

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Vital Records Act of 1981 to require the Registrar to issue a new certificate of birth designating a new gender for any individual who provides a written request and a signed statement from a licensed healthcare provider that the individual has undergone a gender transition, and to require that an original certificate of birth be sealed when a new certificate of birth is issued; to repeal section 16-2502 of the District of Columbia Official Code to remove the publication notification requirement for a name change; and to amend section 16-2503 of the District of Columbia Official Code to authorize the Superior Court of the District of Columbia to issue decrees of gender or name change in specific circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013”.

Sec. 2. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-210 *et seq.*), is amended as follows:

(a) Section 6(f) (D.C. Official Code § 7-205(f)) is amended to read as follows:

“(f) (1) Either of the parents of the child, or other informant, shall confirm with his or her signature the accuracy of the personal data entered on the certificate before the certificate is filed.

“(2) Any institutional error regarding the personal data on the certificate may be corrected within 90 days of issuance, and:

“(A) A new certificate shall be issued;

“(B) The new certificate shall not be marked amended; and

“(C) The original, erroneous certificate shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.”

(b) Section 11 (D.C. Official Code § 7-210) is amended by striking the period in the heading and inserting the phrase “for adoption and determination of parentage.” in its place.

(c) A new section 11a (to be codified at D.C. Official Code § 7-210.01) is added to read as follows:

“Sec. 11a. New certificates of birth for change of gender designation.

“(a) The Registrar shall establish a new certificate of birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

“(1) A written request, signed under penalty of law, for a new certificate of birth with a gender designation that differs from the gender designated on the original certificate of birth, from the individual or, if the individual is a minor, the individual’s:

“(A) Parent;

“(B) Guardian; or

“(C) Legal representative;

“(2) A statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

“(A) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

“(B) The individual has an intersex condition, and that in the healthcare provider’s professional opinion, the individual’s gender designation should be changed; and

“(3) If a change of name listed on the certificate is also being requested, an original or certified copy of an order of a court of competent jurisdiction granting a change of name.

“(b) The Registrar shall establish, upon request, a new certificate of birth reflecting the new gender designation, new name, or name as previously amended, in these additional circumstances:

“(1) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous name change and seeks a change of gender designation;

“(2) When an individual, who is requesting a change of name, holds a certificate of birth previously issued pursuant to subsection (a) of this section that reflects a change in gender; or

“(3) When an individual holds an amended certificate of birth issued before the effective date of the JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, passed on 2nd reading on July 10, 2013 (Enrolled version of Bill 20-142), that reflects a previous change in gender designation.

“(c) A new certificate of birth, issued in accordance with subsection (a) or (b) of this section, shall:

“(1) Be substituted for the original certificate of birth; and

“(2) Not be marked “amended” or on its face show that:

“(A) A change in gender has been made;

“(B) A change in name has been made; or

“(C) Both.

“(d) The original certificate of birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.”.

(d) Section 18(d) (D.C. Official Code § 7-217(d)) is repealed.

Sec. 3. Chapter 25 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The chapter title is amended to read as follows:

“CHAPTER 25. CHANGE OF NAME OR GENDER.”.

(b) Section 16-2502 is repealed.

(c) Section 16-2503 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “On proof of the notice prescribed by section 16-2502, and upon a showing” and inserting the phrase “Upon a showing” in its place.

(3) A new subsection (b) is added to read as follows:

“(b)(1) Any District resident may seek a declaration by the Superior Court reflecting a change of gender. The Superior Court shall grant the declaration if the individual seeking the declaration provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2). If granted, the declaration shall be effective from the date of gender transition as specified in the healthcare provider’s statement.

“(2) Any District resident who was born in a state or foreign jurisdiction that requires a court order to amend a birth certificate to reflect a change in gender may request a court order by the Superior Court directing the birth state or foreign jurisdiction to amend the original birth certificate or issue a new birth certificate reflecting a change of gender. The Superior Court shall grant the order if the individual seeking the order provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2).

“(3) Any declaration or order issued pursuant to subsection (b) this section shall constitute conclusive proof of the individual’s gender for all purposes and shall be given the full force and effect of any judgment issued by the Superior Court.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia