

Judicial Declaration of Gender Identity (Part 2): Judicial Declaration of Gender Identity of a Minor

Hi. I'm Jay. My pronouns are they and she. I am here to help you understand how to request a judicial declaration of gender identity for your minor child. The process I'm going to talk about applies to your child if they were born in or live in the State of Maryland. Please keep in mind, that only a parent, guardian, or custodian can make this request.

So, let's get started. What is a judicial declaration of gender identity?

CHAPTER HEADING: JUDICIAL DECLARATION OF GENDER IDENTITY

A judicial declaration of gender identity is a court order stating your child's gender marker or sex designation. You might need a court order to update or correct their gender marker on documents with certain agencies or organizations. I should mention that you don't necessarily need a court order to update your child's gender marker with all agencies. For example, both the Social Security Administration and the Maryland Motor Vehicle Administration have a process to update markers. So does the Maryland Division of Vital Records, which can issue a new birth certificate. But if you do need a court order, you'll have to file a petition.

CHAPTER HEADING: PETITION

There is a form you can use, called the Petition for Judicial Declaration of Gender Identity of a Minor, With or Without a Name Change. It's Form CC-DR-121. Your petition needs to include information about the child and their parents, guardians, and custodians. It also should indicate whether any one speaks a language other than English. If you have any documentation that supports your request, attach it to the petition. This might include records from your child's healthcare provider or documents that reflect the sex designation you want the court to recognize.

Your petition can also include a request to change your child's name. If you are requesting this, you'll need to provide the child's current legal name and a list of any former names. Attach a document that shows your child's current legal name, like a birth certificate, driver's license, or passport.

The petition needs to include the reason for your request and explain why a judicial declaration of gender identity is in the child's best interest. In other words, explain why the court order is important and how it will affect them. It cannot be for any illegal or fraudulent reason. You'll also need to attach any written consents to your request.

Let's move on and talk about consents.

CHAPTER HEADING: CONSENTS

This process is easier when everyone consents or agrees in writing to the judicial declaration. Parents, guardians, and custodians can use Form CC-DR-123. If the child is at least ten years old, they can consent using Form CC-DR-124. If they are under age ten, you'll need to indicate in the petition whether the child agrees or disagrees with the request. If they are not able to give a preference, just say so. Attach any written consents to the petition.

If your petition also includes a request to change the child's name, keep in mind that parents, guardians, custodians, or your child may consent to one request but not the other. For example, a parent may consent to the declaration of gender identity but not to changing the child's name. That's okay. The court will hold a hearing and decide what's best.

The next step, is to file the petition.

CHAPTER HEADING: FILE THE PETITION

Once your petition is ready to go, the next step is to file it along with the attachments in a Maryland circuit court. Each county and Baltimore City have one. You can file the petition in the court where the child lives or where they were born. It can also be filed where any of the child's parents, guardians, or custodians live. There is a filing fee, but you may be eligible for a waiver based on your income. Visit mdcourts.gov/feewaiver to learn more. After you file, what's next?

CHAPTER HEADING: WHAT'S NEXT?

If your petition includes all written consents, and you completed all steps properly, a judge can sign an order declaring your child's gender identity and changing their name, if that was requested. The court can also hold a hearing if it has questions about the petition. Don't worry, the court will not deny your petition without a hearing.

However, if the written consent of a parent, guardian, or custodian is not included with the petition, the court will issue a notice. You must provide the notice, your petition, and the attachments to anyone who hasn't consented through a formal process called service. Learn more about this at mdcourts.gov/ccservice. Once someone is served, they have 30 days to file their written consent or objection. They can use Form CC-DR-063. Watch part 3 to learn what happens if someone files an objection.

If the court has questions or if anyone has filed an objection, the court will hold a hearing. By the way, if your petition includes a request to change the child's name, the court might consider that request separately. You should also be aware, that the court can order what is called a specific issue evaluation.

CHAPTER HEADING: SPECIFIC ISSUE EVALUATION

A specific issue evaluation is a focused investigation performed by a licensed professional such as a social worker or psychologist. The purpose of the evaluation is to provide the court with information to help it decide if your request is in the child's best interest. You will have an opportunity to review the evaluator's report and challenge it. It is best to talk to a lawyer if you disagree with the report. I know this might sound like a lot, but the point of the evaluation is to help the court make the right decision for your child.

Let's move on and talk for a minute about what happens next.

If the court decides that a judicial declaration of gender identity is in the best interest of your child, it will issue an order. You may receive a certified copy by mail. If not, you will need to contact the clerk's office to get copies. You can use the order to update your child's driver's license, birth certificate, passport, or other identity documents. It can also be used to update their information with the Social Security Administration or other agencies and institutions.

Before you go, let me mention one last thing.

CHAPTER HEADING: ONE LAST THING

A court order declaring your child's gender identity, with or without a name change, has no effect on the legal rights or obligations of parents, guardians, or custodians. In other words, the order does not alter any obligation to care for a child or pay child support. It also does not affect custody rights, which are sometimes referred to as parenting time and decision-making authority.

I hope this video has been helpful. If you need more information, visit mdcourts.gov/genderidentity. Thanks for watching.