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A LEGAL UPDATE

INFORMATION CONCERNING CHANGES TO SEX DESIGNATION ON WASHINGTON BIRTH CERTIFICATES

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Effective January 27, 2018, individuals with Washington State birth certificates may now change the sex designation on their birth certificates to any of the following designations: male, female, or X. Individuals could previously change the sex designation to male or female; the X designation is a new option as of 2018.

According to the amended code, “X” means a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgagender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, nonbinary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified.”

Adults can apply for the change for themselves, as can a guardian appointed for an adult, while only the parent or legal guardian of a minor (individuals under 18 years of age) may apply for a change on the minor’s behalf. The applications will be available through the state registrar.

Under the new rule, applicants will need to provide the following information: (1) full name listed on the birth certificate; (2) date of birth; (3) place of birth; (4) mother or parent’s full name listed on the birth certificate; (5) father or parent’s full name listed on the birth certificate, if it appears on the record; (6) contact information; (7) sex designation requested (male, female, or X); and (8) any other information requested by the state registrar. Applications must be signed under penalty and perjury and notarized.

If an applicant is unable to provide this information, the applicant is permitted to submit a written explanation of any special circumstances that make it impossible to know the information. The state registrar will decide if the explanation is sufficient, and may change the designation, based on that determination.

For adults, the new law eliminates the requirement to provide a statement from one’s licensed health care provider. However, a statement by a health care provider is required for an application to change a minor’s designation. The health care provider must state: (1) that the minor is under the provider’s care; and (2) that the provider has determined that the change requested is consistent with the minor’s identity. Further, the statement must be provided by a licensed health care provider whose scope of practice allows for such statements.

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