

Representative Sahara Hayes proposes the following substitute bill:

VITAL RECORD INFORMATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: Jen Plumb

LONG TITLE

General Description:

This bill modifies provisions related to name and sex designation changes.

Highlighted Provisions:

This bill:

- ▶ requires an individual when petitioning the court for a name or sex designation change to indicate on the petition whether the individual is registered with the Sex and Kidnap Offender Registry; and

- ▶ authorizes the court to obtain additional information from an individual that is registered with the Sex and Kidnap Offender Registry to determine whether to grant a name or sex designation change petition.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-8-111, as renumbered and amended by Laws of Utah 2023, Chapter 306 and repealed and reenacted by Laws of Utah 2023, Chapter 493 and last amended by



26 Coordination Clause, Laws of Utah 2023, Chapter 306
27 **42-1-1**, as Utah Code Annotated 1953



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

30 Section 1. Section **26B-8-111** is amended to read:

31 **26B-8-111. Birth certificate name or sex designation change -- Registration of**
32 **court order and amendment of birth certificate.**

33 (1) An individual may obtain a court order in accordance with Title 42, Names, to
34 change the name on the individual's birth certificate.

35 (2) (a) A court may grant a petition ordering a sex designation change on a birth
36 certificate if the court determines by clear and convincing evidence that the individual seeking
37 the sex designation change:

- 38 (i) is not involved in any kind of lawsuit;
- 39 (ii) is not on probation or parole;
- 40 (iii) is not seeking the amendment:
 - 41 (A) to commit a crime;
 - 42 (B) to interfere with the rights of others;
 - 43 (C) to avoid creditors;
 - 44 (D) to influence the sentence, fine, or conditions of imprisonment in a criminal case;
 - 45 (E) to commit fraud on the public; or
 - 46 (F) for any other fraudulent purpose;
- 47 (iv) has transitioned from the sex designation of the biological sex at birth to the sex
48 sought in the petition;
- 49 (v) has outwardly expressed as the sex sought in the petition in a consistent and
50 uniform manner for at least six months; and
- 51 (vi) suffers from clinically significant distress or impairment due to the current sex
52 designation on the birth certificate.

53 (b) The court shall consider the following when making the determination described in
54 Subsection (2)(a)(iv):

- 55 (i) evidence of medical history, care, or treatment related to sex transitioning; and
- 56 (ii) evidence that the sex sought in the petition is sincerely held and part of the

57 individual's core identity.

58 (c) (i) An individual petitioning for a sex designation change under this section shall
59 indicate on the petition whether the individual is registered with the state's Sex and Kidnap
60 Offender Registry.

61 (ii) Based on the disclosure described in Subsection (2)(c)(i), the court may request
62 additional information from an individual who is registered with the state's Sex and Kidnap
63 Offender Registry to determine whether to grant a petition under this section.

64 (3) (a) (i) When determining whether to grant a sex designation change for a child who
65 is at least 15 years and six months old, unless the child is emancipated, the court shall appoint,
66 notwithstanding Subsection 78A-2-703(1), a guardian ad litem for the child.

67 (ii) Notwithstanding Subsection 78A-2-703(7), the child's parent or guardian is
68 responsible for the costs of the guardian ad litem's services unless the court determines the
69 parent or guardian is indigent in accordance with Section 78A-2-302.

70 (b) The guardian ad litem shall provide the court relevant evidence, whether submitted
71 by the child or other sources of evidence, regarding the following:

72 (i) whether the child is capable of making decisions with long-term consequences
73 independently of the child's parent or guardian;

74 (ii) whether the child is mature and capable of appreciating the implications of the
75 decision to change the sex designation on the child's birth certificate; and

76 (iii) whether the child meets the other requirements of this section.

77 (c) The guardian of a child described in Subsection (3)(a) shall:

78 (i) give notice of the proceeding to any known parent of the child; and

79 (ii) provide the court with a declaration of the status of any divorce or custody matter
80 pertaining to the child, including the case name, case number, court, judge, and current status
81 of the case.

82 (d) The court shall:

83 (i) consider any objection given by a parent;

84 (ii) close the hearing on a petition for a sex designation change;

85 (iii) receive all evidence; and

86 (iv) make a determination as to whether:

87 (A) all of the requirements of Subsection (2) have been met; and

88 (B) the evidence supports a finding by clear and convincing evidence that the sex
 89 designation change is in the best interest of the child and would not create a risk of harm to the
 90 minor.

91 (4) (a) A court may not grant a petition for a sex designation change if:

92 (i) the birth certificate is for a child who is younger than 15 years and six months old;
 93 or

94 (ii) the child's parent or guardian with legal custody has not given permission.

95 (b) An order granting a sex designation change under this section is not effective until
 96 the individual is at least 16 years old.

97 (5) A petition for a sex designation under this section may be combined with a petition
 98 under Title 42, Names.

99 (6) (a) Upon the receipt of a certified order granting a birth certificate amendment, any
 100 required application, and an appropriate fee, the department shall issue:

101 (i) a birth certificate that does not indicate which fields were amended unless requested
 102 by the individual; and

103 (ii) an amendment history of the birth certificate, including the fields of the birth
 104 certificate that have been amended and the date of the amendment.

105 (b) The department shall retain a record of all amendments to a birth certificate,
 106 including any amendment history issued by the department.

107 (7) The provisions of this section are severable.

108 (8) This section only applies to birth certificates issued by the state.

108a **H→ (9) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters, apply to**
 108b **this section when applicable. ←H**

109 Section 2. Section **42-1-1** is amended to read:

110 **42-1-1. By petition to district court -- Contents.**

111 (1) Any natural person, desiring to change ~~[his]~~ the natural person's name, may file a
 112 petition ~~[therefor]~~ in the district court of the county where ~~[he]~~ the natural person resides,
 113 setting forth:

114 ~~[(1)]~~ (a) ~~[The]~~ the cause for which the change of name is sought[-];

115 ~~[(2)]~~ (b) ~~[The]~~ the name proposed[-]; and

116 ~~[(3)]~~ (c) ~~[That he]~~ that the natural person has been a bona fide resident of the county
 117 for the year immediately prior to the filing of the petition.

118 (2) (a) A natural person petitioning for a name change under this section shall indicate

119 on the petition whether the individual is registered with the state's Sex and Kidnap Offender
120 Registry.

121 (b) The court may request additional information from a natural person who is
122 registered with the state's Sex and Kidnap Offender Registry to make the determination
123 described in Subsection [77-41-105\(8\)](#).

123a **Ĥ→ (3) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters, apply to**
123b **this title when applicable. ←Ĥ**

124 Section 3. **Effective date.**

125 This bill takes effect on May 1, 2024.