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Transgenders see gains on legal barrier

D.C. no longer requires surgery, court order for birth records

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WASHINGTON — Karprice Williams has been waiting four years for a new birth certificate.

The 50-year-old Washington native transitioned from male to female when she was 15, but some essential legal documents still do not recognize her as a woman.

It had not been an issue, until a job interview at a hotel went sour when her paperwork revealed she is transgender.

Efforts to change the gender marker on her birth certificate stalled because Williams has not had sexual reassignment surgery, and she cannot afford thousands of dollars in legal fees.

Those obstacles were removed last month when Washington passed the country's most liberal policy for updating birth certificates, one that transgender activists hope will be a nationwide model.

Advocates for gay rights say the tremendous boost to gay marriage provided by the Supreme Court in June will ultimately benefit everyone in the lesbian, gay, bisexual and transgender community. They also say there is a sense that now is the time to focus on the needs of transgender people, who are seen as the most vulnerable of the four groups.

"Now we have momentum at our back, and we really need to use this time effectively to gain as many

protections as possible for transgender people," said Fred Sainz, vice president of the Human Rights Campaign, the Washington-based gay rights organization.

The new District of Columbia law eliminates requirements for surgery and a court order that transgender rights attorney Lisa Mottet, who advised on the language of the bill, said make it too expensive and inaccessible for most transgender people to complete a legal transition.

Williams said she can now breathe a sigh of relief.

"I'm glad to finally get this so I can move on with the rest of my life," she said. "These are basic needs, and you can't do too much without proper credentials."

Nationwide, where similar requirements are in place in most states, only 24 percent of transgender people are able to get their gender changed on their birth certificates, according to a study by the National Gay and Lesbian Task Force, an equality rights organization where Mottet works.

This can create problems when they enroll in school or apply for jobs.

The D.C. policy "means that people can go about their lives and have their gender recognized, instead of having government documents that say you're not who you say you are," Mottet said.

After a unanimous decision by the district council, Washington will grant new birth certificates to transgender people who provide a statement from a licensed health care provider that they have undergone "appropriate treatment" for a gender transition.



CAROLYN COLE/TRIBUNE NEWSPAPERS PHOTO

Kaprice Williams, 50, of Washington transitioned to female at age 15 but hasn't been able to get a birth certificate that updates her gender. "These are basic needs, and you can't do too much without proper credentials," Williams said.

The bill also exempts them from a requirement to advertise a concurrent name change for three weeks in a newspaper.

The bill makes it easier and more private for transgender people to get legal documents aligned with their gender identity, according to Andy Bowen, an organizer with D.C. Trans Coalition, a local advocacy group.

Bowen also met with members of the D.C. Council to advise on the bill.

Previously, updated birth certificates were granted only to those who had undergone sexual reassignment surgery, which Bowen says is unaffordable for most transgender people.

Even then, the birth certificate was merely amended to reflect a change in the gender marker.

"Anyone who saw your birth certificate would see that you were transitioned,

so there was a risk of outing," Bowen said.

Under the new law, the process becomes purely administrative, and eliminates the necessity for a public name-change announcement that was costly, archaic and made many transgender people fear exposure, she said.

Mottet said most states still make it difficult for transgender people.

Only four of the 47 states that allow for a gender change on birth certificates have dropped the surgical transition standard, she said. About half issue a new birth certificate instead of amending the old one.

California is on a similar track as Washington, according to Masen Davis, executive director of the San Francisco-based Transgender Law Center.

In 2011, the state reduced its standard for securing a court order to a physician's

statement that the individual has received appropriate treatment.

Assembly member Toni Atkins from San Diego is sponsoring a bill like the one in Washington that would eliminate court order and public name-change announcement requirements. Davis said it could pass by the end of the year.

"There are likely to be some other tweaks over time that are needed as our understanding of transgender people evolves," he said.

The process has been challenging in Illinois, where a bill to remove the necessity for surgical proof of gender transition was overwhelmingly defeated in 2007.

Though in 1961 Illinois was the first state to pass a statute allowing someone to change the gender on their birth certificate, John Knight, who works on

transgender issues for the American Civil Liberties Union of Illinois, said the law is out of date.

He helped to get a specific requirement for genital reformation surgery, thrown out in court last year, but Illinois still requires some surgery for proof of gender transition.

Knight said a policy like Washington's is "ideal."

"We don't think the state should be dictating how much surgery or what kind of surgery a person needs," he said.

Mottet said she next plans to work with other jurisdictions that still poses a surgery requirement to bring their birth certificate laws up to the standards of Washington's.

"We're at the very beginning of a snowball starting to be created here," Mottet said.

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