (4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.

Summary: Colorado will issue a birth certificate reflecting the proper sex.

## **Connecticut**

Statute: Conn. Gen. Stat. § 19a-42 (2003).

(a) ... Only the commissioner may amend birth certificates to reflect changes concerning parentage or gender change. Amendments related to parentage or gender change shall result in the creation of a replacement certificate that supersedes the original, and shall in no way reveal the original language changed by the amendment.

...

See also Conn. Gen. Stat. § 19a-42b (specifying procedure for changing out-of-state birth certificates for Connecticut residents); Conn. Agencies Regs. § 19a-41-9(e) (procedure for changing Connecticut birth certificates).

Summary: Connecticut will issue a birth certificate reflecting the proper sex.

## **Delaware**

Statute: Del. Code Ann. Tit. 16 § 3131(a) (2006).

Administrative Code: 40 700 049. Regulations for Title 16, Chapter 31 Relating to Vital Statistics Regulation 10.9(d)

Text: (d) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in Delaware has been changed by surgical procedure and whether such individual's name has been changed, the certificate of birth of such individual shall be amended by preparing a new certificate. The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate.

Summary: Delaware will issue a birth certificate reflecting the proper sex.

## **District of Columbia**

Statute: D.C. Code Ann. § 7-217 (d) (2006).

Text: (d) Upon receipt of a certified copy of an order of the Court indicating that the sex of an individual born in the District has changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.

Summary: The District of Columbia will issue a birth certificate reflecting the proper sex.

## **Florida**

Statute: Fla. Stat. Ann. § 382.016 (2006)

Administrative Code: Fla. Admin. Code Ann. r. 64V-1.003(1)(f) (2006)

Notes: Florida Office of Vital Statistics policy allows for the change of sex designation on birth certificates upon the provision of: a completed Application for Amended Birth Certificate and notarized Affidavit of Amendment to Certificate of Live Birth; a certified copy of a court order of name change; a sworn affidavit from the physician who

performed sex reassignment surgery, containing the medical license number, stating that you have completed sex reassignment in accordance with appropriate medical procedures and that you are now considered to be a member of the reassigned gender; and the required fee.

Summary: Florida will issue a birth certificate reflecting the proper sex.

## Georgia

Statute: Ga. Code Ann. § 31-10-23(e) (2005).

Text: (e) Upon receipt of a certified copy of a court order indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.

Summary: Georgia will issue a birth certificate reflecting the proper sex.

## Hawaii

Statute: Haw. Rev. Stat. Ann. § 338-17.7(a)(4)(B) (2005).

Text: (a) The department of health shall establish, in the following circumstances, a new certificate of birth for a person born in this State who already has a birth certificate filed with the department and who is referred to below as the "birth registrant": ...

(4) Upon receipt of an affidavit of a physician that the physician has examined the birth registrant and has determined the following: ...

(B) The birth registrant has had a sex change operation and the sex designation on the birth registrant's birth certificate is no longer correct; provided that the director of health may further investigate and require additional information that the director deems necessary.

Summary: Hawai'i will issue a birth certificate reflecting the proper sex.

## Idaho

Statute: Idaho Code § 39-250 (2005).

Administrative Code: Idaho Admin. Code § 16.02.08.201 (2006).

Notes: Although Idaho generally permits amendment of birth records upon an appropriate evidentiary showing, the Idaho Office of Vital Statistics reports that Idaho does not currently amend birth records to reflect the correct sex of individuals who have changed their sex by surgical procedure.

Summary: Idaho will not issue a birth certificate reflecting the proper sex.

## **Illinois**

Statute: 410 Ill. Comp. Stat. 535/17(1)(d) (2006).

Text: (1) For a person born in this State, the State Registrar of Vital Records shall establish a new certificate of birth when he receives any of the following . . .

(d) An affidavit by a physician that he has performed an operation on a person, and that by reason of the operation the sex designation on such person's birth record should be changed. The State Registrar of Vital Records may make any investigation or require any further information he deems necessary.

Notes: The Division of Vital Records' current policy requires that individuals seeking to change the sex designation on their birth certificate have undergone sex reassignment surgery with a surgeon licensed to practice in the United States. Its policy also requires "completion of the entire gender reassignment" before the birth certificate will be changed.

Summary: Illinois will issue a birth certificate reflecting the proper sex.

## **Indiana**

Statute: Ind. Code Ann. § 16-37-2-10(b) (2006)

Notes: Indiana has a general statute providing for the change of information on birth certificates. The Vital Statistics Division will issue an amended birth certificate upon showing of a court order.

Summary: Indiana will issue a birth certificate reflecting the proper sex.

## **Iowa**

Statute: Iowa Code Ann. § 144.23(3) (2004).

Text: The state registrar shall establish a new certificate of birth for a person born in this state, when the state registrar receives the following: . . .

3. A notarized affidavit by a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment by the licensee, the sex designation of the person has been changed. The state registrar may make a further investigation or require further information necessary to determine whether a sex change has occurred.

Summary: Iowa will issue a birth certificate reflecting the proper sex.

## **Kansas**

Administrative Code: K.A.R. § 28-17-20 (b)(1)(A)(i) (2006).

Text: (i) The items recording the registrant's sex may be amended if the amendment is substantiated with the applicant's affidavit that the sex was incorrectly recorded or with a medical certificate substantiating that a physiological or anatomical change occurred.

Notes: Amended certificates will be marked "Amended," though the amended sections will not be specified.

Summary: Kansas will issue a birth certificate reflecting the proper sex.

## **Kentucky**

Statute: Ky. Rev. Stat. Ann. § 213.121(5) (2005).

Text: (5) Upon receipt of a sworn statement by a licensed physician indicating that the gender of an individual born in the Commonwealth has been changed by surgical procedure and a certified copy of an order of a court of competent jurisdiction changing that individual's name, the certificate of birth of the individual shall be amended as prescribed by regulation to reflect the change.

Summary: Kentucky will issue a birth certificate reflecting the proper sex.

## **Louisiana**

Statute: La. Rev. Stat. Ann. § 40:62 (2006).

Text: (A) Any person born in Louisiana who has sustained sex reassignment or corrective surgery which has changed the anatomical structure of the sex of the individual to that of a sex other than that which appears on the original birth certificate of the individual, may petition a court of competent jurisdiction as provided in this Section to obtain a new certificate of birth.

Summary: Louisiana will issue a birth certificate reflecting the proper sex.

## **Maine**

Statute: Me. Rev. Stat. Ann. tit 22, § 2705 (2005).

Text: 1. Amended certificate. A certificate that has been altered or amended after its filing must be marked "amended," and the date on which the certificate or record was amended and a summary description of the evidence submitted in support of the correction must be endorsed on the record or permanently attached to it. Any certified copies of certificates or records amended under this section must be marked "amended." Notwithstanding this subsection, administrative correction of clerical errors within one year after the date of filing does not cause the certificate or record to be considered altered or amended.

Notes: The Office of Vital Records will issue an amended birth certificate upon the order of the local probate court and the payment of a fee. Applicants must submit to the court an Application for Correction and a letter from the treating physician verifying that the

surgery/treatment has been "completed." The Office of Vital Records may issue a new certificate with no indication of the changes made.

Summary: Maine will issue a birth certificate reflecting the proper sex.

## **Maryland**

Statute: Md. Code Ann, [Health - Gen.] § 4-214(b)(5) (2006).

Text: (5) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this State has been changed by surgical procedure and whether such individual's name has been changed, the Secretary shall amend the certificate of birth of the individual as prescribed by regulation.

Notes: Unless the court order specifies otherwise, amended certificates will show any changes that have been made.

Summary: Maryland will issue a birth certificate reflecting the proper sex.

## **Massachusetts**

Statute: Mass Gen. Laws Ann. ch. 46, § 13(e) (2006).

Text: (e) If a person has completed sex reassignment surgery, so-called, and has had his name legally changed by a court of competent jurisdiction, the birth record of said person shall be amended to reflect the newly acquired sex and name, provided that an affidavit is received by the town clerk, executed by the person to whom the record relates, and accompanied by a physician's notarized statement that the person named on the birth record has completed sex reassignment surgery, so-called, and is not of the sex recorded on said record. Said affidavit shall also be accompanied by a certified copy of the legal change of name aforementioned above.

Summary: Massachusetts will issue a birth certificate reflecting the proper sex.

## **Michigan**

Statute: Mich. Comp. Laws Ann. § 333.2831(c) (2006).

Text: (c) A request that a new certificate be established to show a sex designation other than that designated at birth. The request shall be accompanied by an affidavit of a physician certifying that sex-reassignment surgery has been performed.

Summary: Michigan will issue a birth certificate reflecting the proper sex.

## **Minnesota**

Statute: Minn. Stat. Ann. § 144.218 (2006)

Administrative Code: Minn. Rules 4601.1100 (2006)

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Notes: The Minnesota Office of the State Registrar requires a court order in order to amend the sex designation on birth certificates. The court order must specify whether the original certificate is to be amended or a new certificate is to be issued.

Summary: Minnesota will issue a birth certificate reflecting the proper sex.

## **Mississippi**

Statute: Miss. Code Ann. § 41-57-21 (2006).

Text: Where there has been a bona fide effort to register a birth and the certificate thereof on file with the office of vital records does not divulge all of the information required by said certificate, or such certificate contains an incorrect first name, middle name, or sex, then the state registrar of vital records may, in his discretion, correct such certificate upon affidavit of at least two (2) reputable persons having personal knowledge of the facts in relation thereto. All other alterations shall be made as provided in Section 41-57-23. Anyone giving false information in such affidavit shall be subject to the penalties of perjury.

Administrative Code: Code Miss. R. 12 000 052, Rules 31-32

Summary: Mississippi will issue a birth certificate reflecting the proper sex.

## **Missouri**

Statute: Mo. Ann. Stat. § 193.215(9) (2006).

Text: 9. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended.

Notes: Amended birth certificates will be marked "Amended."

Summary: Missouri will issue a birth certificate reflecting the proper sex.

## **Montana**

Statute: Mont. Code Ann. § 50-15-204 (2005)

Administrative Code: Admin. R. Mont. 37.8.106(6) (2005).

Text: (6) The sex of a registrant as cited on a certificate may be amended only if the department receives a certified copy of the order of a court of competent jurisdiction indicating that the sex of an individual born in Montana has been changed by surgical procedure. The order must contain sufficient information for the department to locate the record. If the registrant's name is also to be changed, the court order must indicate the full name of the registrant as it appears on the birth certificate and the full name to

which it is to be altered. Any certified copy issued after the amendment must indicate it was altered.

Notes: The court order must specify whether the original certificate is to be amended or a new certificate issued.

Summary: Montana will issue a birth certificate reflecting the proper sex.

## **Nebraska**

Statute: Neb. Rev. Stat. § 71-604.01 (2005).

Text: Upon receipt of a notarized affidavit from the physician that performed sex reassignment surgery on an individual born in this state and a certified copy of an order of a court of competent jurisdiction changing the name of such person, the Department of Health and Human Services Finance and Support shall prepare a new certificate of birth in the new name and sex of such person in substantially the same form as that used for other live births. The evidence from which the new certificate is prepared and the original certificate of birth shall be available for inspection only upon the order of a court of competent jurisdiction.

Summary: Nebraska will issue a birth certificate reflecting the proper sex.

## **Nevada**

Administrative Code: Nev. Admin. Code. Ch. 440, § 130 (2006).

Text: 1. The state registrar may prepare a new certificate of birth for a person having a sexual transformation only upon order of a court of competent jurisdiction. 2. The court order must specify those facts to be changed on the new certificate. All other items must remain as on the original certificate.

Summary: Nevada will issue a birth certificate reflecting the proper sex.

## **New Hampshire**

Administrative Code: N.H. Code Admin. R. He-P 7007.03(e) (2004).

Text: (e) Upon receipt of a court order advising that such individual born in the state of New Hampshire has had a sex change, a new birth record shall be prepared in accordance with He-P 7007.02 to reflect such change.

Notes: Obtaining an order from the local probate court requires submission of an application, payment of a fee, and an evidentiary hearing. Unless otherwise specified by the court order, the amended certificate will specify what changes have been made.

Summary: New Hampshire will issue a birth certificate reflecting the proper sex.

## **New Jersey**

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Statute: N.J. Stat. Ann. § 26:8-40.12 (2006).

Text: The State registrar shall issue an amended certificate of birth to a person born in this State who undergoes sex reassignment surgery and requests an amended certificate of birth which shows the sex and name of the person as it has been changed.

Summary: New Jersey will issue a birth certificate reflecting the proper sex.

## **New Mexico**

Statute: N.M. Stat. Ann. § 24-14-25(D) (2006).

Text: D. Upon receipt of a duly notarized statement from the person in charge of an institution or from the attending physician indicating that the sex of an individual born in this state has been changed by surgical procedure, together with a certified copy of an order changing the name of the person, the certificate of birth of the individual shall be amended as prescribed by regulation.

Summary: New Mexico will issue a birth certificate reflecting the proper sex.

## **New York State**

Administrative Code: N.Y. Comp. Codes R. & Regs. Tit 10, § 35.2 (2005)

Notes: The New York State Department of Health, Vital Records Division has a policy providing for the change of sex designation on birth certificates upon the receipt of a completed application; a letter from the surgeon specifying date, place, and type of sex reassignment surgery performed; an operative report from the sex reassignment surgery; and some additional medical documentation. More detailed information can be obtained from the Department of Health, Vital Records Division in Albany, NY.

Summary: The state of New York will issue a birth certificate reflecting the proper sex.

New York City (has separate vital records division from the state)

Administrative Code: 24 RCNY Hlth. Code § 207.05(a)(5) (2005).

Text: (a) A new birth certificate shall be filed when . . . (5) The name of the person has been changed pursuant to court order and proof satisfactory to the Department has been submitted that such person has undergone convertive surgery.

Summary: New York City will issue a birth certificate reflecting the proper sex.

## **North Carolina**

Statute: N.C. Gen. Stat. §§ 130A-118(b)(4), (e) (2005).

Text: (b) A new certificate of birth shall be made by the State Registrar when . . .

(4) A written request from an individual is received by the State Registrar to change the sex on that individual's birth record because of sex reassignment surgery, if the request is accompanied by a notarized statement from the physician who performed the sex reassignment surgery or from a physician licensed to practice medicine who has examined the individual and can certify that the person has undergone sex reassignment surgery.

Summary: North Carolina will issue a birth certificate reflecting the proper sex.

## North Dakota

Statute: N.D. Cent. Code § 23-02.1-25 (2005)

Administrative Code: N.D. Admin. Code § 33-04-12-02 (2006).

Text: Amendments as a result of gender identity change.

1. Evidence and documents required. The birth certificate of a person born in this state who has undergone a sex conversion operation may be amended as follows:

- a. Upon written request of the person who has undergone the operation; and
- b. An affidavit by a physician that the physician has performed an operation on the person, and that by reason of the operation, the sex designation of such person's birth certificate should be changed; and
- c. An order of a court of competent jurisdiction decreeing a legal change in name.

2. New certificate. Pursuant to such amendment, a new certificate of birth will be created by the state registrar showing original data as transcribed from the original certificate excepting those items that have been amended. The new certificate will be clearly marked in the upper margin with the word "amended".

3. Sealing of original certificate. The original certificate shall be then placed in a special file and shall not be open to inspection except by order of a court of competent jurisdiction or by the state registrar for purpose of carrying out the provisions of North Dakota Century Code chapter 23-02.1 and properly administering the vital records registration program.

Summary: North Dakota will issue a birth certificate reflecting the proper sex.

## Ohio

Statute: Ohio Rev. Code § 3705.15 (2006).

Controlling case law: *In re Ladrach*, 32 Ohio Misc. 2d 6, 513 N.E.2d 828 (Ohio Prob. Ct. 1987) (interpreting Ohio's birth certificate statute to be only a correction statute that does not encompass correction of sex on birth certificates of individuals who have changed their sex by surgical procedure).

Summary: Ohio will not issue a birth certificate reflecting the correct sex.

## **Oklahoma**

Statute: 63 Okl. Stat. Ann. § 1-321 (2006).

Administrative Code: Okla. Admin. Code 310:105-3-3 (2006).

Notes: While not specifically provided for by statute or regulation, it is the policy of the Vital Records Bureau to issue new birth certificates for applicants who have undergone sex reassignment, pursuant to the generally applicable procedures.

Summary: Oklahoma will issue a birth certificate reflecting the proper sex.

## **Oregon**

Statute: Or. Rev. Stat. § 432.235(4) (2005).

Text: (4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and whether such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by rule of the state registrar.

Summary: Oregon will issue a birth certificate reflecting the proper sex.

## **Pennsylvania**

Statute: 35 Penn. Stat. § 450.603 (2005).

Notes: Although not specifically mentioned in the statute, the Division of Vital Records will issue a revised birth certificate upon court order. If the applicant has only obtained a court order for name change, a statement from the treating surgeon is also necessary, stating that reassignment surgery has been performed.

Summary: Pennsylvania will issue a birth certificate reflecting the proper sex.

## **Rhode Island**

Statute: R.I. Gen. Laws § 23-3-21 (2005).

Administrative Code: R.I. Code R. 14 170 001 §§ 35-37 (2004).

Notes: For changes to the sex designation on birth certificates, the Office of Vital Records has a policy requiring a notarized statement from the hospital or clinic where surgery was performed, signed by the physician in charge of the surgery. The amended certificate will state only that the name has been amended; it will not show the former name.

Summary: Rhode Island will issue a birth certificate reflecting the proper sex.

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## South Carolina

Statute: S.C. Code Ann. § 44-63-150 (2005).

Administrative Code: S.C. Code Ann. Regs. 61-19 (2006).

Notes: Although not explicitly addressed by statute or administrative code, South Carolina will issue an amendment as an attachment to the original birth certificate.

Summary: South Carolina will issue a birth certificate reflecting the proper sex.

## South Dakota

Administrative Code: S.D. Admin. R. 44:09:05:02 (2006).

Notes: Although not specifically mentioned in the statute, the State Registrar does provide amended certificates to reflect sex reassignment. Although the Registrar will follow any specific instructions in a court order, their general policy is to issue a new certificate with no indication of amendment.

Summary: South Dakota will issue a birth certificate reflecting the proper sex.

## Tennessee

Statute: Tenn. Code Ann. § 68-3-203(d) (2006).

Text: The sex of an individual will not be changed on the original certificate of birth as a result of sex change surgery.

Notes: This is the only state that has a statute specifically forbidding the correction of sex designations on birth certificates for transgender people.

Summary: Tennessee will not issue a birth certificate reflecting the proper sex.

## Texas

Statute: Tex. Health & Safety Code Ann. § 192.011 (2006).

Controlling case law: *Littleton v. Prange*, 9 S.W.3d 223 (Tex. Civ. App., 1999) (holding that a postoperative male-to-female transsexual is male as a matter of law). Anecdotal reports indicate that some Texas officials do not permit postoperative transsexuals to correct the sex designation on their birth certificate.

Summary: Prior to *Littleton v. Prange*, Texas issued new birth certificates. Anecdotal reports now indicate that some officials refuse to correct the sex designation on transgender people's birth certificates, although judges may order such a change.

## Utah

Statute: Utah Code Ann. § 26-2-11 (2004).

Text: § 26-2-11. Name or sex change -- Registration of court order and amendment of birth certificate

(1) When a person born in this state has a name change or sex change approved by an order of a Utah district court or a court of competent jurisdiction of another state or a province of Canada, a certified copy of the order may be filed with the state registrar with an application form provided by the registrar.

(2) (a) Upon receipt of the application, a certified copy of the order, and payment of the required fee, the state registrar shall review the application, and if complete, register it and note the fact of the amendment on the otherwise unaltered original certificate.

(b) The amendment shall be registered with and become a part of the original certificate and a certified copy shall be issued to the applicant without additional cost.

Notes: Amended certificates will state that an amendment has been made. Older certificates may simply be amended directly on the face of the document, with all changes visible.

Summary: Utah will issue a birth certificate reflecting the proper sex.

## Vermont

Statute: 18 Vt. Stat. §§ 5075, 5076 (2005).

Notes: Vermont has a general statute providing for the change of information on birth certificates via court order. Unless specified by the court order, the amended certificate will show all changes that have been made.

Summary: Vermont will issue a birth certificate reflecting the proper sex.

## Virginia

Statute: Va. Code Ann. § 32.1-269(E) (2006).

Text: E. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual has been changed by medical procedure and upon request of such person, the State Registrar shall amend such person's certificate of birth to show the change of sex and, if a certified copy of a court order changing the person's name is submitted, to show a new name.

Administrative Code: 12 Va. Admin. Code § 5-550-320 (2006).

Text: 5-550-420 Change of Sex. Except as provided in subdivision 3 of 12 VAC 5-550-450 [concerning intersex conditions], upon presentation of acceptable evidence (preoperative diagnosis, postoperative diagnosis and description of procedure) and a notarized affidavit from the physician performing the surgery, a new certificate of birth may be prepared by the State Registrar for a person born in this Commonwealth whose sex has been changed by surgical gender reassignment procedure. A certified copy of the court order changing the name of the registrant as well as designating the sex of the

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registrant must be in the possession of the State Registrar together with a request that a new certificate be prepared.

Summary: Virginia will issue a birth certificate reflecting the proper sex.

## Washington

Notes: Washington's statutes and administrative code are silent about amending vital records. The Department of Health's policy is to issue an amended certificate upon submission of a letter, on letterhead, from the requestor's medical or osteopathic physician stating that the requestor has had the appropriate clinical treatment.

Summary: The State of Washington will issue a birth certificate reflecting the proper sex.

## West Virginia

Statute: W. Va. Code § 16-5-24 (2006).

Administrative Code: W. Va. Code St. R. § 64-32-6 (2006).

Notes: The practice of the State Registrar is to issue an amended birth certificate upon submission of either a court order or a notarized statement from the treating physician that reassignment surgery has been completed.

Summary: West Virginia will issue a birth certificate reflecting the proper sex.

## Wisconsin

Statute: Wis. Stat. Ann. § 69.15 (2006).

Text: (1) BIRTH CERTIFICATE INFORMATION CHANGES. The state registrar may change information on a birth certificate registered in this state which was correct at the time the birth certificate was filed under a court or administrative order issued in this state, in another state or in Canada or under the valid order of a court of any federally recognized Indian tribe, band or nation if:

(a) The order provides for an adoption, name change or name change with sex change or establishes paternity; and

(b) A clerk of court or, for a paternity action, a clerk of court or county child support agency under s. 59.53 (5), sends the state registrar a certified report of an order of a court in this state on a form supplied by the state registrar or, in the case of any other order, the state registrar receives a certified copy of the order and the proper fee under s. 69.22.

Notes: The court order must specify whether the original certificate is to be amended or a new certificate issued.

Summary: Wisconsin will issue a birth certificate reflecting the proper sex.

## Wyoming

Statute: Wyo. Stat. Ann. § 35-1-424 (2005).

Administrative Code: WY Rules and Regulations HLTH VR Ch. 10 s 4(e)(iii) (2004).

Text: (iii) When the sex of an individual has been changed, a court order shall be required to amend the birth certificate.

Notes: Unless other specified by court order, the amended certificate will show all changes that have been made.

Summary: Wyoming will issue a birth certificate reflecting the proper sex.