



**COMMENTS OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2227, H.D. 1, S.D. 1, RELATING TO BIRTH CERTIFICATES.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND LABOR AND ON WAYS AND MEANS

DATE: Tuesday, April 3, 2012

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 016

COMMENTS

TESTIFIER(S): **WRITTEN COMMENTS ONLY.** For more information, call
Jill T. Nagamine, Deputy Attorney General (587-3050)

Chairs Hee and Ige and Members of the Committees:

The Department of the Attorney General has concerns about this draft of the bill.

This bill would amend section 338-17.7, Hawaii Revised Statutes (HRS), which provides methods to establish new birth certificates. Currently the law allows the Department of Health (DOH) to establish a new birth certificate to reflect changes to paternity, adoption, name changes, or for law enforcement purposes. It also allows for changes to the sex designation of the birth registrant when a physician provides an affidavit that the sex designation was incorrect at birth, or when the birth registrant has undergone a sex change operation. This bill would broaden the allowable methods to change the sex designation on birth certificates.

The current draft of the bill would allow for a change of sex designation on a birth certificate in situations where a sex change operation did not occur, upon the request of the birth registrant and a statement from the birth registrant's physician. While the Department of the Attorney General does not oppose broadening the scope of the law to allow changes to the sex designation without surgical interventions, we do have concerns about the reliability of making such a change to a birth record in non-surgical cases without requiring a court order. Therefore, we have attached a proposed new draft of the bill that would address our concerns. This draft has been reviewed and approved by some of the stakeholders.

Our proposed draft would:

(1) Require the physician's affidavit for changes to birth certificates based on incorrect designation or sex change operations to be from a Hawaii-licensed primary care physician or a

physician licensed in the United States who specializes in gender identity or gender reassignment;

(2) Broaden current law to allow for changes to sex designation in non-surgical cases (hormonal or other appropriate treatment) by a Hawaii court order. Such a court order shall establish that there is medical evidence from the person's Hawaii-licensed personal physician, or a physician licensed in the United States who specializes in gender identity or gender reassignment, containing support for a finding that the birth registrant has undergone hormonal or other appropriate treatment for the purpose of gender transition, and in the opinion of that physician the birth registrant's gender should be changed;

(3) Emphasize that amended birth certificates shall not reveal that there was a change.

In addition to our concerns about the reliability of changing sex designation without a court order in those cases without surgical intervention, we have strong opposition to allowing original sealed records to be opened without a court order.

At page 4, line 18, of the H.D. 1, S.D. 1, there is a provision that would allow sealed records to be opened at the request of the birth registrant. Currently, section 338-17.7, HRS, provides for the Department of Health, upon establishing a new birth certificate, to seal original birth records and evidence supporting a change in those records. The sealed records and evidence cannot be opened except by order of a court of record.

Because section 338-17.7, HRS, includes changes not only to those birth records that were changed based on gender redesignation, but also to those records that were changed subsequent to adoption, there might be some constitutional concerns with unsealing records that were intended to be kept confidential. Without allowing some provision to remain in the law that gives natural parents who desire confidentiality that option, the bill may violate the right to informational privacy afforded by article 1, section 6, of the Hawaii Constitution.

Article I, section 6, of the Hawaii Constitution provides: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right." In Brende v. Hara, 113 Haw. 424, 153 P.3d 1109 (Haw. 2007), the Hawaii Supreme Court upheld a petitioner's right to privacy in her medical records that had been used for litigation purposes. In applying article I, section 6, the Supreme Court stated:

As previously noted article I, section 6 provides in part that "[t]he right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest."

[T]he [article I, section 6] right of privacy encompasses the common law right of privacy or tort privacy. This is a recognition that the dissemination of private and personal matters, be it true, embarrassing or not, can cause mental pain and distress far greater than bodily injury. For example, the right can be used to protect an individual from invasion of [the individual's] private affairs, public disclosure of embarrassing facts, and publicity placing the individual in a false light. In short, this right of privacy includes the right of an individual to tell the world to "mind your own business."

Brende v. Hara, 113 Haw. 424, 430, 153 P.3d 1109, 1115 (2007) (quoting 1978 Constitutional Convention standing committee report).

While it is not clear that the Hawaii Supreme Court would rule the same way regarding confidentiality of adoption information as it has relating to medical records, it seems likely. To overcome the constitutional right to informational privacy, the State must be able to show a compelling state interest. Brende v. Hara, 113 Haw. at 430, 153 P.2d at 1115. If there is no compelling state interest in denying privacy to natural parents who seek it, then there must be a provision in the law that allows natural parents a way of maintaining confidentiality.

The attached proposed draft addresses the problem by eliminating the provision that would allow for sealed birth records to be unsealed at the request of the birth registrant.

If the Committees decide to pass this measure, we respectfully request that it make the amendments in our proposed S.D. 2.



PRIDE@WORK
Hawai'i

Lesbian, Gay, Bisexual, and Transgender Workers and Allies

April 3, 2012

To:

Senate Committee on Judiciary and Labor
Sen. Clayton Hee, Chair
Sen. Maile Shimabukuro, Vice Chair

Senate Committee on Ways and Means
Sen. David Ige, Chair
Sen. Michelle Kidani, Vice Chair

Re: Testimony in STRONG SUPPORT of HB 2227 SD1 relating to birth certificates

Pride At Work Hawai'i, an affiliate of the Hawai'i State AFL-CIO which works to mobilize lesbian, gay, bisexual, and transgender (LGBT) workers and their supporters for full equality and to build mutual support between the labor movement and the LGBT community, strongly supports HB 2227 SD1, which would expand the reasons to change gender on state birth certificates.

Current state law requires that a doctor certify that someone has undergone sex reassignment surgery in order to change gender on a birth certificate. However, surgery can be prohibitively expensive (and, like other transgender-related treatments, is not covered by Hawai'i health insurance plans), and many people who live as a different gender than their birth certificates show do not want or shouldn't have surgery. Having an important government document like a birth certificate showing a different gender than how a person lives can create many problems, especially as governments and employers require identification for many purposes. Without the consistent identification (whether on drivers licenses, birth certificates, or passports) that many non-transgender people take for granted, it can be embarrassing - if not impossible - to travel, open a bank account, or apply for a job. It can also create many difficulties when dealing with government agencies and law enforcement.

This bill, by adding "hormonal or other treatment appropriate for that individual for the purpose of gender transition" to surgery as the allowable requirements to get a new birth certificate with a new gender designation, is an important step toward full inclusiveness for transgender and gender-nonconforming people, as is language requiring the State to seal the original birth certificate and not allow the new document to show that it is a replacement.

We strongly urge you to stand up for equality, dignity and fair treatment for all by supporting this bill.

PRIDE AT WORK HAWAII'I advocates for full equality and inclusiveness - in our workplaces and our unions - for LGBT workers and our families, and builds solidarity between the Labor movement and the LGBT community.

PO Box 22416 Honolulu, HI 96822 (808) 543-6054 prideatworkhawaii@hawaiiantel.net www.prideatworkhawaii.org



LETTER TESTIMONY

Committee: Committee on Judiciary & Labor
Committee on Ways and Means
Hearing Date/Time: Tuesday, April 3, 2012, 10:30 a.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Strong Support of H.B. 2227, H.D. 1, S.D. 1, Relating to Birth Certificates

Dear Chairs Hee and Ige and Members of the Committees on Judiciary & Labor and Ways & Means:

The ACLU of Hawaii strongly supports H.B. 2227, H.D.2, S.D.1 and thanks this committee for the opportunity to present testimony today regarding proposed amendments that will eliminate barriers to the issuance of new birth certificates for transgender persons.

H.B. 2227, HD1 seeks to modernize and simplify Hawaii law with regard to the process to amend the “M” or “F” designation on birth certificates¹ and will require only minimal administrative costs.

The ACLU of Hawaii has been working with Department of Health representatives to address their concerns with the process that this bill seeks to amend. Given that we have the same goals, we are confident that we will be able to come to a mutually agreeable resolution.

Current law presents numerous barriers to transgender individuals who seek to correct the sex designation on his/her birth certificates, including requiring that transgender individuals undergo costly and potentially dangerous surgical procedures without regard for whether that person wants or has any medical need for the surgeries.

A birth certificate is a vital document needed to obtain identification such as a driver's license or passport, to prove eligibility for employment, and to apply for many types of social services. Transgender persons face serious obstacles in accessing these necessary identity documents without a birth certificate that accurately reflects their current sex/gender. Incorrect sex/gender

¹ The ACLU of Hawaii defers to the Department of Health's preference to use the term "sex designation" in this legislation to refer to the "M" or "F" designation on identification documents, rather than the term "gender marker," which is also popularly used to refer to the "M" or "F" designation on identification documents. H.B. 2227 does not seek to make a scientific distinction between "sex" and "gender"; it seeks only to improve the process whereby a person amends the "M" or "F" designation on a birth certificate.

American Civil Liberties Union of Hawaii
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Hon. Sens. Hee and Ige, Chairs, JDL/WAM Committees
and Members Thereof

April 3, 2012

Page 2 of 3

identification may lead to bias, harassment, or discrimination, and makes it more difficult for government officials or agencies to accurately identify transgender people.

For transgender individuals, identification documents can frequently function as a kind of scarlet letter, with the “F” or “M” designation contradicting the individual’s appearance and expressed sex/gender identity and outing him or her as a transgender individual. Transgender individuals may have trouble even cashing a check at the bank if the sex/gender displayed on their driver’s license does not reflect their appearance. Law enforcement is impeded too when individuals’ identification documents fail to reflect their appearance and lived sex/gender.

National survey data from the World Professional Association for Transgender Health indicate that transgender people who are unable to obtain sex/gender-congruent identity documents are less likely to be employed and more likely to face discrimination in employment and housing. Transgender people commonly report experiencing harassment (40%) and being asked to leave a place of business (15%) as a result of showing identification that does not match their lived sex/gender, and significant numbers have also experienced physical violence as a result. Transgender people of color experience these adverse outcomes at substantially higher rates.

Accordingly, the American Medical Association advises that “transgender persons should have access to identity documents consistent with their gender identity and expression,” and recommends that “those permanently socially transitioned to another gender role” not be made to “involuntarily disclose their status as transgender.” The American Association of Motor Vehicle Administrators has also endorsed policies that would permit transgender drivers to obtain sex/gender-congruent driver’s licenses without proof of surgery.

H.B. 2227 conforms Hawaii’s laws to those set by the United States Department of State for federal birth certificates given to U.S. citizens born outside of the U.S. (known as Consular Reports of Birth Abroad) as well as for gender marker changes on U.S. passports. In addition, a growing number of states have stopped requiring surgery for changing the gender marker on a driver’s license.

Policies that follow these best practices are easy to understand and administer, ensure consistency in application, and most importantly, eliminate needless and harmful barriers for transgender people. Identification that reflects an individual’s lived sex/gender will also make it easier for law enforcement, customs, and other officials to quickly and accurately identify individuals in the course of their daily business.

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Hon. Sens. Hee and Ige, Chairs, JDL/WAM Committees
and Members Thereof
April 3, 2012
Page 3 of 3

Hawaii counties will soon consider similar changes to county ordinances that regulate the process to amend the sex designation on driver's licenses. We anticipate that those amendments will be heard in public hearing soon. Amending these laws and ordinances through the legislative and administrative hearing processes will avoid litigation like that recent brought in Alaska and Illinois by ACLU affiliates.²

With the increasing demand for identification since September 11, 2001, it is particularly important that transgender persons have access to accurate identity documents. Without accurate identification, transgender persons have limited ability to work, vote, travel, enter buildings, or otherwise participate fully in society. Transgender people need birth certificates that accurately indicate their true sex/gender and reflect the individualized nature of transgender health care and experience.

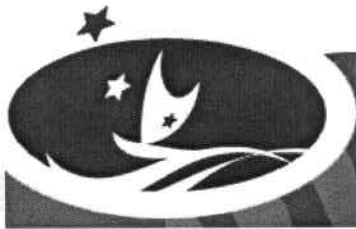
The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Sincerely,

Laurie A. Temple
Staff Attorney

² See <http://www.aclu.org/lgbt-rights/alaska-requirements-correcting-transgender-drivers-licenses-are-unconstitutional-says> and <http://www.aclu-il.org/grey-v-arnold22/>.

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WOMEN'S CAUCUS

DEMOCRATIC PARTY OF HAWAII

April 3, 2012

To: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair and
Members of the Committee on Judiciary and Labor

To: Senator Davide Ige, Chair
Senator Michelle Kidani, Vice Chair and
Members of the Committee on Ways and Means

From: Jeanne Ohta, Co-Chair, Hawai'i State Democratic Women's Caucus

RE: HB 2227 HD1 SD1 Relating to Birth Certificates
Hearing: April 3, 2012, 10:30 a.m., Room 016

Position: Support

The Hawai'i State Democratic Women's Caucus writes in support of HB 2227 HD1 SD1 Relating to Birth Certificates. This measure would streamline current law regarding how people born in Hawai'i can receive an updated birth certificate.

It would allow people to use a simplified process that requires medical certification from a physician that the individual has undergone appropriate treatment for them to obtain a new birth certificate to reflect their gender. This change conforms Hawai'i's standards to the standards set by the United States Department of State for federal birth certificates given to U.S. citizens born outside of the U.S. (known as Consular Reports of Birth Abroad) as well as gender marker changes on U.S. passports. It would also ensure that medical privacy is respected.

For transgender people, recognition of their gender is a matter of basic human dignity. They need identification that represents who they are. Nationally, individuals who showed ID in their daily life that did not match their gender presentation, 40% reported being harassed, 3% reported being assaulted, and 15% reported being denied entry or asked to leave.

Hawai'i has long had a law that allows people to obtain a new birth certificate reflecting who they truly are. Unfortunately this law contains procedural barriers that make the process onerous and confusing, and it has become out-of-date with current medical standards relating to transgender people. This bill would alleviate the confusion around what needs to be shown to update one's birth certificate, while also updating the medical requirements as well. In so doing, the bill should also reduce the anxiety - and real danger - that transgender people face when they have identity documents that do not reflect who they are.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus supports this measure. We respectfully ask the committee to pass it out.



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

March 16, 2012

Testimony in Support: HB 2227 HD1 SD1

To: Chair Clayton Hee, Vice Chair Maile Shimabukuro, and Members of the Senate Committee on Judiciary and Labor
Chair David Ige, Vice Chair Michelle Kidani, and Members of the Senate Committee on Ways and Means

From: Katie Reardon Polidoro, Director of Government Relations & Public Affairs

Re: Testimony in Support of HB 2227 HD1 SD1, Relating to Birth Certificates

Planned Parenthood of Hawaii (PPHI) supports HB 2227 HD1 SD1, which streamlines the process for individuals to change their birth certificates to reflect their true gender and removes burdensome medical requirements.

We have a core set of beliefs at PPHI, and among them is the belief that the free and joyous expression of one's own sexuality is central to being fully human. The ability to express one's gender without fear is crucial to every person's well being. In 2011, in recognition of the need for quality and reliable health care for transgendered individuals, PPHI will begin providing transgender health care services at our Honolulu Health Center. It is our goal to expand these services to all of our health centers in the near future. We provide safe and compassionate preventive healthcare and screenings as well as hormone therapy.

Currently, the requirements for changing the gender on one's birth certificate include medical sex reassignment procedure. This requirement is outdated and unnecessary. Transgendered individuals opt out of sex reassignment surgery for many reasons. For many, the cost of surgery is prohibitive. Others choose not to have surgery for more personal reasons. Especially in Hawaii, transgendered individuals have great difficulty in finding affordable and safe medical care. The current requirements are a significant barrier for transgendered people to obtain birth certificates and other identifying documents that accurately reflect who they are. Therefore, PPHI encourages this committee to pass HB 2227 HD1 SD1. Thank you.

Honolulu Health Center

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Kailua Kona Health Center

75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center

140 Ho'ohana Street, Suite 303
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(A Maui United Way Agency)

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY AND LABOR

Sen. Clayton Hee, Chair

Sen. Maile Shimabukuro, Vice Chair

COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Tuesday, April 3, 2012

10:30 a.m.

Room 016

STRONG SUPPORT FOR HB 2227 HD1, SD1 - BIRTH CERTIFICATES

Aloha Chairs Hee and Ige, Vice Chairs Shimabukuro and Kidani and Members of the Committees!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in strong support of this measure that provides birth certificates for persons who have undergone a gender transition.

Mahalo for hearing this bill and for your anticipated thoughtful deliberation and passage of this civil rights measure.

Transgender persons face numerous obstacles in their daily lives such as obtaining licenses, accessing social services, even cashing checks at banks, etc.

For those who come in contact with the criminal justice system contact is complicated by the lack of a birth certificate reflecting their lived gender. Incarceration is difficult for all persons, and especially so for a transgender person when there is no clear protocol as to what facility would be appropriate in which to house the person.

We have been aware of many cases where a transgender person was placed in a facility according to the original birth certificate, not their lived gender, and because of this has been placed in harm's way.

National survey data from the World Professional Association for Transgender Health¹ indicate that transgender persons who are unable to obtain gender-congruent identity documents are less likely to be employed and more likely to face discrimination in employment and housing.

Forty percent (40%) of transgender persons report experiencing harassment and fifteen percent (15%) report being asked to leave a place of business as a result of showing identification that does not match their lived gender. Significant numbers of transgender persons have also experienced physical violence.

Transgender people of color experience these adverse outcomes at substantially higher rates.

The American Medical Association advises that *“transgender persons should have access to identity documents consistent with their gender identity and expression,”* and recommends that *“those permanently socially transitioned to another gender role”* not be made to *“involuntarily disclose their status as transgender.”*

The American Association of Motor Vehicle Administrators has also endorsed policies that would permit transgender drivers to obtain gender-congruent driver’s licenses without proof of surgery.

We are happy that Department of Health and ACLU were able to work together on this bill during the Health Committee hearing.

We respectfully request that a reasonable effective date be inserted into this measure so that all citizens of Hawai`i can enjoy life, liberty and the pursuit of happiness enshrined in our Constitution.

Community Alliance on Prisons urges the committee to pass SB 2227 SD1.

Mahalo for this opportunity to testify on this important bill.

¹ www.wpath.org/



Committee: Committee on Judiciary & Labor
Committee on Ways and Means

Hearing Date/Time/Place:

Tuesday, April 3, 2012, 10:30 a.m. in Room 016

Re: *Testimony in Support of H.B. 2227, H.D.1, S.D.1, Relating to Birth Certificates*

Dear Chair Hee and Chair Ige and Members of the above-referenced Committees:

The Gay Lesbian Bisexual and Transgender Caucus strongly supports H.B. 2227, H.D.2, S.D.1. H.B. 2227, HD1 seeks to modernize and simplify Hawaii law with regard to the process to amend the "M" or "F" designation on birth certificates, and will require only minimal administrative costs.

The ACLU of Hawaii has been working with Department of Health representatives to address their concerns. Apparently the Department of Health prefers the term "sex designation" when referring to the "M" or "F" designation on identification documents, rather than the term "gender marker". The Gay Lesbian Bisexual and Transgender Caucus has no preference as to which term is used, so procedurally it will undoubtedly be simpler to use the designation preferred by the Department.

H.B. 2227 seeks to improve the process whereby a person amends the "M" or "F" designation on a birth certificate. What term is used for that designation is of no consequence.

The current law presents numerous barriers to transgender individuals who seek to change the sex designation on a birth certificate. For example, it requires transgender individuals to undergo costly and potentially dangerous surgical procedures simply to change their designation.

It is important to be able to change one's birth certificate, because the birth certificate is a vital document to obtain identification, e.g., driver's license or passport. The birth certificate is also used to prove eligibility for employment and to apply for many types of social services.

Transgender persons face serious obstacles in obtaining these documents without a birth certificate that accurately reflects their current sex/gender.

Sincerely,
Jo-Ann M. Adams, Chair



Holly J. Huber

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TO: Senate Committees on Ways & Means and Judiciary & Labor
Hearing on April 3rd in room 16 @ 10:30 AM

FROM: Holly J. Huber

DATE: April 3, 2012

RE: In support of HB2227 HD1 SD1
Relating to Birth Certificates

I support HB2227 HD1 SD1 and urge you to pass this important civil rights measure.

Those in opposition would have you believe this bill promotes deception; that transgender people are out to trick people into accepting them. These arguments are ridiculous and offensive; they are based in ignorance and bigotry.

Please vote in favor of social justice and HB2227 HD1 SD1.

April 2, 2012

Testimony in Support of HB2227 SD1 Relating to Birth Certificates
Hawaii Senate Judiciary & Labor; Ways & Means Committee Hearing
Tuesday, April 3, 2012

Testifying in Support of HB2227 SD1

To Senate Judiciary & Labor Chair Hee, Vice Chair Shimabukuro and Committee Members:
To Senate Ways & Means Chair Ige, Vice Chair Kidani and Committee Members:

My name is Gene Corpuz and I am testifying in strong support of HB2227, relating to birth certificates.

I support this bill because it would remove the unfair requirements that transgender individuals face when they attempt to change the gender designation on his or her birth certificate.

This bill acknowledges that gender identity is not limited in scope to a surgical sex change by adding "hormonal and other treatment appropriate for the individual for the purpose of gender transition." Many transgender individuals do not obtain the sexual reassignment surgery for financial, health or other reasons. This bill would still require doctor certification.

HB2227 will give transgender individuals more control over their own personal and private legal information so that they can live full productive lives according to their core gender identity. This will eliminate the embarrassment of having a birth certificate that reflects an incorrect gender identity when applying for a job, seeking health care and pursuing other personal business. For example, beginning last month, you needed additional forms of documentation to renew your driver's license such as a birth certificate or current passport. The gender designation on these documents should correspond to the transgender individual's gender identity.

I'm a member of Dignity Honolulu, the local chapter of Dignity USA, an organization for LGBT Catholics. This organization supports transgender people and has demonstrated that with the formation of the Transgender Caucus in 2009 and support for the Transgender Day of Remembrance.

I respectfully request that this committee pass HB2227 SD1

Sincerely,

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YWCA Laniākea
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April 2, 2012

TESTIMONY OF YWCA OF O'AHU
TO SENATE COMMITTEE ON JUDICIARY & LABOR/ WAYS AND MEANS
TUESDAY, APRIL 3, 2012, 10:30 A.M., CONFERENCE ROOM 016

TESTIMONY IN SUPPORT OF HB 2227, HD 2, SD1 Relating to Birth Certificates
New birth certificates for transgender individuals

Dear Chair Hee, Vice Chair Shimabukuro, Chair Ige, Vice Chair Kidani, and members of the committees:

YWCA of O'ahu is a membership organization supporting more than 2,500 women and girls through housing, economic self-sufficiency, professional development and health and wellness. Founded in 1900, it is the oldest and largest women's association in Hawai'i, whose advocacy positions rest on: racial justice and civil rights, health and safety, and economic advancement for women and girls.

On behalf of the YWCA and our 2,500 members, I would like to submit this testimony in **strong support for HB2227, HD2 SD1** which would amend HRS 338-17.7 by allowing for the establishment of new birth certificates for transgender individuals.

The current policy bars many transgender people from getting the documents that they need to participate in society. HB 2227 attempts to modernize HRS 338-17.7 and recognize the need for transgender individuals to live their lives in their new gender. Further, this bill makes it more accessible for transgender individuals to request a new birth certificate by allowing an individual to request one from the Department of Health rather than petitioning a court to order the change.

People need or may need birth certificates needed to prove eligibility to work when starting a new job, to get certifications in some professions, to obtain identification like driver's licenses and passports, and to qualify for certain programs and services. Having a birth certificate that shows inaccurate gender can make doing these things difficult or impossible. When transgender people show a certificate with a gender other than the one they currently live in, they are often accused of fraud, turned away, or harassed, attacked, humiliated, or discriminated against because of our gender. Even in the best case scenarios, they face embarrassment, confusion and delays in processing their paperwork. This bill will help to alleviate the harassment and discrimination that transgender people face in these embarrassing situations.

Thank you for allowing me to submit my testimony in **strong support of HB2227, HD2 SD1**. *Please pass this important bill.*

Respectfully,
Carmille Lim
Development & Advocacy Manager

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 02, 2012 1:56 PM
To: JDLTestimony
Cc: jbsestak@prodigy.net
Subject: Testimony for HB2227 on 4/3/2012 10:30:00 AM

Testimony for JDL/WAM 4/3/2012 10:30:00 AM HB2227

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Betty Sestak
Organization: AAUW Windward
E-mail: jbsestak@prodigy.net
Submitted on: 4/2/2012

Comments:
Still makes sense and helps avoid discrimination.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 02, 2012 3:57 PM
To: JDLTestimony
Cc: jadamsesq@aol.com
Subject: Testimony for HB2227 on 4/3/2012 10:30:00 AM

LALIE TESTIMONY

Testimony for JDL/WAM 4/3/2012 10:30:00 AM HB2227

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Jo-Ann M. Adams
Organization: GLBT Caucus of the Democratic Party
E-mail: jadamsesq@aol.com
Submitted on: 4/2/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 02, 2012 5:43 PM
To: JDLTestimony
Cc: stephanie.f.mikhail@gmail.com
Subject: Testimony for HB2227 on 4/3/2012 10:30:00 AM

LIVE TESTIMONY

Testimony for JDL/WAM 4/3/2012 10:30:00 AM HB2227

Conference room: 016
Testifier position: **Support**
Testifier will be present: No
Submitted by: **Stephanie Mikhail**
Organization: Individual
E-mail: stephanie.f.mikhail@gmail.com
Submitted on: 4/2/2012

Comments:

I've written twice before in support of this bill. This is very important to me, because it will make my life and the lives of those like me more normal. This allows us to live our lives without having to "out" ourselves constantly when doing life's administrative work. This is a way for us to keep our private medical decisions private, because the decision to have sex reassignment surgery is one which is not right for every transgender individual because of a multitude of medical, personal, and/or financial reasons.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 02, 2012 5:53 PM
To: JDLEstimony
Cc: morganthursday@yahoo.com
Subject: Testimony for HB2227 on 4/3/2012 10:30:00 AM
Attachments: BirthCertTestimony.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for JDL/WAM 4/3/2012 10:30:00 AM HB2227

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Mary Morgan Evans
Organization: Individual
E-mail: morganthursday@yahoo.com
Submitted on: 4/2/2012

Comments:

I am strongly in support of increasing the ability for transgendered and gender non-conforming individuals to choose the gender designation on their birth certificates. It unnecessarily complicates life for everyone in the community not to allow individuals to designate their gender.