

SB 314 SUPPORT

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Certificates of Birth, Licenses, and Identification Cards – Sex Designation (Birth Certificate Modernization Act)

Senate Committees on Finance and Judicial Proceedings
Wednesday, February 5, 2025 at 2:00pm

Dear Chair Beidle, Vice Chair Hayes, Chair Smith, Vice Chair Waldstreicher, and members of the Senate Finance and Judicial Proceedings Committees,

My name is Kellen Sweeney. I live in Baltimore City with my husband and four-year-old child. I work as a health policy consultant to the federal government. In 2022, I filed to legally change my name to reflect my transgender nonbinary identity. **I am in support of Senate Bill 314.**

All Marylanders should have access to accurate government-issued identification documents. These are used in countless financial, health care, benefits, and other transactions. As a parent, I regularly need to produce documents proving my own identity and my relationship to my child.

Government-issued identification works differently for me simply because I am transgender. Because I legally changed my name after giving birth to my child, the name on my driver's license did not match the name on my child's birth certificate, meaning I could not use their birth certificate alone to prove my parentage for official purposes like applying for their passport.

There is no clear process for remediating the situation. I could not find guidance on the state Division of Vital Records website for how to correct the name of a parent due to a name change; I tried to make an appointment, but it was not clear which type of appointment I needed to request. I did not trust I would be able to complete this process by mail, given the lack of clarity, so I just picked an appointment type, took a day off of work, and hoped that whoever I end up talking to in person would be willing to find a creative solution to navigate this scenario. On my first attempt, they were not. I went home, made a different appointment type for another day, took ANOTHER day off of work, and was able to complete the process on my second attempt.

Accessing core government services like accurate identification documents should not be left to individual staff discretion and should not require taking multiple days off of work for a basic update for which I had all of the requisite legal documentation, including a valid court order.

By contrast, my ability to obtain an accurate driver's license was simple. The MVA website clearly indicated that the option was available, how to make the appropriate appointment, and what documentation I needed to bring. The MVA staff were trained on the process, the systems were updated to collect and update the information for this scenario – it worked the way a common government service should. I could do it on my lunch break. This is because the General Assembly passed legislation to make those expectations clear to the agency.

You may wonder whether legislation is really required to do this, or if it could be accomplished through subregulatory guidance. **I would not have been able to update my marriage certificate were it not for legislation passed by the General Assembly in 2022 (HB 369 / SB 377).** Despite the fact that this legislation had been passed, and the Maryland Judiciary had posted a form on their website to serve as affidavit required to request a name change, the staff in the Baltimore City courthouse simply refused to accept the documentation. I produced my court order, my other updated legal identification documents, and even a copy of the legislation. I spent hours at the courthouse over four different days. I was sent on a wild goose chase to the Civil division, Family division, even the magistrate's office. They simply refused to do it. Finally, I contacted the Attorney General's office asking what was their plan to comply with the statute. I got a call back within the hour, and my marriage license was updated the next day – because the General Assembly had made it clear that this was the law.

I wish it was not necessary to pass legislation to ensure that everyone would honor a court ordered name change. I wish we didn't live in a time where individual bureaucrats could decide they simply don't think another person should be able to change their name or gender and put those beliefs over the needs of the individuals they are meant to serve. But unfortunately, we live in a time where this issue has been made into a manufactured controversy, and I am simply caught in the crossfire. We not only need to protect the civil rights of transgender people in generalities and nondiscrimination policies, we need to protect those rights specifically and in detail to ensure that the intent of those civil rights protections are executed every time.

It's no secret we live in a time that is very difficult for transgender people. A few years from now, I hope you are able to look back on this time and believe that you did everything you could to ensure we are treated the same as any other Marylander. **The Senate should pass SB 314. Transgender Marylanders and their families deserve the same access to accurate government-issued identification as any other Marylanders.**