

BIRTH CERTIFICATE MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- requires an individual when petitioning the court for a name or sex designation change on the birth certificate 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26B-8-111, as renumbered and amended by Laws of Utah 2023, Chapter 306 and repealed and reenacted by Laws of Utah 2023, Chapter 493 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 306



28 **42-1-1**, as Utah Code Annotated 1953

29

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

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

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

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

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

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

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

- 56 (i) evidence of medical history, care, or treatment related to sex transitioning; and
- 57 (ii) evidence that the sex sought in the petition is sincerely held and part of the
58 individual's core identity.

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

62 (ii) The court may request additional information from an individual who is registered
63 with the state's Sex and Kidnap Offender Registry to determine whether to grant a petition
64 under this section.

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

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

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

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

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

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

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

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

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

83 (d) The court shall:

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

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

86 (iii) receive all evidence; and

87 (iv) make a determination as to whether:

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

89 (B) the evidence supports a finding by clear and convincing evidence that the sex

90 designation change is in the best interest of the child and would not create a risk of harm to the
91 minor.

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

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

94 or

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

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

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

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

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

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

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

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

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

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

111 **42-1-1. By petition to district court -- Contents.**

112 (1) Any natural person, desiring to change [~~his~~] the person's name, may file a petition
113 [~~therefor~~] in the district court of the county where [~~he~~] the person resides, 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 person has been a bona fide resident of the county for the
117 year immediately prior to the filing of the petition.

118 (2) (a) A person petitioning for a name change under this section shall indicate on the
119 petition whether the individual is registered with the state's Sex and Kidnap Offender Registry.

120 (b) The court may request additional information from a person who is registered with

121 the state's Sex and Kidnap Offender Registry to make the determination described in

122 Subsection [77-41-105\(8\)](#).

123 Section 3. **Effective date.**

124 This bill takes effect on May 1, 2024.