

Trans Maryland  
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**House Bill # 0361 Certificates of Birth - Issuance of New Certificates - Sex Designation  
(Birth Certificate Modernization Act)**

House Health and Government Operations Committee

February 21, 2023

**Position: Support**

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. Trans Maryland runs the state's largest name and gender marker change program, offering peer-to-peer guidance and financial assistance to Marylanders seeking a name and gender marker change.

Through that work we have assisted countless trans community members who encounter barriers to name and or gender marker changes with Maryland Department of Health's Vital Records office. We're thrilled to collaborate with the Division of Vital Records through this critical legislation to ensure that transgender Marylanders have timely access to new certificates of birth for either themselves or their child(ren) that accurately reflect their name after a legal name change, and their accurate gender if applicable.

Transgender Marylanders who are parents face a particular challenge - they are frequently told they cannot have access to an updated certificate listing their correct name without petitioning the court for an additional court order that directs Maryland Vital Records to update their name. This is time consuming, expensive, a waste of court resources to spend clerk and judicial time to issue almost identical orders of name change, and it imperils the ability of a parent to accurately prove their connection to their child. Inaccurate identity documents such as a child's certificate of birth can prevent a family from accessing healthcare, housing benefits and services, food, school, and more.

An inaccurate or amended certificate of birth for a child that lists a parent's incorrect name and or which is marked as amended, nonconsensually outs the parent when seeking services, and creates a situation where those who harbor biases against their transgender identity may deny them or their child(ren) necessary services. Parents' legal names must be reflected accurately on their childrens' certificates of birth with the issuance of a new certificate that is not marked as amended.

Clarification is also needed that X is allowed on Maryland certificates of birth bringing Vital Records' policy in line with Maryland Motor Vehicle Administration legislation from 2019 that added an X marker to Maryland IDs, driver's licenses, and permits. Mismatched identification documents create unsafe situations for trans Marylanders who then have to disclose their trans identity, and to rely on service providers or employers to understand the concept of legal name change, and the barriers to updating all documents, rather than take at face value a person's updated identity documents. When filling out an I-9 form to prove employment eligibility, a certificate of birth is the most common form of identification provided by low-income Marylanders who need to prove their citizenship to get a job. Lack of access to an accurate certificate of birth that is not marked amended, is a significant barrier to ensuring that trans Marylanders can take our rightful places as part of Maryland's workforce.

In total, 16 states plus DC allow residents to mark an F, M, or X on their certificates of birth and of those, 14 of those states allow self-attestation of that gender marker on a certificate of birth. When considering indirect self-attestation, there are also 2 jurisdictions that also accept an updated US Passport (on which gender has been self-select since summer of 2021), for a total of 16 states and jurisdictions that maintain a pathway of self-attestation of gender on a certificate of birth. We are asking with this legislation to clarify that an X gender marker is permitted for Maryland certificates of birth issued by the Maryland Department of Health through the Division of Vital Records. Access to matching, and consistent identity documents is an issue of safety. Mismatched identity documents can lead to a lack of access to important services, and more through anti-transgender bias.

Requiring trans people to see a medical provider to attest to our gender is a disproportionate burden on low-income and under-insured trans Marylanders. Many of our program participants do not have regular medical care, or face challenges in finding affirming providers who will take them on as a client for primary care due to living in rural areas or various underserved suburbs. Of those who do have a regular provider, gender designation letters are an administrative nightmare with medical providers frequently filling out the forms incorrectly, or failing to provide those forms to their clients in a timely manner. Our program participants have experienced wait times of over 5 months for an appointment with their medical provider, only to have the provider fail to complete the form accurately for several more months after that initial appointment. This lack of access negatively impacts that transgender individual's ability to ensure their ID documents match, and prevents the individual's ability to seek employment without disclosing their transgender status.

It's time to modernize the birth certificate process for transgender people born in Maryland, for Marylanders seeking to ensure all of their identity documents match (as of now, their ID/driver's permit/driver's license and their US Passport can both list an X, with the only remaining document that doesn't yet offer that option being a Maryland certificate of birth), and for transgender Marylanders who are parents to prove their parental connection to their own child, and that can easily be accomplished by supporting this straightforward legislation. For these reasons, **we urge a favorable report on HB 0361.**