

I Mina'Trentai Kuàttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
291-34 (COR)	Fernando Barcinas Esteves	AN ACT TO AMEND § 3222 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW CHAPTER 36 TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING INDIVIDUALS TO CHANGE THE LEGAL SEX DESIGNATION ON THEIR BIRTH CERTIFICATES.	5/29/18 4:55 p.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

Bill No. 291-34(corr)

Introduced by:

Fernando Barcinas Esteves F.B.E.

AN ACT TO *AMEND* § 3222 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW CHAPTER 36 TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING INDIVIDUALS TO CHANGE THE LEGAL SEX DESIGNATION ON THEIR BIRTH CERTIFICATES.

2018 MAY 29 PM 4:55 AM

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** § 3222 of Chapter 3, Title 10, Guam Code Annotated, is
3 *amended* to read:

4 "**§ 3222. Correction and Amendment of Vital Records.**

5 (a) A certificate or record registered under this article may be amended only
6 in accordance with this article and regulations thereunder, adopted by the
7 Department to protect the integrity and accuracy of vital statistics records.

8 (b) A certificate that is amended under this section shall be marked
9 "Amended," except as provided in paragraphs (b), (c), ~~and (d)~~, and (e) of this
10 section. The date of amendment and a summary description of the evidence
11 submitted in support of the amendment shall be endorsed on or made a part of the
12 record. The Office of Vital Statistics shall prescribe by regulation the conditions
13 under which additions or minor corrections shall be made to birth certificates

1 within one (1) year after the date of birth without the certificates being considered
2 amended.

3 (c) Upon receipt of a certified copy of a court order changing the name of a
4 person born in Guam, and upon request of such person or his parent, guardian or
5 legal representative, the Office of Vital Statistics shall amend the certificate of
6 birth to reflect the new name. The Superior Court of Guam shall seal the certified
7 copy of the court order, the application, and the original certificate. The
8 amendment shall be registered with and become a part of the original birth
9 certificate. A certified copy of the birth certificate issued to the individual shall not
10 indicate that it has been amended and shall be issued to the individual without
11 additional cost.

12 (d) Upon request and receipt of a sworn acknowledgement of paternity of a
13 child born out of wedlock, signed by both parents, the Guam Registrar of Vital
14 Statistics shall amend a certificate of birth to show such paternity, if paternity is
15 not shown on the certificate. The surname of the child shall then be changed to that
16 of the father, but the certificate shall not be marked "Amended".

17 (e) Upon receipt of a ~~sworn statement from the physician performing the~~
18 ~~surgery certifying the sex of an individual has been changed by surgical procedure~~
19 copy of a court order changing the legal sex of a person born in Guam, and upon
20 written request of an individual born in Guamsuch person, the sex of the individual
21 shall be amended on the birth certificate by the Office of Vital Statistics to reflect
22 such changethe sex that such individual identifies. No other requirements, such as
23 but not limited to surgical, hormonal, or other treatment or therapy, shall be
24 conditioned upon the approval of a legal sex designation change or subsequent
25 name change application. The name of the individual may be changed as provided
26 in paragraph (c) of this section. The Superior Court of Guam shall seal the certified
27 copy of the court order, the application and the original certificate. The amendment

1 shall be registered with and become a part of the original birth certificate. A
2 certified copy of the birth certificate issued to the individual shall not indicate that
3 it has been amended and shall be issued to the individual without additional cost."

4 **Section 2.** A new Chapter 36 is added to Title 7, Guam Code Annotated,
5 to read:

6 **"CHAPTER 36**
7 **CHANGE OF LEGAL SEX**

8 § 37101. Jurisdiction.

9 § 37102. Petition; Contents.

10 § 37103. Hearing of the Petition.

11 § 37104. Effect of Proceedings.

12 § 37105. Combined Petitions.

13 § 37106. Copy of Decree Filed With Office of Vital Statistics.

14
15 **§ 37101. Jurisdiction.**

16 Petition for change of legal sex shall be heard and determined in the
17 Superior Court of Guam.

18 **§ 37102. Petition; Contents.**

19 (a) An individual, desiring to change the individual's legal sex, may file a
20 petition in court if the individual is eighteen (18) years of age or older.

21 (b) A petition for change of legal sex shall set forth:

22 (1) the cause for which the change of legal sex is sought;

23 (2) the proposed legal sex;

24 (3) that the petitioner is not involved in a court action or proceeding
25 other than the proceeding to change the petitioner's legal sex or subsequent
26 legal name, or if so, a description of the court action or proceeding;

1 (4) that the petitioner is not on probation or parole, or that the
2 petitioner has given written notice of the petitioner's petition for legal sex
3 change to the petitioner's probation or parole officers;

4 (5) that the petitioner is not changing the petitioner's legal sex to avoid
5 creditors or anyone else with a claim against the petitioner;

6 (6) that the change in legal sex will not affect any right, title, or
7 interest of anyone else; and

8 (7) that the change in legal sex is not being done for any illegal,
9 fraudulent, or otherwise wrongful purpose.

10 (c) A petition made pursuant to this Section shall be accompanied by
11 supporting documentation that is an affirmation from a physician licensed to
12 practice medicine in Guam, or an affidavit from a professional licensed to practice
13 in Guam who is a: doctoral level psychologist, Ph.D. or Psy.D., in clinical or
14 counseling psychology, clinical social worker, master social worker, physician
15 assistant, nurse practitioner, marriage and family therapist, or mental health
16 counselor. Such affirmation or affidavit shall include a declaration affirming or
17 attesting under penalty of perjury that:

18 (1) the professional is licensed and in good standing in Guam; and

19 (2) in keeping with contemporary expert standards regarding gender
20 identity, the applicant's requested correction of sex designation of male or
21 female more accurately reflects the applicant's sex or gender identity.

22 No other requirements, such as but not limited to surgical, hormonal, or
23 other treatment or therapy, shall be conditioned upon the approval of a legal sex
24 designation change or subsequent name change petition.

25 **§ 37104. Hearing of the Petition.**

26 The court shall schedule a hearing and may order the petitioner to provide
27 notice of the hearing to other parties with a legal interest. The court shall order a

1 change of legal sex as requested, upon proof of the assertions of the petition filed
2 under § 37102 of this Chapter. The court shall close to the public a hearing related
3 to a petition for change of legal sex upon request of the petitioner and court
4 approval. A petition for change of legal sex and any related documents filed in
5 connection with the petition shall be private records and the disclosure of which
6 shall constitute an unwarranted invasion of personal privacy.

7 **§ 37105. Effect of Proceedings.**

8 A proceeding for a change of legal sex under this Chapter shall not affect a
9 pending legal action, pending proceeding, right, title, or interest.

10 **§ 37106. Combined Petitions.**

11 A petition for a change of legal sex under this Chapter and a petition for a
12 change of name under Chapter 36 of this Title may be combined into a single
13 petition.

14 **§ 37107. Copy of Decree Filed With Office of Vital Statistics.**

15 A certified copy of the decree of the court, changing the legal sex of a
16 person, shall within thirty (30) days from the date of such decree, be filed with the
17 Office of Vital Statistics, Department of Public Health and Social Services."

18 **Section 3.** The Department of Public Health and Human Services and the
19 Superior Court of Guam shall prescribe all necessary applications, petitions, or
20 forms as specified in Section 1 and Section 2 of this Act within 90 days after
21 enactment.