FACT SHEET

Vital Statistics Modernization Act AB 433 (Lowenthal)

AB 433 would streamline the existing process for making a petition for a court order recognizing a change of gender and obtaining an updated birth certificate. The bill would also bring state vital statistics law in line with federal standards.

Author: Assemblymember Bonnie Lowenthal

Sponsor: Equality California, Transgender Law Center

BACKGROUND
California has a law allowing transgender people to obtain a court order recognizing a change of gender and an updated birth certificate. This process was first established decades ago and while it allows transgender people the basic dignity of being able to get identity documents that truly reflect who they are, it is procedurally challenging to navigate. Despite the fact that case law has clarified that gender change petitions can also be submitted in the jurisdiction where a person was born, California law requires petitions be submitted where a person resides.

Additionally, outdated state policy differs from federal standards and creates confusion and unnecessary barriers. Because of the differences between state and federal policies, it is common for transgender Californians to find themselves with a passport with a corrected gender marker and a state birth certificate with the wrong gender designation.

EXISTING LAW
Transgender people born in or currently residing in California can submit a petition for a court order recognizing a change of gender and the issuance of a new birth certificate. The current statute states that a gender change petition must be submitted in the jurisdiction of a person’s place of residence, despite the fact that case law has clarified that gender change petitions can also be submitted in the jurisdiction where a person was born. Additionally, current law conflicts with the medical standard applied by the US Passport Agency and current medical understanding of what is required for obtaining identity documents that reflect the appropriate gender.

PURPOSE OF THE PROPOSED LAW
The Vital Statistics Modernization Act would alleviate the confusion, anxiety and even danger that transgender people face when they have identity documents that do not reflect who they are. AB 433 would streamline current law and clarify that eligible petitioners living or born in California can submit a gender change petition in any jurisdiction in the State of California. Neither of these are changes in the law; it is
simply a matter of making the process accessible to those who need it. AB 433 would also allow people who were born or live in California to use a simplified process that requires medical certification from an attending physician that the individual has undergone treatment as determined by their physician to correct identification documents to reflect their gender. This change conforms California’s standards to the standards set by the federal Government.

FOR MORE INFORMATION
Mario Guerrero, Equality California – (916) 554-7681 or Mario@eqca.org
Kristina Wertz, Transgender Law Center – (415) 865-0176 or kristina@transgenderlawcenter.org
Lauren Robinson, Office of Assemblymember Bonnie Lowenthal – (916) 319-2054 or Lauren.Robinson@asm.ca.gov.