



Testimony

of

**Gretchen Van Wye, PhD
Assistant Commissioner, Bureau of Vital Statistics
New York City Department of Health and Mental Hygiene**

before the

New York City Council Committee on Health

on

**June 13, 2018
Council Chambers – City Hall
New York City**

Good morning, Speaker Johnson, Chairperson Levine and members of the Health Committee. My name is Gretchen Van Wye, and I am the Assistant Commissioner of the Bureau of Vital Statistics at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett, thank you for the opportunity to testify on Intro 954. As you know, the Health Department is currently pursuing an amendment to the New York City Health Code similar to this legislation, and we are very happy that the Council and the Administration share the common goal of continuing to remove barriers and improve the birth certificate gender marker change process for transgender and gender non-conforming individuals.

We know that being able to live your authentic gender and gender expression is critical to physical and mental health. Transgender and gender non-conforming New Yorkers, like everyone else, should have birth certificates that reflect their true gender identity. Documents that accurately reflect a person's gender identity can be critical to accessing healthcare, employment and other important services. Currently in New York City, transgender individuals who want to change the gender marker on their birth certificate must obtain a letter from a physician or an affidavit by a licensed health or mental health professional attesting that the revised designation accurately reflects the individual's gender. This policy, which was championed by Speaker Johnson in 2014, removed the requirements for a legal name change and surgery. Since then, over 1,000 birth certificates have been amended with gender marker changes.

Regarding the bill under discussion today, the Administration strongly supports Intro 954. The Department, in discussion with other states and advocates, has found that having practitioners affirm or attest to an applicant's gender identity is a potential barrier for persons without access to a practitioner and does not add sufficient value in the process of deciding whether a new birth certificate should be issued. For this reason we recommend a legislative and regulatory change to rely on the applicant's attestation for the purpose of affirming their gender identity.

Additionally, many people identify outside of the gender binary – 'male' or 'female'. The Department supports the legislative and regulatory proposals that will allow these individuals the option for a third gender designation of 'X'.

"X" is emerging as a standard for non-binary identification on legal documents, including driver's licenses, and California, Oregon, Washington D.C. and Washington State have or will soon adopt "X" for this purpose. If this proposal is passed, New York City would join this list of jurisdictions that are ahead of the federal government on this issue, which may create instances where the gender marker on an individual's birth certificate does not align with available options for state and federal documents. To make the process as easy as possible for transgender and gender non-conforming applicants, the Department has staff members in our Office of Vital Records Services to serve as the key point persons to help individuals navigate the process and answer any questions.

In light of the importance of this change, the Department will develop an outreach and education strategy to notify individuals and answer any questions about potential state or federal conflicts. The Department welcomes and looks forward to collaboration with the Council, the Gender Marker Change Advisory Board and advocates as we implement this outreach strategy and work to spread the word about this important change.

We would not be here were it not for the New York City Gender Marker Change Advisory Board, co-chaired by Carrie Davis and Ethan Rice, which was created by the City Council in 2014. The Board includes community members of transgender experience and experts in the health and legal fields, and was tasked with identifying barriers and evaluating processes in order to improve the implementation of the gender marker change law. Board members advocated for the new, more streamlined process, in which the City will allow self-attestation and also the option of 'X' on birth certificates.

I also want to thank Speaker Johnson for his leadership on this issue. In 2014, he was instrumental to making the first major change in New York City's transgender birth certificate procedures in over 40 years, creating the Gender Marker Change Advisory Board and sponsoring the legislation being discussed today.

Updating the gender marker change process for transgender individuals and creating a non-binary gender marker are important steps in enabling people to obtain official documents that accurately reflect their gender identity. We are proud to jointly support these updates to the Administrative and Health Codes with the Council and look forward to future collaboration as we move ahead. Thank you for the opportunity to testify today. I am happy to answer any questions.



Testimony of Ashe McGovern
Director of the NYC Unity Project
New York City Council Committee on Health

A Local Law to amend the administrative code, in relation to amending sex designation on birth records

10:00 pm, Wednesday, June 13, 2018

Good morning Speaker Johnson, Chair Levine, and members of the Health Committee. My name is Ashe McGovern, and I am the Director of the NYC Unity Project, the First Lady's citywide initiative to support and empower LGBTQ young people through innovative policy and program change. I am joined by Assistant Commissioner Gretchen Van Wye from the Health Department. On behalf of the Administration, I thank you for the opportunity to testify today.

We are pleased to be here in order to emphasize our strong support for Intro 0954, which will positively affect transgender people born in NYC, as well as gender non-binary and intersex people. As a trans, gender non-binary person myself—who identifies neither as exclusively male or female—I can also personally attest to the importance of this bill.

I want to specifically thank you, Speaker Johnson, for your unwavering dedication to LGBTQ communities, your support of the NYC Unity Project, and your commitment to trans and gender non-conforming communities, at a time when our federal government is attacking our rights to exist and live freely, at work, in school, in healthcare settings, and in our daily lives.

As you know, the Mayor and First Lady have a long record of supporting and empowering trans and gender non-conforming communities. Just last month, the First Lady announced an unprecedented \$9.5 million commitment to address the issues of LGBTQ youth homelessness, health inequity, and family rejection through the NYC Unity Project—all issues that disproportionately impact trans and gender non-conforming communities, and particularly communities of color.

The Mayor has also been a strident supporter of trans and gender non-conforming communities.

- In April, the administration announced it would become the largest city in the country to house incarcerated people according to their gender identity, and not their sex assigned at birth;
- In June 2017, the Administration published New York City's first-ever LGBTQ Health Care Bill of Rights, in partnership with the Department of Health and Mental Hygiene;
- In June 2016, New York City became the first municipality to launch a citywide campaign specifically affirming the right of transgender individuals to use the bathroom consistent with their gender identity or expression;
- In March 2016, Mayor de Blasio issued an executive order requiring City agencies to ensure that employees and members of the public are given equal access to City single-sex facilities without being required to show identification, medical documentation or any other form of proof or verification of gender;
- And in December 2015, the NYC Commission on Human Rights issued legal enforcement guidance defining specific gender identity protections under the City Human Rights Law, including equal bathroom access, as well as access to housing, employment, public accommodations, and other protections.

If passed, this bill will enhance autonomy and self-determination for trans, gender non-binary and intersex people. It will allow countless individuals to obtain identity documents that more accurately reflect who they are, with the goal of ensuring that they can more safely move through our City, free from discrimination.

By allowing individuals to self-attest to their gender identity, without relying on third party medical provider verification, the City will remove one key barrier that community members currently must overcome in order to obtain an accurate birth certificate. Trans and gender non-binary people know who they are, and it is unnecessary and indeed often prohibitive, to require that they first get medical approval to simply amend their identity documents.

By adding an “X” option to NYC birth certificates, our City will also create the opportunity for gender non-binary and some intersex people too—meaning individuals whose sex characteristics fall outside of our typical assumptions about male and female bodies—to have at least one identity document that more accurately reflects who they are.

According to the largest national survey of transgender people in the country, conducted by the National Center for Transgender Equality, nearly half of trans people identify as more than one gender or beyond the identities of male or female altogether.

It is in the spirit of our shared commitment to the rights of transgender, gender non-binary, and intersex people, that the Administration strongly supports Intro 0954. This Administration will continue to work with our partners at DOHMH and agencies across the city, to ensure that trans, non-binary, and intersex people are more fully represented and considered in our City’s policies and programs.

Thank you again for the opportunity to testify. I look forward to working with the Council moving forward in my capacity as Director of the NYC Unity Project. Following testimony from the Health Department, we will be happy to take questions.

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TESTIMONY BEFORE THE NEW YORK CITY COUNCIL HEALTH COMMITTEE

June 13, 2018

Submitted by Nala Simone Toussaint
Coordinator, Transgender Health Advocacy

Good Afternoon. Thank you Speaker Johnson, Chair Levine and members of the New York City Council Health Committee for the opportunity to testify in support of Intro. 954, the proposal to amend the administrative code in relation to sex designation on birth records. My name is **Nala Simone Toussaint**, and I am representing **Callen-Lorde Community Health Center**.

Callen-Lorde Community Health Center is a growing community health center with a mission to reach lesbian, gay, bisexual and transgender communities and people living with HIV in New York City and beyond. As a vital part of the city's dynamic healthcare infrastructure, Callen-Lorde provided a patient-centered medical home for nearly 18,000 patients in 2017, more than 4,000 of whom identify as transgender or gender non-binary (TG/NB).

To our knowledge, Callen-Lorde is home to the largest outpatient TG/NB clinical practice in the nation. Our health center provides a trans-affirmative environment where patients can receive hormone therapy as well as engage in an ongoing relationship with a primary care provider, behavioral health and/or a dental provider in order to address the full spectrum of health and wellness needs. We also provide tailored Care Coordination services for those who need additional support around benefits and entitlements, insurance, housing and other services.

In addition to our individual clinical work, Callen-Lorde seeks to transform institutions and policies that impact TG/NB communities. For example, our informed consent protocols for transgender health have been widely shared with providers in New York City and across the world and we have been at the forefront of collecting sexual orientation and gender identity data and have developed accessible forms – like electronic health record templates - that include gender pronouns and preferred names.

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At Callen-Lorde we believe true liberation will only come when the LGBTQ community and our families can adequately access culturally competent and comprehensive health care in all forms. For this reason, Callen-Lorde fully supports Intro. 954, and amendment to the administrative code in relation to sex designation on birth records.

I speak as a woman of trans experience and in my role as the Transgender Health Advocacy Coordinator at Callen-Lorde, and Intro. 954 – If implemented – will improve individual and community health and as well as save lives.

First, Callen-Lorde supports the addition of a new, third category of “X” to reflect a non-binary gender identity. Transgender men and women face stigma and discrimination in schools, workplaces and healthcare settings. When identity documents (IDs) such as birth certificates, passports, driver’s licenses, work IDs, or insurance records do not match one’s gender identity or do not match one another, individuals may be accused of fraud, or face harassment, threats or denial of services.¹ In 2014, New York City removed the genital surgery requirement for a gender marker change on birth certificates and this has promoted equity for transgender individuals, particularly for trans men and for individuals who cannot access surgery due to costs, eligibility or need,² and it’s also dramatically increased the number of gender marker change applications approved in New York City.³ Further, state level mandates and regulations are requiring commercial and public insurance plans to cover gender affirming care and surgeries. Intro. 954 will further expand gender identity options for individuals and remove barriers to care.

Callen-Lorde further recognizes that gender identity is not always binary. The distress associated with so-called ‘gender dysphoria’ is not limited to a desire to just be of the opposite gender, but may include a desire to be non-binary. A recent legal decision validates this idea. New York State Office of Temporary and Disability Assistance overturned an insurance company’s decision to deny coverage for a breast

¹ *An Evaluation of New York City’s 2015 Birth Certificate Gender Marker Regulation*, Erica J. Lee, MPH, Danielle Gurr, MPH, and Gretchen Van Wye, MA, PhD, LGBT Health, Volume 4, Number 5, 2017.

² *Ibid.*

³ <https://www1.nyc.gov/site/doh/about/press/pr2017/pr006-17.page>

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reduction procedure to treat gender dysphoria in a Medicaid recipient who did not identify as male or female. There is a shift happening and Intro 954 will help propel this movement.

At Callen-Lorde we know firsthand just how necessary these policy shifts are. In 2017, 825 of our TG/NB patients made a visit to one of our Case Managers to discuss changing their gender markers. This is a significant portion of our TG/NB patients with a visit in 2017, many of whom have already had their gender markers changed.

A staff person at Callen-Lorde said this: “As a transgender man that passes for male in most spaces I have struggled with whether to change my gender marker. My ID’s currently say “Female” and this causes me great anxiety every time I have to go through the TSA or give my ID’s to security staff. It causes me so much anxiety I constantly travel with a letter from my doctor explaining that I am transgender in case anyone further questions my identity. Although changing my identification documents to “male” would assuage my anxiety around giving my ID cards to security personnel, my concern is what will happen with my health care. I currently still need to access gynecology services as well as some other gender specific health care. If I change my documents to “male” it is quite possible that gender specific medical care (such as pap smears and mammograms) will be denied by my insurance company due to a mismatch of gender and the service I am accessing. While it is quite possible these denials could be overturned it would likely take many embarrassing phone calls to my insurance company and medical providers to sort it out. I am stuck between having to decide which anxiety is worse, being hassled by the TSA or having to argue for my GYN care to be covered. A gender neutral option for my ID’s would solve both of these issues.”

Secondly, Callen-Lorde endorses the proposal whereby transgender people born in New York City will no longer need a letter from a physician or an affidavit by a licensed health care provider to change their gender marker and will instead be able to submit their own affidavit, which attests that the gender marker change is for the purpose of affirming their gender identity. We directly observe and support our patients in accessing commercial and public health insurance coverage for gender-affirming surgery in New York State – which requires a diagnoses of “gender dysphoria” and referrals from mental health practitioners – and we see every day how this ‘pathologizes’ and burdens patients, costs inordinate amounts of time and resources for health care providers who must adhere to strict rules regarding referral letters and most importantly delays critical life-saving care. Callen-Lorde supports gender self-affirmation, and the proposed amendment that would allow individuals to submit their own affidavit.

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Finally, Callen-Lorde believes that Intro 954 will advance health equity for transgender individuals in New York City, if adopted. Health equity exists when all people have the opportunity to achieve their full health potential regardless of the color of their skin, their birthplace, their level of education or their gender identity or where they live. Having a birth certificate that aligns with the gender of a person's lived experience will vastly open up these opportunities for scores of TG/NB.

Ebony is a 49 year old woman of transgender experience who has been a patient at Callen-Lorde since 2004. When we started working with her in our Care Coordination department in 2011, she came to us needing assistance with her name change and the correction to the gender that appeared on her IDs. She was a recipient of Medicaid and SNAP benefits, and she experienced continuous discrimination when she applied for housing and employment opportunities. Her health access was also limited because at that time, people were unable to change the gender that appeared on their Benefits card at the HRA or on NYC birth certificates without showing proof of surgery, and transgender surgery was unavailable at that time – this left her essentially stranded with regards to her quality of life. As the laws across the state have changed over the years we have been able to witness her begin to advocate for herself and her health, and with time her housing situation improved. As things began to stabilize in her life, her ability to move forward with her dream of becoming a chef began to become a reality.

It was her ability to correct the IDs she had to match her gender expression that truly gave her the agency to actually fulfill her dreams, and the expansion of gender identity to include an "X" on NYC birth certificates will also change the lives of those who are gender non-conforming and non-binary.

The commitment from our elected officials to recognize TG/NB people has been incredible, and we are excited to see the laws continue to expand to include non-binary identities, so that New York City can continue to be the place where people can fulfill their dreams. We applaud the Department of Health and the New York City Council for proposing Intro. 954 and urge you to continue to work with community to implement the new regulation.

Thank you for your time and attention.



Testimony before the New York City Council

Committee on Health

Concerning Introduction 0954-2018

(Proposed Amendments to Section 17-167.1

of the New York City Administrative Code)

Wednesday, June 13, 2018

Good morning. Chairperson Levine, Council Speaker Johnson, and Members of the Committee on Health, thank you for convening today's hearing. My name is Donna Levinsohn, and I am Senior Staff Attorney at Transgender Legal Defense & Education Fund ("TLDEF"). I am here, together with my colleagues Dolph Goldenburg (our Interim Executive Director, from whom you've already heard) and AC Dumlao (our Name Change Project Coordinator, who will be testifying after me) to provide testimony on behalf of our organization in support of the proposed amendments to Section 17-167.1 of the New York City Administrative Code. Those amendments would allow transgender (including gender non-conforming and non-binary) people to correct the sex designations on their birth certificates -- whether from M to F, from F to M, or from either to a non-binary "x" designation -- solely on the basis of self-attestation (in the form of a signed, notarized statement affirming that the new designation conforms to the person's gender identity, or, for minors, an equivalent notarized statement from a parent or guardian), in

place of the present requirement of submitting an affidavit or affirmation from a physician or other healthcare provider, attesting to the person's gender identity.

TLDEF wishes to emphasize that we strongly favored the enactment of the New York City birth certificate statute presently in effect, which was enacted in January 2015 and which, among other things, eliminated the previous requirement of presenting proof of "convertive surgery" as a prerequisite to changing the sex designation on a birth certificate.¹

However, both aspects of the proposed new legislation being considered today represent an improvement over the *status quo* as reflected in the 2015 legislation: they will make the New York City birth certificate correction law more inclusive of all transgender people, and will materially improve the ability of people belonging to one of New York City's most vulnerable and marginalized populations to live their lives as themselves, on both a symbolic and practical level.

My colleague AC Dumlao, who is non-binary themselves, will be testifying as to the importance of making a non-binary sex designation available on New York City birth certificates.

My own focus in my testimony is on the move to a self-attestation procedure to replace the requirement of a healthcare provider's affidavit -- and, in a historical sense, on the remarkable progress this proposed change would represent for transgender people over a

¹ Our former Executive Director, Michael Silverman, testified in support of the enactment of the current law on November 17, 2014. Even earlier, in 2009, TLDEF commenced a lawsuit challenging the convertive surgery requirement on behalf of two transgender clients, in partnership with Kaye Scholer LLP (now Arnold & Porter Kaye Scholer LLP). *Prinzivalli v. Farley*, Sup. Ct. N.Y. Cty., Index No. 114372/09. In awarding attorneys' fees in that case in 2016, the Court expressly found "'a reasonable, if not inescapable inference' that [the] commencement of [that] litigation was a catalyst in getting the regulation changed" to eliminate the convertive surgery requirement. *Id.*, 2016 N.Y. Slip Op 32691(U) (Sup. Ct. N.Y. Cty. May 9, 2016).

relatively short period of time. Although I almost never comment publicly on my own history, I think it's relevant here to explain that I transitioned in 2005 while working as an attorney at a medium-sized New York City law firm -- and, so far as I know, was either the first or at most the second attorney ever to transition at a New York City law firm, at least without being promptly fired after doing so! At that time, only 13 years ago, New York City was one of only four or five jurisdictions in the entire United States (along with Tennessee, Idaho, Kansas and Ohio, if I recall correctly) that did not permit transgender people to change the sex designation on their birth certificates from male to female or female to male under any circumstances, even after "convertive surgery."

Pursuant to provisions of the New York City Health Code (Section 207.05) enacted in 1971, the only option available, after extensive documentation of such "convertive surgery," was to change the sex designation from male or female to a blank -- in other words, omitting any reference to gender at all, and making the person in question, in effect, officially and entirely non-gendered. Perhaps needless to say, such a change, while it would have been wonderful to have as a non-binary option alongside changing the designation to M or F (as in the proposed legislation now being considered) was, as a mandatory designation, worse than useless to most transgender people. Not only symbolically, given the Department's refusal to acknowledge their actual gender identity, but on a practical level, because such a "blank" birth certificate -- which revealed on its face that it had been amended, and that the person holding it was transgender -- was completely unusable as proof of gender, or to change other identification documents.

Although I do not have statistics showing how many people took advantage of this "option" during the 35 years it was in effect, I strongly suspect that the number was very low.

I believe that the language used by the Department of Health in 1971 in enacting this policy is illustrative of the grossly transphobic attitudes that were pervasive at the time, in New York City at least as much as elsewhere in the USA. As explained in a 1973 court decision upholding the 1971 policy, based on judicial deference to administrative “expertise”:

The minutes of the seven-member Board of Health reflect that the [1971] amendment to section 207.05 was adopted unanimously with the specific intent of omitting sex from the new certificate, and with full cognizance that 11 States now record the new sex on the birth certificate. The board considered amongst other matters, a position letter from the New York Civil Liberties Union which sought the inclusion of sex information. The minutes further reveal that the board was of the opinion that surgery for the transsexual is an experimental form of psychotherapy by which mutilating surgery is conducted on a person with the intent of setting his mind at ease, and that nonetheless, does not change the body cells governing sexuality. In the words of one of the medical members of the board, "I would think that it would be unsound, if, in fact, there were encouragement to the broader use of this means of resolving a person's unhappy mental state".

Matter of Hartin v. Director of Bureau of Records, 75 Misc. 2d 229, 232 (Sup. Ct. N.Y. Cty. 1973).²

² Prior to 1971, no changes whatsoever in birth certificate sex designations were available to transgender people in New York City. Both the pre-1971 policy, and the policy enacted in 1971 permitting only changes to “blank” gender designations, were upheld by the New York Courts in decisions that relied almost entirely on judicial deference to the administrative “expertise” of the Department of Health, and to the Department’s conclusions, based on a study it commissioned from the New York Academy of Medicine, that transgender people were “deeply disturbed” and “abnormal individual[s],” and, among other things, that:

"1. male-to-female transsexuals are still chromosomally males while ostensibly females;
 "2. it is questionable whether laws and records such as the birth certificate should be changed and thereby used as a means to help psychologically ill persons in their social adaptation.
 "The Committee is therefore opposed to a change of sex on birth certificates in transsexualism." . . .
 The desire of concealment of a change of sex by the transsexual is outweighed by the public interest for protection against fraud."

See *Matter of Anonymous v. Weiner*, 50 Misc. 2d 380, 382-383 (Sup. Ct. N.Y. Cty. 1966) (quoting New York Academy of Medicine Study); *Matter of Hartin v. Director of Bureau of Records*, 75 Misc. 2d 229, 231-232 (Sup. Ct. N.Y. Cty. 1973) (same); *Anonymous v. Mellon*, 91 Misc. 2d 375 (Sup. Ct. N.Y. Cty. 1977) (same result).

This policy was still in effect -- and, implicitly, its underlying rationale was still in place so far as the Department of Health was concerned -- when I transitioned myself more than 30 years later, in 2005. One year later, in 2006, after the well-known rejection of proposed legislation that would not only have permitted changes of sex designation from male to female or the converse, but would have eliminated the convertive surgery requirement entirely -- in other words, that would have instituted a regime similar to the status quo as it exists today pursuant to the legislation enacted in 2015 -- the law was changed to finally permit changes of sex designation from male to female to female or male. See Title 24, Rules of the City of New York [RCNY], Health Code § 207.05(a)(5) (2007), which provided in pertinent part that "(a) A new birth certificate shall be filed when . . . (5) The name of the person has been changed pursuant to court order and proof satisfactory to the Department has been submitted that such person has undergone convertive surgery."

However, the required proof of such convertive surgery, according to the Department of Health, included the provision not only of a doctor's letter but of an actual detailed operative report. Therefore, even though sex designation corrections were now permitted, the evidentiary requirements were still highly intrusive, and represented bureaucratic overreaching based, I believe, on an underlying attitude of extreme condescension towards, and mistrust of, transgender people -- truly, not so much better than the attitudes underlying the 1971 law. Thus, according to an email I received from an employee of the Department of Health on December 9, 2010, in response to a personal inquiry I made about the documentation I would

have to submit if I decided to apply for a new birth certificate myself (because the details were not made available on the Department's website):

I will list the required documents needed to generate a new birth record for you. First, all applications submitted can take up to 90 days to process if all documents are submitted per my request this will greatly decrease the turnaround time. See the list of required documents below:

Completed corrections application (VR172) [available on the DOH website, although the form makes no specific reference to this kind of correction]
 Original court ordered name change (with DOB, and or certificate number).
 Original signed surgical operative report (must be detailed)
 Original signed post[-operative] examination (by physician other than surgeon)
 Original Post Operative Psychiatric Evaluation (signed by a clinical psychologist or psychiatrist)
 Original birth certificate if you have one
 Copy of your valid photo identification (Passport, Non- drivers license, D.L., etc)
 Check or money order in the amount of \$55.00 for the above. (\$15 per BC \$40. processing fee)
 Affidavits, and letter signed by a physician are not acceptable. Your application will be reviewed by 3 examiners to assure all is in order for an approval.

Although I could have provided the required information, I refused to do so, as a matter of principle. It wasn't enough, according to the Department, to provide a surgeon's letter confirming the "convertive surgery," but I also had to provide a detailed operative report explaining exactly what had been done, step-by-step? (I was surprised that the Department didn't require a videotape of the surgery.) And as if that wasn't enough, in case the operative report was all a fraud, I also had to provide an examination by another physician confirming that yes, the surgery did take place, and yes, the surgeon wasn't lying in the operative report? And, as the final indignity, I was required to undergo a "Post Operative Psychiatric Evaluation," apparently to confirm that I was still of sound mind and functioning in society since the surgery, and that having my present genital configuration

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hadn't driven me insane? Obviously, this purported requirement had nothing to do with proving that I had had the necessary convertive surgery, which is all the regulation, quoted above, required.

Some of the most intrusive of these requirements were relaxed by the Department as a result of the decision in *Matter of Birney v. N.Y.C. Dept. of Health & Mental Hygiene*, 2012 NY Slip Op 50520(U) (Sup. Ct. N.Y. Cty. Mar. 16, 2012). However, it was not until the present law was enacted in 2015 that the convertive surgery requirement was finally eliminated, and replaced with the requirement of an affidavit or affirmation by a physician or other healthcare provider that the requested change in sex designation from male to female or the converse was “in keeping with contemporary expert standards regarding gender identity.”

Thus, we have come a long way from 1971, and even from 2005. We believe, however, that the City Council has the opportunity to do even better, by enacting the proposed legislation under consideration today to provide for self-attestation and the non-binary option -- thereby joining California, Oregon, and Washington (as well as New Jersey, if, as expected, the new birth certificate legislation enacted in January of this year is signed by New Jersey's new Governor) at the forefront of recognizing the rights of transgender people to live their lives as themselves. Certainly, this would be a far cry from the situation in 2005, when New York City was, even then, one of only a small handful of jurisdictions in the country that did not permit transgender people to change their birth certificates to reflect their gender identities under any circumstances, with any kind of proof.

Why is self-attestation preferable to the presently-required healthcare provider's attestation?

First, and most simply put, moving towards self-attestation would remove the last vestiges of the Department of Health's long history of bureaucratic overreaching and patronization towards – and fundamental mistrust of -- transgender people. Nobody knows better than an individual transgender or gender non-conforming person what their gender identity is, or is more expert on their own gender identity. Anything a doctor or other healthcare provider knows about a person's gender identity is based on what that person told them, and that person is every bit as competent to attest to their identity themselves (if not more so) as any third person can be – whether that person is a doctor, a social worker, a mental health counselor, or engaged in any of the other professions listed as qualifying for the presently-required attestation.

I have personally known who I am since I was a small child. I know my own gender identity better than anyone else, and so does every other transgender person. It should not be necessary for me or any other transgender person to find a healthcare provider to attest to their gender identity -- i.e., to sign a form (see <http://www1.nyc.gov/assets/doh/downloads/pdf/vr/gendermarker.pdf>) stating that the provider has treated you or has reviewed and evaluated your history, and attesting that “in keeping with contemporary expert standards regarding gender identity, [your] requested change of sex designation from [M/F] to [F/M] accurately reflects [your] gender identity” (*id.*), as current law requires -- any more than it is necessary for anyone to provide third-party confirmation of their height, weight, hair color, eye color, need for corrective lenses, or other personal information reported on any other identification document.

Second, although we recognize that the list of types of healthcare providers eligible under current law to provide the necessary attestation confirming an applicant's gender identity was intended to be broad enough so that obtaining the attestation would not be highly burdensome, there are many transgender people (and TLDEF has had many as clients) who simply do not have access to, and/or cannot afford to consult, any such healthcare provider, either sufficiently for the provider to provide the required attestation, or at all.³ As a practical matter, the requirement of a healthcare provider's attestation operates all too often as yet another unnecessary barrier to transgender people's ability to obtain legal recognition of their identities.

Indeed, even the requirement that the healthcare provider be U.S.-licensed is unnecessarily burdensome: I personally know one trans woman, born in New York City, who wishes to correct her birth certificate but has lived for many years in the United Kingdom and has no possible access to a U.S.-licensed healthcare provider, unless she undertakes the expense of traveling to the United States for the sole purpose of consulting one. There is no rational justification for imposing that burden upon her, as the current law does. If the proposed legislation is enacted, that unnecessary burden will disappear, and she will have the same ability as any other transgender person to correct her birth certificate.

I would like to close with a quotation from a recent federal district court decision in Puerto Rico, in which Judge Cerezo confirmed the Constitutional right of transgender

³ We are informed that obtaining the necessary attestation from a healthcare provider can be particularly expensive for parents or guardians seeking to change the gender designations on the birth certificates of their minor children. The proposed new legislation would eliminate that expense.

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people to change the sex designation on their birth certificates. *See Gonzalez v. Nevares*, No. 17-cv-01457CCC (D. P.R. Apr. 20, 2018), slip op. at 16:

The right to identify our own existence lies at the heart of one's humanity. And so, we must heed their voices: "the woman that I am," "the man that I am." Plaintiffs know they are not fodder for memoranda legalese. They have stepped up for those whose voices, debilitated by raw discrimination, have been hushed into silence. They cannot wait for another generation, hoping for a lawmaker to act. They, like Linda Brown, took the steps to the courthouse to demand what is due: their right to exist, to live more and die less.

(Emphasis added.)

Here, the City Council has the opportunity to act as lawmakers to further the rights of transgender people to identify their own existence, in accordance with this proposed legislation.

TLDEF strongly urges the Council to do so.

Thank you.



Testimony before the New York City Council Committee on Health

Concerning Introduction 0954-2018

(Proposed Amendments to Section 17-167.1 of the New York City Administrative Code)

Wednesday, June 13, 2018

Good morning. Chair person Levine, Speaker Johnson, and Committee Members. Thank you for the opportunity to speak today. My name is Dolph Goldenburg, and I am the Interim Executive Director of Transgender Legal Defense & Education Fund (informally known as “TLDEF”). I am here to offer TLDEF’s full support for simplifying the process of correcting sex designation on birth certificates and adding a non-binary sex designation.

Dr. King once said, “The arc of the universe is long, but it bends toward justice.”¹ This is a step toward justice because birth certificates are gateways to proving citizenship and obtaining all other forms of identification. This change will also help protect New Yorkers traveling or residing in states with laws hostile to people who are transgender and gender non-binary.

This proposed amendment is both symbolically important and an acknowledgement that all people should be able to legally attest to their gender identity without obtaining the verification of a doctor or therapist. Requiring health provider verification of gender identity literally takes power from a person and gives it to a clinician who may have no prior knowledge of the person.

The current requirements not only discourage people who are transgender or gender nonbinary from correcting this vital document but also represent an unfair burden to people who are disproportionately likely to experience poverty and health care discrimination.²

¹ *Indeed, if this proposed amendment passes, this will be the fourth iteration of rules to correct the gender on one’s birth certificate, and TLDEF strongly supported the 2015 amendment. Each successive change to these rules has been one more step toward justice.*

² *The 2015 U.S. Transgender Survey (USTS) was national study of transgender persons and asked about income, health care, identity documents, and more. The results were cross-tabulated results by state, and 1,779 transgender New Yorkers participated in the study. indicates that 18% of transgender New Yorkers were unemployed, and 37% were living in poverty. Additionally, 28% of respondents did not see a doctor when needed because they could not afford it.*

Furthermore, 32% of respondents seeing a health care provider in the prior year reported having a negative experience directly related to their gender identity, and 27% chose not to see a doctor for fear of being mistreated. For this reason, the current requirements are an active barrier to someone correcting their birth certificate. For many, this requirement may be unaffordable or too intimidating because of prior negative experiences with a healthcare provider.

TLDEF also strongly supports a gender-nonbinary option for birth certificates that is neither male nor female. Some people are not accurately represented by the choice of male or female and offering a third option on birth certificates can become the foundation for changing many other systems. Just as the birth certificate is the gateway document for every other form of identification in our lives, the options on the birth certificate are often replicated by intake forms, applications, and data collection efforts.

We would also encourage the Department of Health to update its website materials swiftly and thoroughly. The current DOH website has both the new rules for changing one's gender marker and the outdated NYC Code requiring convertive surgery. Contradictory information like this further discourages people from correcting their birth certificate.

I do not want to end this testimony with that cautionary note. Instead, I want to once again applaud the City of New York for considering this additional step toward equality.

Indeed, the arc of the universe is long, but it bends toward justice.

Respectfully submitted:

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Testimony before the New York City Council

Committee on Health

Concerning Introduction 0954-2018

(Proposed Amendments to Section 17-167.1

of the New York City Administrative Code)

Wednesday, June 13, 2018

Good morning. Chairman Levine, Council Speaker Johnson, and Members of the Committee on Health, thank you for convening today's hearing. My name is AC Dumlao and I am a queer transgender non-binary New Yorker, born just over the bridge in Brooklyn. I work as the Name Change Project Coordinator at the Transgender Legal Defense and Education Fund, also known as TLDEF.

TLDEF's Name Change Project connects low-income transgender and non-binary people with lawyers providing pro bono legal representation for the NYC Civil Court Name Change Process. Our clients come from all walks of life, including people of color, recipients of public assistance, non-citizens, and housing insecure or houseless people. Securing a legal name change is an important step toward making individuals' legal identities match their lived experience. A lack of appropriate identity documents can and have deterred people from applying for jobs, school, and public benefits, and can and does lead to discrimination and even violence. But securing a legal name change can be a challenging experience, involving interaction with the court system and judges that is foreign and intimidating to many people, in addition to costing an average of \$118 out-of-pocket. By providing people with adequate

legal representation including financial assistance or applying for fee waivers, TLDEF works to ensure that people successfully complete the process and move forward with their lives. I am proud to lead this life changing program, but it's important for me to note that once an individual completes this process and receives the final granted order for their Name Change, this is only the first step.

Specifically, for a non-binary individual, after changing one's name on their government IDs in NYC, this is where this freedom stops. I have spoken to fellow non-binary people during intakes explaining to them that you cannot yet change the gender marker on your government IDs and paperwork to a third gender option. I've explained to them that California, Oregon and Washington have the third category on birth certificates, that Washington, D.C. allows it on driver's licenses. But not yet New York.

And I commiserate with them. I am not a woman. Nor am I a man. I am a transgender non-binary individual and my pronouns are they, them, and theirs. I am misgendered as female every day, ranging from friends making an honest mistake to strangers on the internet intent on causing me hurt. I live in this society, which for all of the progress that has been made, specifically in recent years, when it comes to breaking down gender stereotypes and the gender binary of only male and only female, there is so much further to go. On doctor's forms to e-mail sign ups, I'm asked to pick "male" or "female." From quote "female reproductive rights" to "feminine hygiene" to businesses that only have multi-stall bathrooms, I am continually confronted with being "othered."

And it's so important for me to note that these experiences are nowhere near as severe as others in my trans and non-binary community. That I hold so much privilege compared to others. Specifically for Black, Brown, and Indigenous trans people. Low-income transgender people. For trans temporary residents and undocumented trans people. For incarcerated trans people. For housing insecure and houseless trans people. When I speak today, I do not just come to represent myself, but to take this opportunity to advocate for them.

This proposed amendment to to Section 1. Section 17-167.1 is a step in the right direction to change this world of only two choices, two genders. A world which excludes a breadth of gender variant individuals who are living their truth in a world that has not yet made the space for that. A world of resilient New Yorkers who have been waiting to be seen. A first step towards true equality for all.

Thank you.



Int. 0954-2018

New York City Council Committee on Health Hearing

June 13, 2018

Christina Powell

Young Women's Advisory Council Member

Girls for Gender Equity

Good Morning, my name is Christina Powell. I am 17-years-old and my gender pronouns are she, her and hers. Today, I represent the Young Women's Advisory Council at Girls for Gender Equity. We are part of the Young Women's Initiative (YWI) that was launched by Speaker Melissa Mark-Viverito and the New York City Council to identify the gaps in services for young women ages 12-24, with a focus on cis and trans women of color and gender non-conforming youth of color. As an anti-violence and education organization, Girls for Gender Equity is committed through our programming and advocacy. We are committed to the physical, psychological, social, and economic development of girls and women.

I support the legislation 0954-2018 because of the impact it will have on transgender and gender non-conforming youth of color. I believe that is unfair that there is a difficulty for trans and gender non-conforming people of color to live in society and not be accepted for their identities. For example, society wants you to identify yourself as a male or female forcing many people to categorize themselves with a gender identity that does not represent them.

I believe that people should have the right and society should accept individuals to identify as "X" on their birth certificates to signify a gender that is not exclusively male or female. A member of the Young Women's Advisory Council who is non-binary and experiences transphobia and gender dysphoria daily, shared that they would love a law like this, explaining, "If society accepted non-binary people like me in legal documents like birth certificates, non-binary people would be recognized, we need a bill like this to spread greater awareness and affirmation. Having your gender recognized and respected is a human right, and non binary people are humans, so therefore we need to be recognized and respected."



Youth are at that age or time of our lives where we are trying to figure out ourselves and need the tools and support to feel affirmed for our identities. For example we are figuring out our orientation or gender identity - am I a female ? Am I a male??. As a cisgender female, it is important for me to advocate for this legislation because cisgender people don't feel worried or discriminated about their birth certificates or other documentation that they possess, whereas Transgender and gender non-conforming people often experience gender-based violence and harassment. I urge the Council to listen and hear the requests being made today by Trans and Gender non-conforming people, advocates, and organizations.

I thank the New York City Council for working with the Young Women's Advisory Council, and we respectfully request the passing of Proposed A Local Law 0954-2018.



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**Testimony before New York City Council Committee on Health on
Int. No. 954-2018, a Local Law to amend the administrative code in
relation to amending sex designation on birth records**

Wednesday, June 13, 2018

Charlie Arrowood, Esq.
Director of Name & Gender Recognition
Transcend Legal

Transcend Legal welcomes the opportunity to testify on the proposed amendments regarding sex designation changes for NYC birth certificates.

Transcend Legal is a NYC-based national nonprofit that cultivates equitable, social, medical, and legal recognition of transgender people by offering culturally competent, transgender-led legal representation, public policy advocacy, and community education.

One of our areas of service is assisting with name and gender changes for New York residents, many of whom were born in New York City. The City already recognizes that the current practice of assigning a male or female sex at birth based on genitals is inaccurate for a known segment of the population—namely transgender and nonbinary individuals.

Given that an unequal system is knowingly in place, the mechanism to correct birth certificates for these individuals must be seamless in order to ensure that all New Yorkers have access to accurate identity documents on a fair and equitable basis. Requiring provider letters is an unnecessary burden in this process.

We also encounter a large number of people who do not feel the currently available male or female designations accurately represent them. I myself am nonbinary and was born in New York City. I am not currently able to get a birth certificate that accurately reflects my gender.

Importance of birth certificates as identity documents

In the United States, states and two cities (Washington, DC and New York City) are responsible for issuing an individual's first identity document—the birth certificate.¹ This crucial form of identification is a living document that is increasingly used in many contexts to prove identity, age, and citizenship. The issuance of a birth certificate opens the doors to rights and benefits guaranteed to citizens of the United States. This vital identity document is used for many things including proving nationality;

¹ Office of Inspector General, U. S. Department of Health and Human Services, Birth Certificate Fraud, III (1988), <https://oig.hhs.gov/oei/reports/oi-02-86-00001.pdf>.

accessing healthcare; accessing education; adoptions; military service; obtaining a marriage license; opening a bank account; obtaining a driver's license; inheritance purposes; obtaining a passport; and voting or running for an elected office.²

Birth certificates are also routinely required to apply for public benefits, Social Security retirement benefits, and disability benefits or Medicaid; to obtain professional certifications; to demonstrate eligibility to work; to obtain access to public facilities, such as homeless shelters; to obtain a gun permit; and in countless other situations.

Possessing accurate identity documents, especially birth certificates, is vital in the lives of all Americans who want to be able to enjoy the many benefits and rights which such a document affords them. However, accurate identity documents play an even more crucial role in the lives of transgender New Yorkers.

Importance of accurate birth certificates for transgender people

For transgender people, the sex designated on their original birth certificate is not an accurate reflection of their sex. Transgender people seek to live in accordance with the sex that takes proper account of the sex of their brain—an immutable, intrinsic sense of being or not being physically male or female—rather than the sex incorrectly ascribed to them at birth. This may involve socially transitioning from one sex to another other or physically changing their primary or secondary sex characteristics.

Presenting their original birth certificate to others raises a set of serious problems for transgender people because the sex designated on their original birth certificate is incorrect and does not match their lived sex or appearance.

This mismatch may lead to embarrassment, humiliation, discrimination, accusations of fraud, denial of services, harassment or even violence.³ Among other problems, transgender persons are denied jobs when they cannot produce birth certificates with sex designations that match their

² Plan International USA, Count Every Child (2011), <https://plan-international.org/birth-registration/count-every-child-birth-registration>.

³ See generally, S.E. James, J.L. Herman, S. Rankin, M. Keisling, L. Mottet & M. Anafi, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf> [hereinafter “U.S. Transgender Survey”].

lived sex. In these and many other situations, transgender persons face pervasive dangers merely by virtue of presenting a birth certificate with an incorrect sex designation. According to the 2015 U.S. Transgender Survey, a staggering 52% of 27,715 transgender respondents reported harassment, assault or being asked to leave an establishment when they presented identifying documents that were incongruent with their appearance.⁴

A birth certificate is often the only form of ID that low-income New Yorkers have when applying for jobs or public benefits. Barriers to accurate identity documents further marginalize this already vulnerable population. Due to discrimination in housing, employment and education, transgender people are disproportionately unemployed, HIV+ and homeless.⁵ When transgender people are forced to present incorrect ID, they can even be turned away from receiving vital public services, such as Food Stamps and other public benefits.

It is therefore imperative that transgender people be able to correct their original birth certificates so that the sex designation matches their affirmed sex.

Courts recognize the importance of accurate birth certificates and have struck down barriers to correcting birth certificates

A federal court in Idaho recently struck down on Equal Protection grounds the Idaho Department of Health and Welfare’s policy of denying birth certificate corrections to transgender Idaho natives. The court found that a “rule providing an avenue to obtain a birth certificate with a listed sex that aligns with an individual’s gender identity promotes the health, well-being, and safety of transgender people without impacting the rights of others.”⁶

And a federal court in Puerto Rico recently struck down Puerto Rico’s categorical prohibition on transgender people correcting the sex designation on their birth certificates. The court held that transgender people had a constitutional right to informational privacy—ensuring confidentiality of personal matters such as one’s transgender status⁷—as well as decisional

⁴ *Id.* at 82.

⁵ *See generally*, U.S. Transgender Survey, *supra* note 3.

⁶ *F.V. v. Barron*, Case No. 1:17-cv-00170-CWD at 25 (D. Idaho, March 5, 2018).

⁷ *Arroyo Gonzalez vs. Russell Nevares*, No. 17-1457CCC (D.P.R. Apr. 20, 2018).

privacy—“disclosing that one is transgender involves a deep personal choice which the government cannot compel.”⁸

Provider letters are an unfair barrier under the existing policy

Requiring an affirmation or affidavit from a medical or mental health provider in order to correct the sex on a birth certificate is an unnecessary and unfair burden for transgender people. We have observed various barriers to getting doctor’s letters for the correction.

- (1) **Provider letters are rejected due to name differences.** In an effort to be supportive, the providers often list the individual’s new name on the affidavit, which has been rejected by the NYC Department of Health and Mental Hygiene (“DOHMH”). There are often also misspellings of the new name. One provider used the person’s nickname rather than the legal name they are adopting. These errors are so common that we have had to take the step of filling out the client’s information on the DOHMH’s form prior to giving it to the provider.
- (2) **Administrative burden on providers.** Providers who specialize in transgender care are in high demand to provide health care. Being called upon to write letters or correcting errors on letters adds up to a significant drain on resources for already overworked providers.
- (3) **Difficulty finding a provider.** Waiting lists, a shortage of trans-competent providers, and the cost of seeing a provider can make it difficult for people in NYC to obtain a provider letter. If the person now lives in a rural area or outside of New York City, they may have trouble finding a supportive provider at all.

More importantly, as this proposal recognizes, requiring a provider letter at all infringes on a person’s rights to gender recognition and privacy. The City has no interest in dictating the sex designation of any particular individual. An individual’s sex is best determined by that individual. While many physical factors comprise one’s sex such as chromosomes, hormone levels, secondary sex characteristics, and reproductive organs, the most important factor is one’s brain sex. An individual can readily attest to whether they are male, female, or otherwise. A medical provider is not

⁸ *Id.* at 13.

required for this assessment given that that knowledge ultimately rests solely within that individual.

Medical consensus supports self-attestation and simplified access to birth certificate corrections

The World Professional Association for Transgender Health's Identity Recognition Statement notes that "barriers to gender recognition for transgender individuals may harm physical and mental health." They oppose "all medical requirements that act as barriers to those wishing to change legal sex or gender markers on documents" including requiring diagnosis, treatment or "letters from doctors."⁹ WPATH "urges governments to eliminate barriers to gender recognition, and to institute transparent, affordable and otherwise accessible administrative procedures affirming self-determination."¹⁰ Similarly, the American Psychological Association,¹¹ American Medical Association,¹² and National Association of Social Workers¹³ all encourage legal recognition of a person's lived gender without unnecessary barriers.

Self-attestation is the most appropriate procedure for changing sex designation on identity documents

Transcend Legal supports the proposed procedure that relies solely on an affidavit from the applicant to change the sex designation on their birth

⁹ World Professional Association for Transgender Health, *WPATH Identity Recognition Statement*, Nov. 15, 2017, <https://www.wpath.org/media/cms/Documents/Web%20Transfer/Policies/WPATH%20Identity%20Recognition%20Statement%2011.15.17.pdf>.

¹⁰ *Id.*

¹¹ American Psychological Association, *Statement on Transgender, Gender Identity, and Gender Expression Non-Discrimination* (2009), <http://www.apa.org/about/policy/transgender.aspx>.

¹² American Medical Association (AMA), *Conforming Birth Certificate Policies to Current Medical Standards for Transgender Patients* (Resolution 5-A-13), (June 2014), <https://policysearch.ama-assn.org/policyfinder/detail/transgender?uri=%2FAMADoc%2FHOD.xml-0-5096.xml>.

¹³ National Association of Social Workers, *SOCIAL WORK SPEAKS: NASW POLICY STATEMENTS 2009-2012*, at 347 (8th ed. 2009).

certificate. This procedure has been adopted in an increasing number of jurisdictions, including on NYC municipal ID cards.

Pennsylvania allows for gender corrections for transgender youth upon receipt of a notarized affidavit from the parents.¹⁴ Over the past year, Montana,¹⁵ Washington,¹⁶ Oregon¹⁷ and Washington, D.C.¹⁸ have successfully implemented self-attestation. New Jersey is about to adopt a legislatively-enacted self-attestation policy,¹⁹ and California's policy will go into effect September 2018.²⁰

¹⁴ Pennsylvania Department of Health, To Change Sex/Gender on a Pennsylvania Certification of Birth, <http://www.transequality.org/sites/default/files/docs/PA-BC-Policy.pdf>.

¹⁵ National Center for Transgender Equality, *Who's the Expert on My gender? The Importance of Self-Attestation*, March 16, 2018, <https://transequality.org/blog/who-s-the-expert-on-my-gender-the-importance-of-self-attestation>.

¹⁶ *Id.*

¹⁷ National Center for Transgender Equality, *Oregon Makes Accurate ID Easier for Transgender People*, June 16, 2017, <https://transequality.org/press/releases/oregon-makes-accurate-id-easier-for-transgender-people>.

¹⁸ Arli Christian, *Washington, D.C. to include gender-neutral markers on identification and drivers' licenses*, June 21, 2017, <https://medium.com/transequalitynow/washington-d-c-to-include-gender-neutral-markers-on-identification-and-drivers-licenses-aabc692f6d40>.

¹⁹ Lilo H. Stainton, *State Poised to Allow More Gender Options on Birth Certificates*, NJ Spotlight, June 8, 2018, <http://www.njspotlight.com/stories/18/06/07/state-poised-to-allow-more-gender-options-on-birth-death-certificates>.

²⁰ Katelyn Caralle, The Washington Free Beacon, *California legally recognizes third gender option on birth certificates and state ID cards*, Oct. 17, 2017, <http://www.businessinsider.com/california-third-gender-option-on-birth-certificate-and-state-id-card-2017-10>.

Internationally, countries such as Argentina,²¹ Denmark,²² Colombia,²³ Malta,²⁴ Ireland,²⁵ and New Zealand²⁶ have implemented self-attestation gender change policies for documents including birth certificates, national ID cards and passports. A similar policy is moving forward in Chile.²⁷

Nonbinary option

Under the Department of Health's current guidelines, parents may choose unknown or undesignated as the gender designation for their child, but that option is not available to a non-intersex adult who wishes to more

²¹ An English translation of Argentina's Gender Identity Law is available at: <http://global-transaction.files.wordpress.com/2012/05/argentina-gender-identity-law.pdf>.

²² Mitch Kellaway, *Denmark Passes Groundbreaking Gender 'Self-Determination' Law*, THE ADVOCATE, Sept. 3, 2014, <http://www.advocate.com/politics/transgender/2014/09/03/denmark-passes-groundbreaking-gender-self-determination-law>.

²³ J. Lester Feder, *These Ten Trans People Just Got Their First IDs Under Colombia's New Gender Rules*, BUZZFEED NEWS, Jun. 10, 2015, https://www.buzzfeed.com/lester-feder/these-ten-trans-people-just-became-the-first-to-celebrate-co?utm_term=.hmb7VJ7nA#.meYRP9Rg0.

²⁴ Transgender Europe, *Malta Adopts Ground-breaking Trans and Intersex Law - TGEU Press Release*, Apr. 1, 2015, <http://tgeu.org/malta-adopts-ground-breaking-trans-intersex-law>.

²⁵ Henry McDonald, *Ireland passes law allowing trans people to choose their legal gender*, THE GUARDIAN, July 16, 2015, <https://www.theguardian.com/world/2015/jul/16/ireland-transgender-law-gender-recognition-bill-passed>; Gender Recognition Act of 2015, <http://www.irishstatutebook.ie/eli/2015/act/25/enacted/en/pdf>.

²⁶ New Zealand Department of Internal Affairs, *Information about Changing Sex / Gender Identity*, Sept. 29, 2016, <https://www.passports.govt.nz/what-you-need-to-renew-or-apply-for-a-passport/information> (allowing a gender change on a passport by completing a "Statutory Declaration indicating The sex / gender identity you wish to be displayed in your passport (M, F or X) [and] How long you have maintained your current sex / gender identity").

²⁷ Michael Lavers, *Chilean House of Deputies approves transgender rights bill*, WASHINGTON BLADE, Jan. 23, 2018, <http://www.washingtonblade.com/2018/01/23/chilean-house-deputies-approves-transgender-rights-bill>.

accurately identify themselves. The City Council should adopt this proposal, which makes X a standard sex designation that is available to adults.

Many of the jurisdictions implementing self-attestation policies are simultaneously allowing for a third gender marker option on birth certificates, including California, Oregon Washington, and New Jersey (pending the governor's signature).

In 2016, a federal court ruled that the State Department violated federal law in denying a passport to an intersex individual. The judge found that allowing only M and F choices did not result from a rational decision-making process. As Lambda Legal notes: "Several countries currently issue passports with gender markers other than "F" or "M," including Australia, India, Malta, Nepal and New Zealand. Most countries that offer a third gender marker on their passport use the non-specific "X" because it is recognized by the International Civil Aviation Organization (ICAO), a United Nations agency that sets forth international travel document standards."²⁸

Conclusion

Thank you for considering these recommendations. If you have any questions or need further information, please contact Charlie Arrowood at carrowood@transcendlegal.org or (347) 612-4312.

²⁸ Lambda Legal, Victory for Intersex Client! (Nov. 22, 2016), http://www.lambdalegal.org/blog/20161122_zzyym.



**Testimony of Dr. Freddy Molano
VP of Infectious Disease & LGBTQ Services
Community Healthcare Network
Hearing before the New York City Council Committee on Health
RE: Intro: In relation to amending sex designation on birth records
New York City Council Chambers
Wednesday, June 13, 2018**

Thank you Speaker Johnson, Chairman Levine, and members of the Committee on Health, for the opportunity to speak this afternoon. I am Dr. Freddy Molano and I am the Vice President of Infectious Disease and LGBTQ Services at Community Healthcare Network (CHN). CHN is a non-profit network of 13 Federally Qualified Health Centers, including two school-based health centers and a fleet of medical mobile vans. We provide high quality primary care, dental, behavioral health, and social services to over 85,000 New Yorkers annually in Manhattan, Queens, Brooklyn, and the Bronx. We turn no one away.

For nearly 15 years, CHN has provided affirming healthcare services to transgender and gender non-conforming (TG/GNC) individuals throughout New York City. We serve about 500 TG/GNC patients each year through our network-wide Transgender Family Program and our Sexual and Behavioral Health (SBH) Programs in Jamaica, Queens, and the Lower East Side in Manhattan.

Our mission is grounded in the belief that all individuals have the right to comprehensive and culturally-responsive care. As part of this mission, it is our duty to advocate for the rights and wellbeing of CHN patients. This includes the right to express one's gender freely and without consequence.

New York City has taken important steps in preserving this right through a number of policies, including the New York City Human Rights Law, Department of Education transgender student guidelines, and single-sex bathroom mandate. Still, many TG/GNC individuals continue to experience day-to-day challenges with stigma, discrimination, and access to care. In particular,

discrepancies between sex designation and gender identity exacerbate efforts in navigating critical services, leaving many individuals without amenities such as housing or healthcare.

At CHN, we frequently encounter patients whose medical claims are denied because their insurance company does not believe that the rendered service “matches” the patient’s documented sex. Similarly, we know that transgender and gender non-conforming patients experience frustration when applying for drivers’ licenses or other forms of ID because these documents do not accurately reflect their gender identity.

Today, we stand in support of the proposal which would add a third sex designation to NYC birth certificates and allow transgender adults to provide their own affidavit for gender marker changes. We believe that this legislation will expedite the process for aligning legal and lived identities and result in both psychological and practical benefits.

By removing barriers for identification, the city is taking important steps towards ensuring the health and wellbeing of transgender communities. As a healthcare provider, we are hopeful that the elimination of such barriers will lead to better engagement in care and improved health outcomes among TG/GNC patients.

We applaud the city’s efforts in validating and empowering individuals of TG/GNC experience and are committed to working with the Council and Administration to further these goals.

Thank you for the opportunity to speak today.

Testimony of Demoya R. Gordon, Staff and Transgender Rights Project Attorney, Lambda Legal

Before the New York City Council Committee on Health

In support of Intro. 954-2018

A Local Law to amend the administrative code, in relation to amending sex designation on birth records

June 13, 2018 at 10:00 am

Good morning. My name is Demoya Gordon. I am a Staff and Transgender Rights Project Attorney at Lambda Legal. Founded in 1973, Lambda Legal is the oldest and largest national legal organization whose mission is to achieve full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people, and people living with HIV through impact litigation, education, and public policy work.

I would like to thank the Chairperson Mark Levine and the Committee on Health for the opportunity to testify in strong support of Intro. 954. If passed, this bill would build on previous improvements to the procedures for correcting sex markers on New York City birth records¹ by allowing for self-attestation and eliminating the requirement of a health professional's affidavit, which is not only burdensome but also unnecessary and harmful. Intro. 954 would also provide the option of a sex designation that is not exclusively male or female, indicated by an "X."

Self-attestation (meaning allowing a person to report information on an application without requiring verification by a secondary source) is good policy and is already used on state IDs for information such as height, weight, hair color, and eye color. Requiring a health care provider to confirm a person's gender is belittling, expensive, and is no more necessary than for

¹ See e.g., Local Law No. 1, To amend the administrative code of the city of New York, in relation to amending sex designation on birth records, Local laws of the City of New York for 2015, <http://legistar.council.nyc.gov/View.ashx?M=F&ID=3651245&GUID=9F6C8525-0A98-4BE7-9815-656240ECBB13>.

these other characteristics.² The National Association of Social Workers, the American Psychological Association, and the World Professional Association for Transgender Health support self-attestation.³ This change will reduce the burdens placed upon transgender, non-binary, and intersex people when trying to obtain accurate and affirming birth records—burdens that are even heavier for members of these communities who are of color or who have low or no income.

Lack of access to accurate identity documents is harmful. According to the 2015 U.S. Transgender Survey, 67% of respondents did not have an ID or record that reflected their gender identity, with 88% of non-binary people reporting that the options available did not fit their identity.⁴ Presenting an inaccurate identity document that is inconsistent with one's gender identity often triggers prejudice, violence, discrimination, harassment, and invasions of privacy.⁵ This is why Lambda Legal works throughout the country to secure access to accurate identity documents for all, with recent court victories in Puerto Rico⁶ and Idaho,⁷ and a pending lawsuit

² Michaé Pulido & Arli Christian, *Who's the Expert on My Gender? The Importance of Self-Attestation*, National Center for Transgender Equality, <https://medium.com/transequalitynow/whos-the-expert-on-my-gender-the-importance-of-self-attestation-d03ab60a4a37> (last visited June 12, 2018).

³ National Association of Social Workers, *Transgender and Gender Identity Issues*, in *Social Work Speaks: National Association of Social Workers Policy Statements 2009-2012*, 347 (8th ed. 2009); American Psychological Association Policy Statement on Transgender, Gender Identity and Gender Expression Nondiscrimination (2008), <http://www.apa.org/about/policy/transgender.aspx> (last visited June 12, 2018); World Professional Association for Transgender Health Identity Recognition Statement (2017), <https://www.wpath.org/media/cms/Documents/Web%20Transfer/Policies/WPATH%20Identity%20Recognition%20Statement%2011.15.17.pdf> (last visited June 12, 2018).

⁴ James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality.

⁵ Amended complaint for Declaratory and Injunctive Relief, *Arroyo v. Rosselló*, D.P.R. 3:17-cv-01457, (Apr. 10, 2017), http://lambdalegal.org/sites/default/files/legal-docs/downloads/gonzalez_pr_20170406_complaint.pdf.

⁶ *Arroyo v. Rosselló*, No. 3:17-cv-01457-CCC, 2018 WL 1896341 (D.P.R. April 20, 2018), https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/arroyo_opinion_and_order.pdf.

⁷ *F.V. v. Barron*, 286 F.Supp.3d 1131 (D. Idaho March 5, 2018), https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/msj_order.pdf.

challenging Ohio's refusal to allow transgender people to update the sex marker on their birth certificates.⁸

With the passage of Intro. 954, New York City would join other jurisdictions at the forefront of removing harmful and unnecessary barriers to accurate and affirming identity documents, including providing an option to designate one's sex as neither male nor female.⁹ Binary-only gender marker policies fail to account for the existence of members of our communities with non-binary identities. Withholding accurate identity documents from non-binary people is also arbitrary and capricious, as demonstrated by the 2016 court decision issued in favor of Lambda Legal's client, Dana Zzyym, who seeks an accurate passport reflecting their identity as an intersex, non-binary person.¹⁰

While Lambda Legal applauds this vital step toward human rights and dignity for all New Yorkers, we have a couple of suggestions for improvement. First, we suggest changing the requirement of notarized statements from both parents (or the legal guardian) of a minor to require a notarized statement from just one parent (or the legal guardian). This would allow for greater access to accurate birth records for young people, including in cases where one parent

⁸ Complaint, *Ray v. Himes*, No. 2:18-cv-00272-MHW-CMV, (S.D. Ohio March 29, 2018), https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/complaint_3.28_final.pdf.

⁹ Jurisdictions that have taken steps to remove provider verification requirements and/or to provide for non-binary gender markers on identity documents include California, Idaho, Maine, Montana, New Jersey, Nevada, Oregon, Washington State, and Washington, D.C. See National Center for Transgender Equality, ID Documents Center, <https://transequality.org/documents> (last visited June 12, 2018); Christian Hetrick, *New Jersey Lawmakers Send Transgender Rights Bills to Phil Murphy*, NEW JERSEY OBSERVER, (May 28, 2018), <http://observer.com/2018/05/new-jersey-transgender-rights-bills/> (last visited June 12, 2018); Press Release, ACLU of Maine, LGBTQ, Civil Rights Organizations Celebrate Agreement With Maine BMV That Allows Non-Binary Gender Designations on Driver's Licenses, ID Cards (June 11, 2018), <https://www.aclumaine.org/en/press-releases/lgbtq-civil-rights-organizations-celebrate-agreement-maine-bmv-allows-non-binary> (last visited June 12, 2018).

¹⁰ See *Zzyym v. Kerry*, 220 F. Supp.3d 1106 (D. Colo. 2016), http://www.lambdalegal.org/sites/default/files/zzyym_co_20161122_order.pdf.

may be unavailable, unwilling, or unable to provide a notarized statement. Second, the correction of a birth record may cost \$55-\$57, or more.¹¹ This cost may be prohibitive for many who would benefit from this legislation. Data shows that transgender and non-binary New Yorkers experience higher rates of discrimination, unemployment, and poverty.¹² According to the 2015 U.S. Transgender Survey, 24% of transgender New Yorkers who have not updated the gender on their identity documents report that they have not done so due to financial inability.¹³ These burdens are even greater for transgender and non-binary people of color. Thus, we urge the Council to explore fee waivers or other financial assistance options to ensure that all who need to correct their birth records can do so.

For these reasons, I urge you to pass Intro. 954 with Lambda Legal's suggested amendments. Please do not hesitate to contact me should you have any questions or need additional information. Thank you.

Respectfully submitted,

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¹¹ \$40 for processing, \$15 per copy of the document, and \$2 to notarize the self-attestation.

¹² A 2015 survey of transgender New Yorkers found that 18% of respondents in New York were unemployed, and 37% were living in poverty (compared to 5% and 12%, respectively, for U.S. rates). *2015 U.S. Transgender Survey: New York State Report*. (2017). Washington, DC: National Center for Transgender Equality.

¹³ *Ibid.*

Spoken Testimony of Carrie Davis on Intro. 954

Good morning. Please accept my gratitude for allowing Kimberleigh Smith to read my testimony in support of Intro. 954. I recently had knee surgery and am physically unable to attend today's hearing in-person.

My name is Carrie Davis. I am a health care consultant and Chair of the New York City DOHMH Report and Advisory Board on Gender Marker Change Requirements. I was appointed to this committee by the City Council and also serve the City as a Commissioner of Human Rights. Prior to this, I was the Chief Programs & Policy Officer at New York City's Lesbian, Gay, Bisexual & Transgender Center where I had worked since 1998.

I have been very fortunate over these last 20 years to collaborate with the City as it has worked, step by step, to address the basic needs of transgender and gender non-binary New Yorkers. This has including working with this Council to amend the law on birth certificates in 2014 and the law on human rights in 2002, working with the Commission on Human Rights to develop guidelines for that law, and working with numerous City agencies such as HRA, DOC, DHS, the NYPD and others to better serve trans New Yorkers.

And, since 2004, I have worked in coalition after coalition with advocates, the DOHMH, and the City Council to allow trans people born in this City access to accurate and affirming birth records.

While some trans people have a safe and healthy journey to self-sufficiency and future employment, others are placed at risk by substantial stigma and disruptions. This often cascades to lifelong difficulties with health, education and employment.

Despite the work that has been done so far, an invidious cultural stigma still labels trans people as mentally ill, deviant, fraudulent and as predators. This forcefully clashes with our lived experiences and negatively impacts our lives at almost every turn.

Only one in five trans people has ID that matches their current identity, meaning that most are in danger of disclosure of their status every time they apply for a job or housing, or interact with the police. Trans people have twice the rate of unemployment compared to the average, and nearly all report harassment or discrimination on the job or trying to hide their trans identity to avoid it. As a consequence, trans people are nearly four times more likely to have an annual income of under \$10,000 than the general population.

All of this significantly increases the contact and associated costs trans people have with the homeless, medical and legal systems.

Birth certificates are a foundational tool as we seek to address this negative cascade. The National Association for Public Health Statistics notes, "A birth certificate breeds all others: Social Security cards, school records, driver's licenses, passports and employment records ... It means citizenship."

Having a birth certificate that shows the wrong gender can make doing any of those things difficult or impossible. When trans people show a certificate with a gender other than the one they live in, they may be accused of fraud, turned away, harassed, arrested, attacked, humiliated and discriminated against.

Along with the responsibility to document births is the City's responsibility to document them accurately. It is in the best interests of New York and its trans citizens to have access to accurate birth records. This duty should never become a barrier to anyone's active participation in our society.

The proposed legislation improves the already impressive law that we helped to revise in 2014 to allow transgender and gender non-binary people to change the sex designation on their birth record to conform to their gender identity. This includes the addition of: 1) a third category of "X" to reflect a non-binary gender identity, and 2) transgender and gender non-binary people born in New York City will no longer need a letter from a physician or an affidavit by a licensed health care provider to change their gender marker and will instead be able to submit their own affidavit, which attests that the gender marker change is for the purpose of affirming their gender identity (also known as "self-attestation").

These are positive actions that address some of the challenges faced by trans New Yorkers as they seek the same privileges and rights that others already enjoy. This legislation will help enhance social and economic opportunities for trans people born in this City and reinforce our commitment to respect and inclusion.

These are not radical nor unique requests. They are instead common-sense steps to bring our City in line with modern and scientific standards held by numerous state jurisdictions, as well as other nations across the world.

Council Speaker Corey Johnson has stated, "Now more than ever, it's important for ... elected officials to show our constituents that we see them, we have their backs, and we respect them for who they are."

Let us celebrate this potent and collective vision as we take another step forward with Intro. 954.

Testimony of Carrie Davis on Intros. 0954-2018

A Local Law to amend the administrative code, in relation to amending sex designation on birth records
Before the Committee on Health, June 13, 2018

Good morning to the Chair, Members of the Committee on Health and other Council Members: please accept my appreciation for the opportunity to offer written testimony in support of Intro. 954.

My name is Carrie Davis. I am a health care consultant and Co-chair of the New York City Department of Health and Mental Hygiene's (DOHMH) Report and Advisory Board on Gender Marker Change Requirements. I was appointed to this committee by the City Council as part of the 2014 Birth Certificate legislation. I also serve the City as a Commissioner of Human Rights. Prior to this, I was the Chief Programs & Policy Officer at New York City's Lesbian, Gay, Bisexual & Transgender Center where I had worked since 1998.

I have been very fortunate over these last 20 years to have been able to collaborate with the City of New York as it has worked, step by step, to address the basic needs of transgender and gender non-binary and gender non-binary New Yorkers. This has included working with the City Council to amend the law on birth certificates in 2014 and the law on human rights in 2002, working with the Commission on Human Rights to develop guidelines for that law, and working with numerous City agencies and departments such as the Human Resources Administration (HRA), the Department of Correction (DOC), the Department of Homeless Services (DHS), the Police Department (NYPD), and others to develop new practices and amend their internal policies to better serve transgender and gender non-binary people.

Since 2004, I have worked in coalition with advocates, peers, the DOHMH and the City Council to allow transgender and gender non-binary people born in New York City access to accurate and affirming birth records.

While some transgender and gender non-binary and gender non-binary people have a safe and healthy journey to self-sufficiency and future employment, others are placed at risk by substantial social stigma and developmental disruptions. These often cascade to lifelong difficulties with health, educational attainment, and economic productivity.¹

Despite the amazing work that has been done so far, an invidious cultural stigma still labels transgender and gender non-binary people as mentally ill, deviants, addicts, fraudulent and as sexual predators. This stigma forcefully clashes with the lived experiences of transgender and gender non-binary and gender non-binary people and negatively impacts their lives at almost every turn. Only one in five transgender people has identification that matches their current identity, meaning that most are in danger of disclosure of transgender status every time they apply for a job or housing, or interact with the police. Transgender people have twice the rate of unemployment compared to the national average, and nearly all report having experienced harassment or discrimination on the job or taking actions to hide their identity in order to avoid it. As a consequence, transgender people are nearly four times more likely to have an annual income of under \$10,000 than the general population.^{2,3}

All of this significantly increases the contact and associated costs that transgender and gender non-binary people have with the homeless, medical, mental health, legal and criminal systems here in New York City.

Birth certificates are a foundational tool as we seek to address this negative cascade. The National Association for Public Health Statistics and Information Systems notes, "A birth certificate breeds all others: Social Security cards, school records, driver's licenses, passports and employment records. In the United States, it means citizenship."⁴ Having a birth certificate that shows the wrong gender can make doing any of those things difficult or impossible. When transgender and gender non-binary people show a certificate with a gender other than the one they live in, they may be accused of fraud, turned away, harassed, arrested, attacked, humiliated and discriminated against. Even in the best of cases they may face embarrassment, confusion and delays in procedure.

Along with New York City's responsibility to document births is the responsibility to document them accurately. It is in the best interests of New York City

¹ Centers for Disease Control and Prevention. (2011). *Lesbian, Gay, Bisexual and Transgender and gender non-binary Health*. Retrieved March 5, 2014, from <http://www.cdc.gov/lgbthealth/about.htm>

² Grant, J. M., Mattet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (2011). *Injustice at Every Turn: A Report of the National Transgender and gender non-binary Discrimination Survey*. Washington, DC: National Center for Transgender and gender non-binary Equality and National Gay and Lesbian Task Force.

³ Hanssens, C., Moodie-Mills, A. C., Ritchie, A., Spade, D., & Vaid, U. (2014) *A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV*. New York: Center for Gender & Sexuality Law at Columbia Law School.

⁴ National Association for Public Health Statistics and Information Systems (May 2005). *White Paper on Recommendations for Improvements in Birth Certificates*

and its transgender and gender non-binary citizens to have access to accurate birth records. This duty of proud local jurisdictions like New York City should never become a barrier to anyone's active participation in our society.

The proposed legislation improves the already impressive law that we helped to revise in 2014 to allow transgender and gender non-binary people to change the sex designation on their birth record to conform to their gender identity. This includes the addition of: 1) a third category of "X" to reflect a non-binary gender identity, and 2) transgender and gender non-binary people born in New York City will no longer need a letter from a physician or an affidavit by a licensed health care provider to change their gender marker and will instead be able to submit their own affidavit, which attests that the gender marker change is for the purpose of affirming their gender identity (also known as "self-attestation").

These changes are neither radical nor unique, and are common-sense steps to bring New York City in line with current standards, as follows:

- Currently, there is a "undetermined or unknown" option for the gender at birth on New York City birth certificates. The proposed change will provide non-binary and intersex people with the ability to request a new birth certificate with a third, non-binary category, "X" in place of "undetermined or unknown." This will keep New York City in step with other major jurisdictions. Currently three states, California, Oregon and Washington have a third option on their birth certificates. In addition, some nations have followed this path including Australia, the Canadian provinces of British Columbia, Ontario, and the Northwest Territories, Germany, India, Nepal, New Zealand, and Pakistan.
- New York City will be in step with other major jurisdictions by removing the requirement for a health care provider's signature on the gender marker change form for birth records and allowing applicants to self-attest to their identity. Currently seven states have already made similar changes, including the following six states in 2017 and 2018 – California, Massachusetts, Montana, Nevada, Oregon and Washington.⁵ In addition, some nations have followed this path including Argentina. This is consistent with the established medical consensus that identity documents should match the person.

- Self-attestation is generally already used on state IDs and licenses for information such as height, weight, hair color, and eye color. Transgender and gender non-binary individuals know their own gender identity. No healthcare provider is better qualified to determine a person's identity than that actual person. Requiring a healthcare provider to "legitimize" a person's gender is inaccurate, unwarranted, patronizing, costly, and redundant, and establishes an unnecessary barrier for transgender and gender non-binary people who need an accurate form of identification.
- Birth certificates are required for numerous reasons in New York including, but not limited to: obtaining professional certifications, obtaining drivers' licenses and passports, demonstrating work eligibility, registering for school, obtaining access to public facilities, obtaining a gun permit, and obtaining access to public benefits. Using mismatched birth certificates can lead to other mismatched documents, which all lead to harassment, discrimination, accusations of fraud, denial of service and reduced opportunity. Gender marker self-attestation makes accurate identification accessible to more people, reducing discrimination, harassment, and violence for more trans people. The 2015 U.S. Transgender and gender non-binary Survey — a national survey of nearly 28,000 trans adults — shows that a lack of proper identification is a major factor in discrimination. Nearly a third of respondents who showed identification that did not match their gender presentation were verbally harassed, denied benefits or service, asked to leave, or even physically assaulted.⁶

It is exciting when a visionary but commonsense proposal like Intro. 954 has the expressed support of the City Council, the Mayor, and the Department of Health and Mental Hygiene. As Council Speaker Corey Johnson has stated, "Now more than ever, it's important for ... elected officials to show our constituents that we see them, we have their backs, and we respect them for who they are."

Let us celebrate this potent and collective vision as we take another step forward with Intro. 954.

Thank you,



⁵ Grant, <https://medium.com/transequalitynow/whos-the-expert-on-my-gender-the-importance-of-self-attestation-d03ab60a4a37>

⁶ <http://www.ustranssurvey.org/reports>

When Alicia was born, the medical profession was silent on intersex. We had a wonderful doctor who advised us to the best of his knowledge at the time, but never once did he suggest that we keep an option open for Alicia to tell us who *she* was. He relied on the best science of the time, but a science based on a very small sample size. Intersex conditions were on the down low, in the shadows. It was hard to distinguish where science ended and bias began. Thirty years later, we now have better science to know that an estimated 1.7% of the world's population, meaning over 5.5 million Americans, are intersex. And then additional Americans are transgender or chimera or gender non-conforming. My point is that we have progressed to where we should allow our friends, neighbors, children, every person, the right to identify themselves, rather than rely on the snap judgment of a nurse or doctor in the chaos of the delivery room.

I applaud Council Speaker Corey Johnson for sponsoring this law to amend sex designation on birth records, and First Lady Chirlane McCray for her support, and each of you for your work in this hearing. This bill brings the reality of legal documents into alignment with... well... reality. My daughter should be able to define who she is, rather than I or a person who assisted at her birth. Really, who cares how *I* would define her gender? It is *her* right to define herself.

In a way, this bill would do nothing. And by "nothing," I mean that it would simply allow a person to say who they are. And no one else can say that for them. That should be a given, a "nothing" in society. I urge you to pass this bill that will cost you nothing, but will return agency, identity and the right to be who you are to thousands of New Yorkers. Thank you so much for listening to my testimony today, and for your work to support unity and inclusiveness in New York City.

Thank you Chairman Levine, First Lady McCray and members of the Committee on Health. My name is Char Weigel. I come before you as the mother of Alicia Weigel, a Cornell graduate, very successful in her career, a former actor and former model. Why do I mention modeling? Because if my daughter walked into the room today, you would say she is a beautiful woman. And she is. And Alicia is also intersex.

When my husband was driving me to the hospital for her birth 28 years ago, we finally settled on the name of Charles because it is my husband's name and the name of both of our fathers. At the end of my labor, I heard my OB say "Congratulations on your baby daughter." I couldn't see a thing at my end of the table and said, "No. It's a boy." Someone replied, "You wanted a boy. But you'll love this little girl." I said "No.... You don't understand. I had an amniocentesis. It's a boy." My husband spoke up quietly from a corner of the room, "I've always liked the name Alicia. It was the name of that hurricane when we moved to Houston." And so I became the mother of an extraordinary daughter.

Doctors at the Children's Hospital of Pennsylvania helped us understand that Alicia had *complete androgen insensitivity*. If you have heard of that, I applaud you. I'm a nurse and I had never heard of it. It means that while Alicia appears female, she is genotypically male with XY chromosomes. I passed onto her a genetic code that did not respond to androgen hormones that would have developed her male organs during my early pregnancy. Alicia looked like a girl, so someone on the medical team wrote the word "female" in her medical record. Other children with different genetic codes are born with unclear or mixed genitalia. A medical professional in the delivery room makes a split-second call about whether the word "male" or "female" works its way onto a birth certificate. One small word that does not *define*, but can *confine*, someone for the rest of their life.



Testimony of LGBTQ Law Project of New York Legal Assistance Group

Before the New York City Council Committee on Health

Regarding Legislation Relating to Amending Sex Designation on Birth Records

(Int. No.0954-2018)

June 13, 2018

Chair Levine, Council Members, and staff, good morning and thank you for the opportunity to speak about Intro 954, which would allow individuals to change the sex designation on their birth certificates to match their gender identities. My name is Alejandra Caraballo, and I am a Staff Attorney in the LGBTQ Law Project at the New York Legal Assistance Group (NYLAG), a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, veterans, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, people with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, as well as others in need of free legal services.

The LGBTQ Law Project of NYLAG submits this testimony in support of proposed legislation seeking to update New York City's policy regarding gender markers on birth records (Int. No.0954). Our project provides free legal services and advocacy to low income Lesbian,

Gay, Bisexual, Transgender, and Queer communities throughout New York City. We work to defend and expand the rights of New York City's LGBTQ community and offer legal advice and representation in a wide variety of poverty-related civil legal matters, such as employment and housing discrimination, public assistance, immigration, name and gender marker changes and family law. In 2017, NYLAG represented 218 transgender, and gender non-conforming (TGNC) clients in a variety of these areas of law, including many clients who identify as non-binary and intersex.

On behalf of the New York Legal Assistance Group, I am here to offer our strong support for the proposed bill to amend the administrative code, in relation to amending sex designation on birth records. The importance of identity documents to TGNC, non-binary and intersex people cannot be overstated. In addition to validating the identities of TGNC, non-binary and intersex people, having corrected and appropriate identity documents that affirms our gender identities is vital to our health and safety. Having to present incorrect identity documents exposes TGNC people to humiliation, harassment and violence. This proposal will protect vulnerable New Yorkers by ensuring all people have access to government documents that reflect their true identities.

Adding a Gender Marker that Reflects Non-Binary Gender Identities is Critically Important.

The proposal to add a third gender marker option outside the male/female binary is essential to ensure that all people in New York City are properly represented by their vital documents. For non-binary, intersex, transgender and gender non-comforting people who do

not exist within male/female binary, the current gender markers available on birth certificates are insufficient and denigrate their identities. The “X” marker option is a welcome advancement that allow New Yorkers whose gender identity falls outside of the gender binary and traditional gender norms to have an accurate government document that reflects and affirms their gender identity. This is an important step in allowing people to express their authentic selves.

While we welcome this proposal, we believe further changes may be necessary in the future to ensure that all New Yorkers have access to accurate identity documents. “X” may not accurately reflect the identities of all non-binary people. Some New Yorkers may want to leave the gender designation blank instead, and intersex people may prefer to have a birth certificate that says “I” for intersex as opposed to “X.” We would encourage the counsel to listen and continue taking input from affected TGNC New Yorkers and adopt future changes to the law that would best reflect all identities.

Eliminating the Need for Invasive Medical Documentation and Instead Permitting Self-attestation is Paramount.

The City Council has made great progress in addressing the needs of transgender and gender non-conforming New Yorkers in recent years. The 2014 City Council vote to remove the restrictive surgery requirement for amending gender markers on NYC issued birth certificates was a huge step forward. But the current requirements still present tremendous barriers for low-income TGNC New Yorkers like our clients. Many TGNC people do not have access to a

medical provider who can provide a notarized letter attesting to their gender identity. This means they cannot obtain a birth certificate that accurately reflects who they truly are.

Requiring medical documentation to obtain an accurate birth certificate is also stigmatizing and an invasion of privacy. At NYLAG we have personally seen the effects of this confusing and difficult process first hand with our TGNC clients.

The current proposal to allow applicants to self-attest their identity by notarized affidavit will greatly streamline the process of amending birth certificates for all TGNC people and will also allow nonbinary and intersex people to obtain an amended birth certificate that affirms and matches their gender identity. This restores autonomy and self determination to TGNC people by allowing them the self-determination to attest to their own gender identity without significant barriers such as lack of access to appropriate and affirming medical care to interfere with their ability to amend their birth certificates.

Ensuring Access to Accurate Birth Certificates for Minors Under 18

People under the age of 18 are frequently required to present their birth certificates – for school enrollment, after school activities, sports and anything related to age eligibility. For young people who either do not fit within the male/female gender binary or whose birth certificate contains the wrong gender marker, having to produce an incorrect document is humiliating and potentially dangerous. Simply showing their birth certificate will “out” them – misrepresenting who they are at best and exposing them to violent abuse at worst. These

young people must be afforded the same access to as similarly situated adults. While empowering parents to provide a notarized statement for their children is a step forward, we are concerned that the requirement of a statement from both parents listed on the birth certificate or a “legal guardian” is too restrictive. Many young TGNC people experience rejection from their families of origin. Indeed, 40% of homeless youth in New York City are LGBTQ-identified. As such, there are likely many young people who will not be able to get both the parents listed on their birth certificate to sign a notarized statement. The current proposal only appears to allow children with a “legal guardian” to avoid getting statements from their birth parents. But there are many children who are in contact with only one of their parents or estranged from both, and who do not have an adult who has legal guardianship over them. There must be additional safeguards in place for these minors. We would suggest that the proposal be amended to allow minors to obtain an amended birth certificate upon submission of a notarized statement from either of the child’s parents, a legal guardian, or a social worker or case manager working with the child.

We Urge the Adoption of this Proposal

New York City has long been on the forefront of civil rights for the LGBTQ community. Thank you Speaker Johnson for spearheading this bill. This proposal will ensure that all New Yorkers can access identity documents that reflect who they truly are. It is a huge step forward towards ensuring all people in this City are treated with dignity and respect.



New York City Council Hearing
Wednesday, June 13, 2018, 10:00 a.m.
Testimony RE: Int: In relation to amending sex designation on birth records.

Legal Services NYC (“LSNYC”) is the largest civil legal services provider in New York City and the nation. LSNYC's LGBTQ/HIV Advocacy Project is the largest provider of direct, civil legal services to New York City's LGBTQ communities. Since the 1980s LSNYC has served thousands of people across a variety of legal issues and has worked tirelessly on behalf of LGBTQ and HIV+ low-income New Yorkers.¹

LSNYC has an LGBTQ Unit presence in all five boroughs with over a dozen staff and serves hundreds of clients every year.² A critical service we offer is Name Changes and assistance changing identity documents. Since 2013 LSNYC has represented 129 individuals in name change cases and many more in identification documents cases. We have also taught continuing legal education classes training advocates on how to represent clients in name change courts and identification documentation issues, including changing the gender markers on birth certificates, Social Security cards, and passports.³ Our organization handles one of the highest volumes of identity documentation cases in New York City.

The amendments to Section 17-167.1(a) of the New York City Administrative Code allow a third gender option for individuals and serve to make birth certificates more accessible for our gender nonconforming and non-binary clients by honoring their self-determination and being more representative of their identity.

In 2017 alone LSNYC has met with 57 New Yorkers who preferred gender neutral pronouns or neither identify as male or female. By allowing the third gender option for birth certificates, New York City will be at the forefront of recognizing the non-binary nature of sex and gender, and being completely inclusive of all individuals.

¹ <http://www.legalservicesnyc.org/>

² <http://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/lgbtq-advocacy>

³ https://www.learningcenter.legalservicesnyc.org/training-view?t_id=2518

The amendment to Section 17-167.1(c) that allows notarized self-attestation in place of medical attestation is also extremely important, as it removes systemic barriers that prevent many individuals from changing their gender marker.

Removing the medical attestation requirement will make it easier for low-income TGNC individuals to change their birth certificates. Many transgender and gender nonconforming (“TGNC”) individuals often cannot afford regular healthcare. A study in 2011 found that 17% of New York State Transgender respondents were unable to obtain health insurance.⁴ Accordingly, a substantial portion of the TGNC population can never obtain the medical attestation necessary to change the gender markers on their birth certificates.

Even those who are able to obtain healthcare face numerous systemic barriers. A recent study from LSNYC that focused on New York City found that nearly a quarter of survey respondents report that have encountered problems with medical providers in the last year. A further 15% of study participants have been treated with hostility or asked inappropriate questions by their medical providers because they are LGBT.⁵ Many TGNC individuals simply do not have affirming medical providers. By allowing self-attestation, many systemic barriers will be eliminated and the lives of TGNC individuals will be radically improved.

Allowing birth certificate amendments to be more accessible through self-attestation will lessen discrimination individuals face. A recent survey of transgender and gender nonconforming individuals found 40% of respondents are harassed when their ID indicates a gender marker that does not match their gender identity.⁶ An LSNYC client was discriminated against because the gender marker on her Electronic Benefits card did not match her gender identity. As a result, while trying to purchase food she was harassed by the store clerk. This triggered her preexisting anxiety surrounding her gender dysphoria and as a result she did not purchase food for a week. She told LSNYC that the experience re-traumatized the abuse she suffered and that she had to “build up her courage” again in order to leave her apartment. LSNYC was able to help her change her gender markers on her New York State ID and her Electronic Benefits card giving her peace of mind while navigating through the world.

As numerous studies have established, LGB individuals, and especially TGNC individuals, are disproportionately affected by poverty.⁷ LSNYC’s study found that 62% of LGBT New Yorkers had difficulty paying for a basic need in the last year 26% of transgender respondents faced employment discrimination.⁸ For individuals who face multiple layers of discrimination, the issue of poverty is gravely compounded. The proposed amendments will help to reduce discrimination and to alleviate poverty for TGNC New Yorkers.

Thank you for inviting us to testify and for allowing New York City to lead the nation in Transgender and Gender Nonconforming equality.

⁴ The National Center for Transgender Equality and the National Gay and Lesbian Task Force, The National Transgender Discrimination Survey, New York Results, 2011,

http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_state/ntds_state_ny.pdf.

⁵ LSNYC: Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People, <http://www.legalservicesnyc.org/storage/PDFs/lgbt%20report.pdf>

⁶ https://transequality.org/sites/default/files/docs/resources/NTDS_Exec_Summary.pdf

⁷ <https://williamsinstitute.law.ucla.edu/williams-in-the-news/beyond-stereotypes-poverty-in-the-lgbt-community/>

⁸ See attached: Poverty is an LGBT Issue: A Report Snapshot



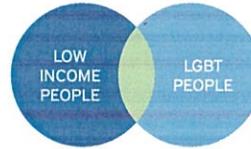
POVERTY IS AN LGBT ISSUE: A REPORT SNAPSHOT

READ THE FULL CIVIL LEGAL NEEDS ASSESSMENT HERE:
www.legalservicesnyc.org/LGBTreport

Legal Services NYC

1 POVERTY IS AN LGBT ISSUE.

62% of low-income LGBT New Yorkers had difficulty paying for a basic need in the past year.



2 PEOPLE WHO CARE ABOUT THE FIGHT FOR LGBT JUSTICE, AND THOSE WHO CARE ABOUT FIGHTING POVERTY, MUST TAKE ACTION.



3 LOW-INCOME LGBT PEOPLE ARE IN DESPERATE NEED OF CIVIL LEGAL SERVICES.



Housing



Income &
Disability
Assistance



Immigration



Healthcare



Family



Employment



Education



Veterans

4 VIOLENCE AND HARASSMENT ARE SEVERE AND PERVERSIVE PROBLEMS THAT CREATE MAJOR LEGAL NEEDS FOR LOW-INCOME LGBT PEOPLE.

50% experienced some form of violence.



5 LOW-INCOME TRANSGENDER PEOPLE FACE EVEN GREATER VIOLENCE AND HARASSMENT THAN LGB PEOPLE, GIVING RISE TO EVEN GREATER LEGAL NEEDS.

26% of the transgender respondents to our survey experienced problems with employment in the last year alone.

6 INTERSECTIONS BETWEEN RACE, POVERTY, SEXUAL ORIENTATION, AND GENDER IDENTITY POSE ADDITIONAL LEGAL CHALLENGES FOR MANY LOW-INCOME LGBT NEW YORKERS.

Legal services providers should be vigilant about and be prepared to aggressively challenge discrimination in all its forms.

POVERTY TRANSPHOBIA
RACISM
HOMOPHOBIA



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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***Testimony of the New York Civil Liberties Union
Before the New York City Council Committee on Health
Regarding Legislation Relating to Amending Sex Designations on Birth Records
(Int. No. 0954-2018)***

June 13, 2018

The New York Civil Liberties Union (the “NYCLU”) submits this testimony in support of proposed legislation seeking to update New York City’s policy regarding gender markers on birth records (Int. No. 0954-2018, or “the Bill”). The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and over 160,000 members and supporters. The NYCLU’s mission is to defend and promote the fundamental principles, rights, and constitutional values embodied in the Bill of Rights of the U.S. Constitution and the New York State Constitution. This includes the rights to equality, privacy, and personal autonomy that are implicated by today’s legislation. In light of our history of vigorously defending the rights and liberties of transgender, intersex, and nonbinary individuals, the NYCLU is pleased to testify in strong support of the Bill.

The Proposed Changes Are In Keeping With Other Modern Policies That Have Expanded the Gender Markers Available on Birth Certificates and Eliminated Unnecessary Barriers to Correcting Them.

This Bill proposes two changes that would help to bring New York City’s birth certificate policy in line with model policies that have been adopted recently around the country. First, it would amend Section 17-167.1 of the administrative code of New York City to include “x” as a third gender marker designation on City-issued birth certificates, adding it as an option that is neither “m” nor “f” to indicate “a sex designation that is not exclusively male or female.” For

New Yorkers whose gender identity is nonbinary—i.e., those for whom neither “male” nor “female” accurately reflects their gender—this Bill will enable them to obtain a government-issued birth certificate that does not misrepresent who they are. New York City has previously recognized the importance of enabling such individuals to obtain accurate City-issued identification when, in creating the municipal “IDNYC” card, it included a “not designated” gender marker option.¹ The proposed third gender marker option also mirrors birth certificate policies adopted recently by California, Oregon, and Washington.² The California legislation included a succinct articulation of the merits of such a policy:

Gender identification is fundamentally personal, and the state should endeavor to provide options on state-issued identification documents that recognize a person’s accurate gender identification. It is the intent of the Legislature in enacting this legislation to provide three equally recognized gender options on state-issued identification documents—female, male, and nonbinary . . . so that state-issued identification documents legally recognize a person’s accurate gender identification.³

¹ See NYCCRR § 3-115(c)(1) (making gender designation optional); *see also* IDNYC, *A Tool of Empowerment* (2016) (report noting that “the card was especially designed to serve the City’s most vulnerable populations, including . . . individuals who identify as . . . gender nonconforming”).

² *See* Cal. SB-179 (2017) (amending, repealing, and adding sections to the California code to include “nonbinary” as a gender marker designation); Wash. Ann. Code § 246-490-075 (2018) (adding birth certificate designation “X” to indicate “a gender that is not exclusively male or female”); Ore. Health Auth. Form 2673 (2018) (including “X” option to indicate “Non-binary” on a corrected birth certificate).

³ Cal. SB-179 § 2(a). The legislation also included a longer discussion of the need for a “nonbinary” option:

The binary gender designations of female and male fail to adequately represent the diversity of human experience. Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant. Nonbinary gender identities have been recognized by cultures throughout history and around the world, as well as by legal systems in the United States and other countries, medical authorities, and researchers. Studies show that nonbinary people face frequent discrimination, harassment, and violence in areas of life including education, employment, health care, and law enforcement.

Cal. SB-179 § 2(d).

The NYCLU notes that, while the Bill is generally consistent with the various policies identified above, there is some variation in how different jurisdictions have implemented gender designations beyond “male” and “female.” While Oregon and Washington also use the “X” designation, for example, California uses “nonbinary,” and the City’s own IDNYC allows an individual to use no designation at all. In light of the testimony submitted today by individuals who would be affected by the Bill—in particular the testimony of nonbinary individuals and those whose gender identity is not accurately described as male or female—the NYCLU encourages the Council to engage in further discussion with as many stakeholders as possible to ensure that the final version of this Bill best reflects the input and the needs of the community.

Second, the Bill would replace the current requirement that an individual seeking to correct their birth certificate obtain supporting documentation from a physician or other licensed service provider with a straightforward self-attestation process. This change would eliminate unnecessary barriers for people who wish to correct the gender on their City-issued birth certificate—barriers that disproportionately affect low-income individuals and others who do not have ready access to physicians or other licensed providers. The self-attestation standard also properly acknowledges that New Yorkers seeking to correct the gender designation on their birth certificate are themselves fully qualified to identify their own gender, and it is consistent with the City’s gender designation policy for IDNYC identification cards. It is also consistent with analogous policies adopted by California, Oregon, Washington, and Montana.⁴

⁴ See Cal. SB-179 § 13; Wash. Ann. Code § 246-490-075; Ore. Ann. Rules § 333-011-0272; Admin. Rules of Mont. § 37.8.311(5)(a); *see also* Nev. Admin. Code 440.130 (requiring supplemental affidavit, but not requiring health care provider’s affidavit and instead allowing any person who knows the individual seeking to amend birth certificate to submit it).

More Accurate Birth Certificates Will Combat Discrimination and Harassment.

This Bill will improve the lives of New Yorkers of all genders by ensuring that more people have access to a government-issued identity document that correctly reflects their gender. In New York, birth certificates are required for, among other things: obtaining professional certifications; demonstrating work eligibility; registering for school; obtaining access to public facilities; obtaining a gun permit; and obtaining access to public benefits. For some, in particular for low-income New Yorkers, it is the only identify document available to be used when applying for job or obtaining health insurance.

In addition, having a valid birth certificate that accurately reflects one’s identifying details is often necessary in order to obtain a host of other identity documents, and presenting a birth certificate is always required in order to obtain a New York State drivers’ license or a United States passport. All of these forms of identification are then used to prove one’s identity in countless everyday situations. In order to enter most schools, for example, a parent must show identification. The same is true for visitors at many hospitals, offices, and prisons. In addition, identification cards for many medical programs—programs that provide vital care—are necessary in order to ensure full access to services.

When a person is forced to show identification bearing a gender marker that conflicts with that person’s gender identity, it not only creates confusion about whether the identification is genuine or fraudulent, it also “puts the person at risk of discrimination, harassment, and violence in nearly every aspect of daily life,” since “[u]ncorrected documents have the potential to ‘out’ a person . . . every time [that person] begins a new job, applies for housing, credit, or public benefits, goes to a bar or club, is subject to a routine traffic stop, or boards an airplane.”⁵

⁵ Harper Jean Tobin, *Fair and Accurate Identification for Transgender People*, LGBTQ Policy Journal at the Harvard Kennedy School (2011), available at <https://bit.ly/2y6jptx>.

Indeed, according to one national survey, nearly one-third (32%) of people who presented an ID document that did not match their gender identity in the course of their daily life experienced verbal harassment, were denied benefits, were asked to leave, or were assaulted as a result.⁶

Thus, unnecessary barriers that prevent New Yorkers from obtaining accurate identification documents, including corrected birth certificates, can contribute to an endless cycle of public misidentification, discrimination, and harassment. This Bill is one necessary step towards addressing and ending that cycle. While using incorrectly-gendered birth certificates can lead to accusations of fraud, harassment, discrimination, repeated outings, and denial of services, presenting a *corrected* birth certificate may make it possible for transgender, intersex, and nonbinary New Yorkers to correct a host of other forms of identification and significantly reduce the incidence of such harmful experiences in their daily lives.

Conclusion

In conclusion, we thank Speaker Johnson, the Bill's other sponsors in the Council, and the Department of Health and Mental Hygiene for their recognition of the need to address this important issue. We support the common-sense improvements the Bill proposes to bring New York City in line with other jurisdictions that have modernized their own processes for correcting a birth certificate. It is the opinion and testimony of the NYCLU that the proposed legislation is necessary, timely, and will greatly improve the City's ability to respect and safeguard the rights of its residents. This is a welcome step forward in fulfilling the City's mission to treat all New Yorkers equally, and we respectfully submit this testimony in support of the Bill to the Committee.

⁶ S.E. James, J.L. Herman, S. Rankin, M. Keisling, L. Mottet, and M. Anafi, *Executive Summary of the Report of the 2015 U.S. Transgender Survey* (2016), National Center for Transgender Equality.



Int 0954-2018
The New York City Council's Committee on Health

June 13, 2018

Meril Mousoom
Young Women's Advisory Council Member
Girls for Gender Equity

My name is Meril Mousoom, I am 14-years-old and a freshman student at Stuyvesant High School. I member of the Young Women's Advisory Council at Girls for Gender Equity. My pronouns are they/them.

Thank you for being here, for shedding light on the issues that trans and non-binary people face, for trying to edge closer to acceptance. I'm representing Girls for Gender Equity, a intergenerational, advocacy organization committed to the physical, psychological, social, and economic development of cisgender and transgender young women of color, femme people of color, and gender non- conforming people of color. We are part of the Young Women's Initiative (YWI) that was launched by the former Speaker Melissa Mark-Viverito and the New York City Council to identify the gaps in services for young women ages 12-24, with a focus on cis and trans women of color and gender non -conforming youth of color.

I'm testifying about Intro 0954, which will let individuals signify with another gender maker, "X", that is not exclusively male or female on birth certificates. I am non-binary, and I would love a law like this. If society accepted non-binary people like me on legal documents like birth certificates, then non-binary people would be recognized. With passing this bill, especially within Pride month, we could spread greater awareness about being non-binary.

For my entire life, I was confused about my identity. I knew I wasn't a girl, and I also knew that I wasn't a boy, but I didn't know what non-binary was. I had also struggled from internalized transphobia. As a result, I suffered alone and without help from anyone. My gender dysphoria affected my performance at school, caused me depression and my withdrawal from my friends and family. No one should have to go through what I did, so therefore we need a bill like this to spread greater awareness and affirmation. This bill should be passed and the media should be made aware of it. By doing so the non-binary and Trans community could know that we have the government on our side, to support us. The media should be positive, possibly with education about Trans and gender non-conforming and non-binary identities.



Having your gender recognized and respected is a human right, and nonbinary people are humans, so therefore we need to be recognized and respected. I get misgendered all the time with female pronouns, even at events that are centered around trans people and LGBTQIA. It happens in social media, even when I make sure people know my pronouns online. It has even happened in after school programming, and if we could have greater education about pronouns and gender identity that is funded and supported by the government, I wouldn't be misgendered and disrespected so much. Many of my classmates have never met anyone with they/them pronouns before, so they have no idea how to act or constantly forget. Many teachers don't teach gender identity in health, and most people don't take health until they are seniors, causing 3 whole years of misinformation and disrespect to their classmates. It's hard to be non-binary in a society that negates your existence. That is also why I am pushing for specifically the staff who are handling birth certificates to be educated around pronoun asking. Those who change their birth certificate gender, is an act of reclaiming the power that has been taken away from them by cisgender people. During this process, they should especially not be misgendered.

The "X" option that isn't exclusive to female or male should be named as non-binary, being transparent about who they are accepting, who is being helped.

So please allow for greater equality, pass this bill. I thank you for being here not just for the bill, but for the non-binary and trans community. Let our power be restored to us.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954-202 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Christina Powell

Address: _____

I represent: Girls for Gender Equity / YWAC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Sasha Alexander

Address: 147 W 24th Street

I represent: The Sylvia Rivera Law Project

Address: _____

THE COUNCIL w/ Jose Abrego
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Allison Rivard

Address: 72-24 Kissena Blvd 3F

I represent: Legal Services NYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 9754 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Donna ~~Levinson~~ Levinson

Address: 20 W 20th St. Suite 705 NY NY 10011

I represent: Transgender Legal Defense & Education Fund

Address: 20 W 20th St Suite 705 NY NY 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 954 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ashe McGovern

Address: 253 Broadway

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 954 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Gretchen Van Wye

Address: DOHMH

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 100 ^{res.} Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Freddy Molano

Address: 60 Madison Avenue, NY, NY, 10010

I represent: Community Healthcare Network

Address: 60 Madison Avenue, NY, NY 10010

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 954 Res. No. _____

in favor in opposition

Date: 6/13/2018

(PLEASE PRINT)

Name: Nala Simone Toussaint

Address: 356 W. 18th Street, New York, NY, 10011

I represent: Callen-Lorde Community Health Center

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Jose Abrigo - Keger

Address: 8900 Sutphin Blvd 5th Fl Jamaica, NY 11435

I represent: Legal Services NYC

Address: same above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 954 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Carm Davis (delivered by Kimberleigh Smith)

Address: 10 Ocean Parkway, DS Brooklyn, NY 11218

I represent: Carm Davis Consulting

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dolph W Goldenberg

Address: 20 W 20th St #705 NY NY 10011

I represent: Transgender Legal Defense and Ed Fund

Address: 20 W 20th St NY NY 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: AC DUMLAO

Address: 20 W 20th St #705 New York, NY 10011

I represent: TLDEF

Address: 20 W 20th St #705 New York, NY 10011

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 954 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alexandra Caraballo
Address: 7 Hanover Sq Fl 12 NY, NY 10004
I represent: New York Legal Assistance Group NYLAG
Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 954 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Demoya Gordon, ~~Leah A. Gordon~~
Address: 120 Wall
I represent: Lambda Legal
Address: 120 Wall

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: 6/13/18

(PLEASE PRINT)

Name: Charlie Arrowood

Address: _____

I represent: Transcend Legal

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0954 Res. No. _____

in favor in opposition

Date: JUNE 13, 2018

(PLEASE PRINT)

Name: Char Weigel

Address: _____

I represent: InterAct

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀