|  |  |
| --- | --- |
| **SUPERIOR COURT**  **JEFFERSON COUNTY, WASHINGTON** |  |
| In re the Petition of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (LAST NAME, FIRST NAME)  Petitioner, | NO:  PETITION FOR CHANGE OF GENDER AND GENDER MARKER OF A MINOR FOR VITAL RECORDS AMENDMENT |

**PETITION FOR ORDER RECOGNIZING CHANGE OF GENDER AND GENDER MARKER**

**I. RELIEF REQUESTED**

COMES NOW, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ petitioning the court for the entry

of an order recognizing the change to the Petitioner’s minor child’s gender and gender marker from \_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_ for the purpose of amending the child’s identity related and vital records documents.

**II. STATEMENT OF FACTS**

The Petitioner states the following under the penalty of perjury:

1. Petitioner is of legal age and sound mind to present this petition.

2. Petitioner’s child is \_\_\_\_\_\_years old and was born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. Petitioner’s child was born in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. The Petitioner’s child has received medical treatment for gender dysphoria and does

not identify with the gender assigned at birth.

5. The current gender and gender marker of the Petitioner’s child are no longer

appropriate for the lived experience of the Petitioner’s child.

6. The Petitioner’s child has met the standards of Washington state for a change of

gender.

7. The Petitioner has included a medical letter attesting to their child’s gender change

treatment.

8. The Petitioner and their child are residents of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

9. The Petitioner’s child received a name change order on \_\_\_\_\_\_\_\_\_\_ in

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County District Court changing the Petitioner’s legal name from

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

10. The Petitioner cannot update their child’s birth certificate to reflect their child’s lived

gender without a court order from a Superior Court which has residential jurisdiction

over them.

11. \_\_\_\_\_\_\_\_\_\_\_\_\_ state law requires a court order to update gender on a birth

certificate.

12. The original \_\_\_\_\_\_\_\_ birth certificate is identifiable as certificate file #\_\_\_\_\_\_\_\_.

13. The Petitioner’s child’s gender and gender marker are incorrectly listed as “\_\_\_\_\_\_”

or “\_\_” on the birth certificate as it is currently listed.

14. The gender and gender marker on the birth certificate should be amended and should

be listed as “\_\_\_\_\_\_\_” or “\_\_.”

15. Neither the Petitioner nor their child are required to register as a sex offender.

16. Neither the Petitioner nor their child are an offender under the jurisdiction of the

Department of Corrections.

17. The Petitioner declares this petition is not made for any illegal or fraudulent

purpose.

18. The Petitioner declares this petition will not be detrimental to the interests of

anyone else.

**III. STATEMENT OF ISSUES**

At issue is whether the Court should grant the Petitioner’ minor child a change of gender and gender marker with a specific order to update their birth state’s vital records.

**IV: EVIDENCE RELIED UPON**

This Petition relies upon the evidence included in the Statement of Facts made by the

Petitioner and the information included in the medical letter provided by the

Petitioner.

**V. AUTHORITY AND ARGUMENT**

1. Authority to Grant Gender Marker Change: RCW 2.08.020 empowers the

Washington Superior Courts to have jurisdiction to hear “such special cases and

proceedings as are not otherwise provided for” for the residents of the county in

which they preside. This hearing is this type of special case which is not

otherwise provided for in the state rules. Washington state primarily addresses

gender marker and sex classification changes through administrative processes

with the Department of Licensing. To update gender identity information on a

state issued ID, a person must provide a doctor’s certification and update form to

the DOL. To update gender on a birth certificate, a person must complete a form

from Vital Statistics. The acceptable administrative standard is a certification

from a doctor that the person has undergone appropriate clinical treatment for a

change of gender. The Petitioner’s child has completed all necessary medical

treatment to qualify for a gender change under these administrative procedures.

2. Authority to Grant Birth Certificate Update:

A court order is not needed in Washington for a resident to receive a change of

gender and gender marker. However, in the situation of the Petitioner, obtaining such a

court order would further facilitate the Petitioner’s ability to obtain a corrected out of

state birth certificate as well as a corrected Passport for their child. Petitioner’s child’s

birth state will deny gender updates which were completed administratively but lacked a

formal court order. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ does allow for gender

amendments on birth certificates provided that a “court of competent jurisdiction” has

ordered the amendment to the gender information of the person’s vital records. Further,

the birth state’s vital statistics will only amend a birth certificate if the court order comes

from a Superior Court. Additionally, some out of state agencies have denied court orders

which only list a “gender marker” change and did not also include an order for change of

gender itself. As Petitioner’s child was born out of Washington state, the entry of an

order recognizing both a gender and gender marker change is necessary to enable the

Petitioner to update their child’s out of state identity related documents. Local WA Superior Court Judges are the only authority which can grant such an order to update vital records in other states.

3. No Prohibition: Washington law does not prohibit the court from issuing an order

changing gender, gender markers or sex designation.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING STATEMENTS IN THIS PETITION ARE TRUE AND CORRECT.**

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**,** on \_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other Parent’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other Parent’s Printed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Minor Child’s Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Minor Child’s Printed Name

Received: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Court Clerk

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner’s Address