

**GENDER CHANGE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill addresses legally changing an individual's gender.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ addresses a court process for a legal gender change petition;
- ▶ establishes what a court considers;
- ▶ establishes effect of proceedings;
- ▶ addresses combined proceedings; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-2-11**, as last amended by Laws of Utah 1995, Chapter 202

ENACTS:

**78B-6-2200**, Utah Code Annotated 1953

**78B-6-2201**, Utah Code Annotated 1953



- 28 [78B-6-2202](#), Utah Code Annotated 1953
- 29 [78B-6-2203](#), Utah Code Annotated 1953
- 30 [78B-6-2204](#), Utah Code Annotated 1953
- 31 [78B-6-2205](#), Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26-2-11** is amended to read:

35 **26-2-11. Name or gender change -- Registration of court order and amendment of**  
36 **birth certificate.**

37 (1) When a person born in this state has a name change under Title 42, Chapter 1,  
38 Change of Name, or [sex] gender change under Title 78B, Chapter 6, Part 22, Change of Legal  
39 Gender, approved by an order of a Utah district court or a court of competent jurisdiction of  
40 another state or a province of Canada, a certified copy of the order may be filed with the state  
41 registrar with an application form provided by the registrar.

42 (2) (a) Upon receipt of the application, a certified copy of the order, and payment of the  
43 required fee, the state registrar shall review the application, and if complete, register it and note  
44 the fact of the amendment on the otherwise unaltered original certificate.

45 (b) The amendment shall be registered with and become a part of the original  
46 certificate and a certified copy shall be issued to the applicant without additional cost.

47 Section 2. Section **78B-6-2200** is enacted to read:

48 **Part 22. Change of Legal Gender**

49 **78B-6-2200. Title.**

50 This part is known as "Change of Legal Gender."

51 Section 3. Section **78B-6-2201** is enacted to read:

52 **78B-6-2201. Definitions.**

53 As used in this part:

54 (1) "Individual" means a natural person.

55 (2) "Petitioner" means an individual who files a petition under Section [78B-6-2202](#).

56 Section 4. Section **78B-6-2202** is enacted to read:

57 **78B-6-2202. By petition to district court -- Contents.**

58 An individual, desiring to change the individual's legal gender, may file a petition in the

59 district court in the county in which the petitioner resides, setting forth:

60 (1) the cause for which the change of legal gender is sought;

61 (2) the proposed legal gender;

62 (3) that the individual is not involved in a court action or proceeding other than the  
63 proceeding to change the individual's legal gender, or if so, a description of the court action or  
64 proceeding;

65 (4) that the individual is not on probation or parole;

66 (5) that the individual is not changing the individual's legal gender to avoid creditors or  
67 anyone else with a claim against the individual;

68 (6) that the change in legal gender will not affect any right, title, or interest of anyone  
69 else;

70 (7) that the change in legal gender is not being done for any illegal, fraudulent, or  
71 otherwise offensive purpose; and

72 (8) that the petitioner has been a bona fide resident of the county for the year  
73 immediately before the day on which the petitioner files the petition.

74 Section 5. Section **78B-6-2203** is enacted to read:

75 **78B-6-2203. Notice of hearing -- Order of change.**

76 (1) A district court that receives a petition under Section [78B-6-2202](#):

77 (a) shall schedule a hearing; and

78 (b) may order the petitioner to provide notice of the hearing to other parties.

79 (2) A district court may order a change of legal gender as requested, upon proof in  
80 open court:

81 (a) of the assertions of the petition filed under Section [78B-6-2202](#); and

82 (b) that there exists proper cause for granting the change of legal gender.

83 Section 6. Section **78B-6-2204** is enacted to read:

84 **78B-6-2204. Effect of proceedings.**

85 A proceeding for a change of legal gender under this part does not affect a pending  
86 legal action, pending proceeding, right, title, or interest.

87 Section 7. Section **78B-6-2205** is enacted to read:

88 **78B-6-2205. Combined proceedings.**

89 A proceeding for a change of legal gender under this part and a proceeding for a change

90 of name under Title 42, Chapter 1, Change of Name, may be combined into a single hearing.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**