

Senator Todd Weiler proposes the following substitute bill:

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 petitions; 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:



- 26 [78B-6-2200](#), Utah Code Annotated 1953
- 27 [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

32

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 name or gender change approved by
40 a court of competent jurisdiction of another state or a province of Canada, a certified copy of
41 the order [may] shall be filed with the state registrar with an application form provided by the
42 registrar.

43 (2) For purposes of this section, sex and gender are presumed to be the same unless a
44 petitioner or subject of the birth record obtains a court order changing the sex or gender.

45 ~~[(2)]~~ (3) (a) Upon receipt of the application, a certified copy of the order, and payment
46 of the required fee, the state registrar shall review the application, and if complete, register it
47 and note the fact of the amendment on the otherwise unaltered original birth certificate.

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

50 (c) A court shall seal a certified copy of the court order, the application, and the
51 original certificate. A certified copy of the birth certificate issued to the applicant may not
52 indicate that it has been amended.

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

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

55 **78B-6-2200. Title.**

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

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

58 **78B-6-2201. Definitions.**

59 As used in this part:

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

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

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

63 **78B-6-2202. By petition to court -- Contents.**

64 (1) An individual, desiring to change the individual's legal gender, may file a petition
65 in a court of competent jurisdiction in the county in which the petitioner resides.

66 (2) A petition for change of legal gender shall set forth:

67 (a) the cause for which the change of legal gender is sought;

68 (b) the proposed legal gender;

69 (c) that the individual is not involved in a court action or proceeding other than the
70 proceeding to change the individual's legal gender, or if so, a description of the court action or
71 proceeding;

72 (d) that the individual is not on probation or parole, or that the individual has given
73 written notice of the individual's petition for legal gender change to the individual's probation
74 or parole officers;

75 (e) that the individual is not changing the individual's legal gender to avoid creditors or
76 anyone else with a claim against the individual;

77 (f) that the change in legal gender will not affect any right, title, or interest of anyone
78 else;

79 (g) that the change in legal gender is not being done for any illegal, fraudulent, or
80 otherwise offensive purpose; and

81 (h) that the petitioner has been a bona fide resident of the county for the year
82 immediately before the day on which the petitioner files the petition.

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

84 **78B-6-2203. Notice of hearing -- Order of change.**

85 (1) A court of competent jurisdiction that receives a petition under Section
86 [78B-6-2202](#):

87 (a) shall schedule a hearing; and

88 (b) may order the petitioner to provide notice of the hearing to other parties.
89 (2) A court of competent jurisdiction shall order a change of legal gender as requested,
90 upon proof in open court:
91 (a) of the assertions of the petition filed under Section [78B-6-2202](#); and
92 (b) that there exists proper cause for granting the change of legal gender.
93 Section 6. Section **78B-6-2204** is enacted to read:
94 **78B-6-2204. Effect of proceedings.**
95 A proceeding for a change of legal gender under this part does not affect a pending
96 legal action, pending proceeding, right, title, or interest.
97 Section 7. Section **78B-6-2205** is enacted to read:
98 **78B-6-2205. Combined petitions.**
99 A petition for a change of legal gender under this part and a petition for a change of
100 name under Title 42, Chapter 1, Change of Name, may be combined into a single petition.