

I Mina'trentai Siete Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
86-37 (COR)	William A. Parkinson Roy A. B. Quinata	AN ACT TO AMEND § 3222 OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW CHAPTER 37 TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING INDIVIDUALS TO CHANGE THE LEGAL SEX DESIGNATION ON THEIR BIRTH CERTIFICATES.	3/31/23 8:35 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 86-37 (COR)

Introduced by:

William A. Parkinson 
Roy A. B. Quinata 

AN ACT TO *AMEND* § 3222 OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW CHAPTER 37 TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING INDIVIDUALS TO CHANGE THE LEGAL SEX DESIGNATION ON THEIR BIRTH CERTIFICATES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** § 3222 of Article 2, Chapter 3, Title 10, Guam Code Annotated,
3 is *amended* to read:

4 **“§ 3222. Correction and Amendment of Vital Records.**

5 (a) A certificate or record registered under this Article may be
6 amended only in accordance with this Aarticle and regulations thereunder,
7 adopted by the Department to protect the integrity and accuracy of vital
8 statistics records.

9 (b) A certificate that is amended under this Ssection *shall* be marked
10 “Amended,” except as provided in paragraphs (b) and (d) of this Ssection. The
11 date of amendment and a summary description of the evidence submitted in
12 support of the amendment *shall* be endorsed on or made a part of the record.
13 The Office of Vital Statistics *shall* prescribe by regulation the conditions
14 under which additions or minor corrections shall be made to birth certificates

1 within one (1) year after the date of birth without the certificates being
2 considered as amended.

3 (c) Upon receipt of a certified copy of a court order changing the
4 name of a person born in Guam, and upon request of such person or his/her
5 parent, guardian, or legal representative, the Office of Vital Statistics *shall*
6 amend the certificate of birth to reflect the new name. The Superior Court of
7 Guam shall seal the certified copy of the court order, the application, and the
8 original certificate. The amendment shall be registered with and become a part
9 of the original birth certificate. A certified copy of the birth certificate issued
10 to the individual shall not indicate that it has been amended, and shall be
11 issued to the individual without additional cost.

12 (d) Upon request and receipt of a sworn acknowledgement of
13 paternity of a child born out of wedlock, signed by both parents, the Guam
14 Registrar of Vital Statistics *shall* amend a certificate of birth to show such
15 paternity, if paternity is not shown on the certificate. The surname of the child
16 *shall* then be changed to that of the father, but the certificate *shall not* be
17 marked “Amended.”

18 (e) ~~Upon receipt of a sworn statement from the physician performing~~
19 ~~the surgery certifying the sex of an individual has been changed by surgical~~
20 ~~procedure, and upon written request of an individual born in Guam, the sex of~~
21 ~~the individual shall be amended on the birth certificate to reflect such change.~~
22 copy of a court order changing the legal sex of a person born in Guam, and
23 upon written request of such person, the sex of the individual shall be
24 amended on the birth certificate by the Office of Vital Statistics to reflect the
25 sex that such individual identifies. No other requirements, such as, but not
26 limited to, surgical, hormonal, or other treatment or therapy, shall be
27 conditioned upon the approval of a legal sex designation change or subsequent

1 name change application. The name of the individual may be changed as
2 provided in paragraph (c) of this Section. The Superior Court of Guam shall
3 seal the certified copy of the court order, the application, and the original
4 certificate. The amendment shall be registered with and become a part of the
5 original birth certificate. A certified copy of the birth certificate issued to the
6 individual shall not indicate that it has been amended, and shall be issued to
7 the individual without additional cost.”

8 **Section 2.** A new Chapter 37 is *added* to Title 7 of Guam Code Annotated,
9 to read:

10 **“CHAPTER 37**

11 **CHANGE OF LEGAL SEX**

12 § 37101. Jurisdiction.

13 § 37102. Petition; Contents.

14 § 37103. Hearing of the Petition.

15 § 37104. Effect of Proceedings.

16 § 37105. Combined Petitions.

17 § 37106. Copy of Decree Filed with Office of Vital Statistics.

18 **§ 37101. Jurisdiction.**

19 Petition for change of legal sex shall be heard and determined in the Superior
20 Court of Guam.

21 **§ 37102. Petition; Contents.**

22 (a) An individual, desiring to change the individual’s legal sex, may
23 file a petition in court if the individual is eighteen (18) years of age or older.

24 (b) A petition for change of legal sex shall set forth:

25 (1) the cause for which the change of legal sex is sought;

26 (2) the proposed legal sex;

1 (3) that the petitioner is not involved in a court action or
2 proceeding other than the proceeding to change the petitioner’s legal
3 sex or subsequent legal name, or if so, a description of the court action
4 or proceeding;

5 (4) that the petitioner is not on probation or parole, or that the
6 petitioner has given written notice of the petitioner’s petition for legal
7 sex change to the petitioner’s probation or parole officers;

8 (5) that the petitioner is not changing the petitioner’s legal sex
9 to avoid creditors or anyone else with a claim against the petitioner;

10 (6) that the change in legal sex will not affect any right, title,
11 or interest of anyone else; and

12 (7) that the change in legal sex is not being done for any
13 illegal, fraudulent, or otherwise wrongful purpose.

14 (c) A petition made pursuant to this Section shall be accompanied
15 by supporting documentation that is an affirmation from a physician licensed
16 to practice medicine in Guam, or an affidavit from a professional licensed to
17 practice in Guam who is a: doctoral level psychologist, Ph.D. or Psy.D., in
18 clinical or counseling psychology, clinical social worker, master social
19 worker, physician assistant, nurse practitioner, marriage and family therapist,
20 or mental health counselor. Such affirmation or affidavit shall include a
21 declaration affirming or attesting under penalty of perjury that:

22 (1) the professional is licensed and in good standing in Guam;
23 and

24 (2) in keeping with contemporary expert standards regarding
25 gender identity, the applicant’s requested correction of sex designation
26 of male or female more accurately reflects the applicant’s sex or gender
27 identity.

1 No other requirements, such as, but not limited to, surgical, hormonal,
2 or other treatment or therapy, shall be conditioned upon the approval of a legal
3 sex designation change or subsequent name change petition.

4 **§ 37103. Hearing of the Petition.**

5 The court shall schedule a hearing and may order the petitioner to provide
6 notice of the hearing to other parties with a legal interest. The court shall order a
7 change of legal sex as requested, upon proof of the assertions of the petition filed
8 under § 37102 of this Chapter. The court shall close to the public a hearing related
9 to a petition for change of legal sex upon request of the petitioner and court approval.
10 A petition for change of legal sex and any related documents filed in connection with
11 the petition shall be private records, and the disclosure of such private records shall
12 constitute an unwarranted invasion of personal privacy.

13 **§ 37104. Effect of Proceedings.**

14 A proceeding for a change of legal sex under this Chapter shall not affect a
15 pending legal action, pending proceeding, right, title, or interest.

16 **§ 37105. Combined Petitions.**

17 A petition for a change of legal sex under this Chapter and a petition for a
18 change of name under Chapter 36 of this Title may be combined into a single
19 petition.

20 **§ 37106. Copy of Decree Filed with Office of Vital Statistics.**

21 A certified copy of the decree of the court changing the legal sex of a person
22 shall, within thirty (30) days from the date of such decree, be filed with the Office
23 of Vital Statistics, Department of Public Health and Social Services.”

24 **Section 3.** The Department of Public Health and Social Services and the
25 Superior Court of Guam shall prescribe all necessary applications, petitions, or
26 forms, as specified in Section 1 and Section 2 of this Act, within ninety (90) days
27 after enactment.