



Summary of in the matter of Sex Change of Childers- Gray and Rice

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL

Health and Human Services Interim Committee

September 15, 2021



Facts

- **A transgender man and a transgender woman petitioned a district court to have the sex designation on their respective birth certificates changed.**
- **However, the district court denied both petitions, stating that since the Legislature had not defined a process for the court to issue a sex-change order, that the statute was an unauthorized delegation of legislative authority and thus unconstitutional.**
- **Issue before the Supreme Court:**
 - **Whether Utah courts could adjudicate a sex-change petition without an express substantive process defined in statute.**



Ruling

- **The Supreme Court held that the courts had common law authority to adjudicate name-change petitions. When the legislature included sex-change petitions with name-change petitions in Section 26-2-11, the legislature intended to allow courts to rule on sex-change petitions.**
- **The Court held that a sex-change petition will be granted if:**
 - The petition is not sought for a wrongful or fraudulent purpose; and
 - The petition is supported by objective evidence, which includes at a minimum, evidence of clinical care or treatment for gender transitioning.



Dissent

- The dissent argued that when the sex-change statute was enacted, the legislature intended it to mean biological sex only, not broader gender identity.