

December 12, 2013

Senator Joseph Vitale
Chair of Health, Human Services, and Senior Citizens
c/o Senate Democratic Office
Post Office Box 900
Trenton, NJ 08625-0090

Re: Senate Bill 2786 (Vitale)

From: Carol Watchler, Co-Chair, GLSEN Central New Jersey

Thank you for the opportunity to present a statement in support of New Jersey Senate Bill 2786, which will ease the process for making a change on one's birth certificate to align the designated sex with the gender identity of a person. I am speaking as the Co-chair of the Central New Jersey Chapter of GLSEN, the Gay, Lesbian & Straight Education Network, which strives to ensure that all persons are treated equitably and with respect regardless of sexual orientation and gender identity or expression.

A person's gender identity is a core part of one's being. For a person to be able to show legal documents to verify their gender identity is both personally validating and critically important in a wide number of practical situations. New Jersey's current law requiring a person to have undergone sex reassignment surgery to receive an updated birth certificate is out of step with current medical understanding that allows for a broad range of steps and may not ever, for a particular person, culminate in surgical changes. Youth in particular are burdened by the requirement for sex reassignment surgery.

The proposed amendment in this legislation that removes the requirement for sex reassignment surgery before a person is able to update their birth certificate is a much needed modification of the law. This new statute will allow for a change in the indicated sex for people who identify with a gender different from that on their original birth certificate in ways that overcome previous barriers.

GLSEN Central New Jersey focuses on K-12 schools and is concerned for the needs of youth and of adults in the school community. One high school student, who identifies as transgender, expressed relief when learning about the amendments to the current law. To him, it just seemed sensible as he explained, "A few years back, I met a transgender activist who explained to us his life story. Although he hadn't had any sex reassignment surgery, the 'M' was marked on his license. I feel that a person should not need to be postoperative to be legally acknowledged as how to express their gender. In my opinion, it shouldn't be determined based on your physical or biological appearance, rather your mental expression."

Here are some examples of the ways that persons are affected when documents are not in alignment with gender identity:

In one situation, school staff members told of a student who participated in a drama production at school and requested that their new name, aligned with their gender identity and presentation, be used in the program booklet. The school's response was that any official document related to the school must indicate the person's legal name and denied the student's request. Since the student was known to all in that school community by the name consistent with their gender presentation, this decision by the district to use the birth name had the effect of "outing" this young transgender person and leaving the person at risk for misunderstanding and harassment, as well as anxiety about problems that would arise at the time when the school would issue a diploma at graduation.

School staff members who must travel to meet the requirements on the job are also affected. One such person recounted that not having a driver's license with the sex aligned with that person's gender presentation caused risk to their employment. Law enforcement personnel unfortunately used the driver's license discrepancy to harass and charge the person with traffic violations suggesting that the person was using a fraudulent license. Not being able to drive without fear of losing the license was paralyzing to the person, who had to leave that job. Though currently a person can obtain a change on a driver's license, it would be much easier to do this if one's birth certificate showed the person's true gender identity.

In these and many other day-to-day practical situations, it will be possible for a person to follow the law with the amendments that are being proposed to avoid not only embarrassment and harassment, but also, unnecessary interactions with law enforcement, and ease in registering school and employment documents.

We at GLSEN Central New Jersey strongly support the proposed amendments and urge you to pass S2786 out of this committee as well as work toward passage on the Senate floor and enactment as law.