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FOR IMMEDIATE RELEASE

New Law Allowing Transgender Marylanders to Update Their Birth Certificates Takes Effect

FreeState Legal Offers Free Legal Assistance to Low-Income Transgender People

Baltimore — October 1, 2015 — This morning at the Maryland Division of Vital Records office in Baltimore, FreeState Legal client Ken Jiretsu, a transgender man, became the first person to apply for a new birth certificate under a Maryland law that takes effect today. The new law, which passed this year in Maryland's General Assembly, removes red tape and arbitrary requirements that made it very difficult for transgender and intersex Marylanders to update the gender marker on their birth certificate.

"It is such a relief to know that my birth certificate is finally changed and will accurately match all of my other documents," said Jiretsu. "I will no longer have to explain why my driver's license has a different gender marker than my birth certificate."

One of the most significant changes under the new law is that transgender people are no longer required to prove that they have had expensive surgeries, which are often denied by health insurance, in order to update the gender on their birth certificate. FreeState Legal has worked with hundreds of clients who were eligible to update their name but were previously unable to update the gender marker on their birth certificate because of the excessive and outdated surgery requirement.

"The value of having accurate identity documents cannot be overstated. When transgender people have identity documents with an inaccurate gender marker, they are outing themselves as transgender and risking discrimination every time they are asked to show ID," said Patrick Paschall, Executive Director of FreeState Legal. "For example, when you start a new job you are required to prove that you are eligible to work in the United States. To do so, most people use their birth certificate to establish citizenship and a driver's license to establish identity. Many transgender people experience discrimination from employers when the gender listed on those two documents is different."

Specifically, the law has four new provisions:

- (1) Removes outdated surgery requirement. Previously, transgender and intersex people who wished to update the gender marker on their birth certificate were required to prove they had undergone some form of surgical intervention – often denied by health insurance and prohibitively expensive. Under the new law, a person may update the gender designation on their birth certificate based on the sworn statement of a licensed health care practitioner who has treated or examined the person, stating that the person has obtained transition-related care that is individually appropriate for that person, which could include surgical, medical, or other treatment.

- (2) Applicants receive a birth certificate that is new, not amended. Previously, the law required that a person's birth certificate indicate that the gender marker had been amended, in which case the birth certificate itself would out the person as transgender and transgender people often experienced discrimination as a result. The new law requires that a new birth certificate be issued with no indication that the gender has been changed.
- (3) Removes the court order requirement. Individuals can simply file paperwork with the Maryland Division of Vital Records rather than requiring that all individuals first obtain a court order declaring gender change.
- (4) Explicitly covers intersex people. This is the first time that intersex people have been explicitly acknowledged in Maryland law.

Although the new law applies specifically to Maryland birth certificates, FreeState Legal anticipates that Maryland judges will also apply the new statutory standard in considering petitions for declaration of legal gender filed by people who live in Maryland but were born elsewhere. FreeState Legal is also filing today in state circuit court the first of many petitions under the new legal standard on behalf of clients born outside of Maryland.

"Nearly every transgender or intersex person in Maryland can benefit from this new law, whether they were born in Maryland or somewhere else, and regardless of whether they have previously updated their birth certificate or if they have not begun the process of updating any identity documents," added Paschall. "At FreeState Legal, we help low income LGBTQ Marylanders by providing free legal advice and helping to remove barriers that limit access to employment, health care, housing, and public accommodations. We help transgender Marylanders update their name and gender on various identity documents to reduce the level of discrimination that they face when they are required to show ID."

More information about the new law is available on FreeState Legal's website at: <http://freestatelegal.org/what-we-do/birth-certificate-frequently-asked-questions/>.

FreeState Legal is a statewide non-profit organization that serves the low-income lesbian, gay, bisexual, transgender, and queer (LGBTQ) community in Maryland through direct legal services, impact litigation, policy advocacy, and outreach and training activities. For more information, visit www.freestatelegal.org, call 410-625-5428, or email info@freestatelegal.org