

## **HB 1368 SUPPORT**

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## **HB 1368 SUPPORT**

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

House Committee on Health and Government Operations

Friday, February 21, 2025 at 2:00pm

Dear Chair Peña-Melnyk, Vice Chair Cullison, and members of the House Health and Government Operations Committee,

My name is Kellen Sweeney. I live in Baltimore City with my husband and four-year-old child. I work in public health when I am not busy with my favorite job – being Teagan’s mama. **I am in support of House Bill 1368.**

I am also transgender. The name I was given at birth by my parents always felt uncomfortable to me, because it was a girl’s name, and I didn’t feel like a girl. It felt like lying, and I didn’t want to lie. After many years in therapy and in conversation with friends and family, in 2022, I filed to legally change my name and gender marker – a change which has greatly reduced that source of distress and helped me to be a happier and healthier person. My mom even helped pick my name (again).

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 first 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. **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 10+ 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. The marriage division manager 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. Even when there is no ill intent, there can simply be confusion about what is or is not allowed and that is an unfair position for our state employees to be in. Transgender Marylanders exist, we will continue to be in a position where our documents do not match and we need to prove our identity, and everyone will benefit from having a clearer pathway to definitively proving identity, citizenship, and parentage.

I have heard the argument that a birth certificate should represent what was true at the time of birth. But a birth certificate is not simply a historical record – it is a document we must use to prove our identity, citizenship, and parentage for the duration of our lives. It is a nightmare to navigate what should be routine transactions, like verifying eligibility for employment or enrolling one's child in school, when these most basic identification documents do not match. Should I not be able to register my child for public school, because the name on my driver's license does not match the name on their birth certificate? Why does it matter to a school administrator that I changed my name? Why are they in the position of determining the validity of my court order, or asking invasive questions about why the documents do not match, rather than simply being able to refer to an accurate government-issued identification document?

If I got married and changed my last name after giving birth, I could update my child's birth certificate to reflect my new legal name. The process is simple and clearly described on the DVR website including what documentation to provide. But because I am updating my first name, rather than my last name, I was turned away. Does that seem right to you? Or does that seem like we are denying a minority of Marylanders reliable access to a service that we routinely provide to the majority?

In conversations around this bill, I have heard some talk about respect for mothers. \*I\* am a mother, and I did not feel respect when I was denied my request to have my own name on the birth certificate for the child I carried for 9 months. As a mother, I am asking you: **The House should pass HB 1368. Transgender Marylanders and their families deserve the same access to accurate government-issued identification as any other Marylanders.**