

Changing Your Gender Marker on Washington State Birth Certificates

Background: The Washington State Department of Health has proposed new rules that would include an alternative gender marker to Female/Male as an option for birth certificate changes. The proposed rule would provide “X” as an alternative. The rules also propose to make the process simpler.

Between now and December 5, 2017, the Department of Health is asking for the public to comment on its proposed rules. On December 5th, at 1 pm, there will be a public hearing in Tumwater, Washington, at which the Department of Health will hear public testimony in favor of and against the proposed rule.

Q: I want to change the gender marker on my Washington State birth certificate. Can I do that now?

A: Yes, but only if you have either a court order or documentation from a health care provider. You can find the state’s official information about that process [here](#).

Q: What is the Department of Health planning to do to change that process?

A: In August of 2017, the Department of Health sent out a public notice that it wanted to make rules for people to follow when they need to get their gender marker changed on their birth certificate. It asked for the public’s ideas and comments. In November, 2017, it proposed an official rule. You can find a copy of the proposed rule [here](#).

Q: Is this rule in effect yet?

A: No. The rule is only a “proposed” rule until the end of the time for public comment.

Q: When is the deadline for making comments on the rule?

A: The deadline for comments is the same day as the public hearing on the rule: December 5, 2017.

Q: Can I attend the public hearing and testify about how I think the rules should work?

A: Yes. The public hearing is at 1 pm on December 5, 2017 at Point Plaza East, Room 152/153, 310 Israel Road SE, Tumwater, WA 98501. You can also submit comments [online or by mail](#).

Q: I want to understand the proposed rules. Would I still need a court order or doctor’s letter before I could change the gender marker on my birth certificate?

A: No. You would fill out an application form, created by the Department of Health, to request a gender marker change. Adults would no longer need a court order or doctor’s statement to get their birth certificate changed.

Q: What about minors? Would they need a court order?

A: No, but under the proposed rule, a parent or legal guardian would have to complete the application for the minor, and the application would have to include a signed statement from a supportive health care provider “whose scope of practice allows for attestation of a sex designation change.” We understand that to mean

that there would be limits on the kinds of health care providers who could attest to the need for the gender marker change for minors.

Q: What would be the gender marker options I could choose from?

A: The proposed rule would allow you to choose Male, Female, or X. Under the proposed rule, X means: a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgagender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, nonbinary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified.

Q: Would this change apply to all my Washington State official documents?

A: No. There is a [separate process](#) for changing the gender designation on your Washington State driver's license. You would still have to work with each agency to change your gender designation on the different state documents.

Q: Would this change affect newborn's birth certificates?

A: No. The only gender marker options for newborns will still be male and female. This proposal would allow for minors and adults to have an alternative to the binary designations.

Q: Would the rule require me to pay a fee to change my birth certificate?

A: Maybe. The rule would require that you have your application notarized before you submit it; some people have access to free notaries and others may not. The proposed rule itself does not indicate whether there will be a separate fee to the Department of Health to pay for the application.