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<b>SUPERIOR COURT WHATCOM COUNTY, WASHINGTON</b>	
In re the Petition of: <u>SMITH, JANE</u> (LAST NAME, FIRST NAME)	NO:
Petitioner,	PETITION FOR CHANGE OF GENDER AND GENDER MARKER FOR VITAL RECORDS AMENDMENT

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

**I. RELIEF REQUESTED**

COMES NOW, JANE SMITH petitioning the court for the entry of an order recognizing the change to the Petitioner’s gender and gender marker from MALE to FEMALE for the purpose of amending 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 was born on 02/01/87.
3. Petitioner was born in JOPLIN, MISSOURI.
4. The Petitioner 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 are no longer appropriate for the lived experience of the Petitioner.

- 1           6. The Petitioner has met the standards of Washington state for a change of gender.
- 2           7. The Petitioner has included a medical letter attesting to this gender change treatment.
- 3           8. The Petitioner is a resident of WHATCOM COUNTY .
- 4           9. The Petitioner received a name change order on 01/01/19 in Whatcom  
5           County District Court changing the Petitioner's legal name from  
6           JOSEPH JAMES SMITH to JANE ANN SMITH.
- 7           10. The Petitioner cannot update their birth certificate to reflect their lived gender without  
8           a court order from a Superior Court which has residential jurisdiction over them.
- 9           11. MISSOURI state law requires a court order to update gender on a birth  
10           certificate.
- 11           12. The original MISSOURI birth certificate is identifiable as certificate file #1234567 .
- 12           13. The Petitioner's gender and gender marker are incorrectly listed as "MALE" or "M"  
13           on the birth certificate as it is currently listed.
- 14           14. The gender and gender marker on the birth certificate should be amended and should  
15           be listed as "FEMALE" or "F."
- 16           15. The Petitioner is not required to register as a sex offender.
- 17           16. The Petitioner is not an offender under the jurisdiction of the Department of  
18           Corrections.
- 19           17. The Petitioner declares this petition is not made for any illegal or fraudulent  
20           purpose.
- 21           18. The Petitioner declares this petition will not be detrimental to the interests of  
22           anyone else.

### **III. STATEMENT OF ISSUES**

At issue is whether the Court should grant the Petitioner 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 1. Authority to Grant Gender Marker Change: RCW 2.08.020 empowers the  
2 Washington Superior Courts to have jurisdiction to hear “such special cases and  
3 proceedings as are not otherwise provided for” for the residents of the county in  
4 which they preside. This hearing is this type of special case which is not  
5 otherwise provided for in the state rules. Washington state primarily addresses  
6 gender marker and sex classification changes through administrative processes  
7 with the Department of Licensing. To update gender identity information on a  
8 state issued ID, a person must provide a doctor’s certification and update form to  
9 the DOL. To update gender on a birth certificate, a person must complete a form  
10 from Vital Statistics. The acceptable administrative standard is a certification  
11 from a doctor that the person has undergone appropriate clinical treatment for a  
12 change of gender. The Petitioner has completed all necessary medical  
13 treatment to qualify for a gender change under these administrative procedures.

14 2. Authority to Grant Birth Certificate Update:

15 A court order is not needed in Washington for a resident to receive a change of  
16 gender and gender marker. However, in the situation of the Petitioner, obtaining such a  
17 court order would further facilitate the Petitioner’s ability to obtain a corrected out of  
18 state birth certificate as well as a corrected Passport. Petitioner’s birth state  
19 will deny gender updates which were completed administratively but lacked a  
20 formal court order. Missouri state law Mo. Rev. Stat. § 193.215-9 does allow for gender  
21 amendments on birth certificates provided that a “court of competent jurisdiction” has  
22 ordered the amendment to the gender information of the person’s vital records. Further,  
23 the birth state’s vital statistics will only amend a birth certificate if the court order comes  
24 from a Superior Court. Additionally, some out of state agencies have denied court orders  
25 which only list a “gender marker” change and did not also include an order for change of  
26 gender itself. As Petitioner was born out of Washington state, the entry of an order  
27 recognizing both a gender and gender marker change is necessary to enable the Petitioner  
28 to update 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.

1  
2 3. No Prohibition: Washington law does not prohibit the court from issuing an order  
3 changing gender, gender markers or sex designation.  
4

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

8 Signed at SUMAS, WA, on JUNE 1, 2019.  
9

10 JANE SMITH  
11 Petitioner Signature

12 JANE SMITH  
13 Petitioner Printed Name

14  
15 Received: \_\_\_\_\_  
16 Court Clerk

17 Jane Smith  
18 12345 7<sup>th</sup> Ave  
19 SUMAS, WA  
20 98295  
21 Petitioner's Address

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**SUPERIOR COURT  
WHATCOM COUNTY, WASHINGTON**

In re the Petition of:

SMITH, JANE

Petitioner,

NO: \_\_\_\_\_

ORDER RECOGNIZING CHANGE  
OF GENDER AND GENDER  
MARKER FOR VITAL RECORDS  
AMENDMENT

**ORDER RECOGNIZING CHANGE OF GENDER AND GENDER MARKER FOR  
VITAL RECORDS AMENDMENT**

On this date, the petition of JANE SMITH is presented, and the Court, from the petition filed herein, the testimony given, and other proof before the Court, finds:

The petitioner has shown reasonable cause for the issuance of an order recognizing the surgical change of sex, gender and gender marker for vital records amendment.

**IT IS THEREFORE ORDERED** that, in recognition of the sex change attested to here, the sex, gender and gender marker of JANE SMITH be henceforth changed from “MALE” to “FEMALE” and “M” to “F.”

**IT IS FURTHER ORDERED** that such gendered information on the Missouri birth certificate file # 1234567 be amended from incorrectly listing the gender and sex as “MALE” and “M” to listing the correct gender, gender marker and sex of “FEMALE” and “F.” The birth certificate file should also correct the name on the file from “JOSEPH JAMES SMITH” to “JANE ANN SMITH” in recognition of the name change granted by Whatcom County District Court on January 10, 2019.

**IT IS FURTHER ORDERED** that a new birth certificate reflecting the above amendments be issued.

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**IT IS FURTHER ORDERED** that the petition filed here in and this order be entered by the Clerk upon the record of this Court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE/COMMISSIONER