I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 291-34 (COR) As amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **December 17, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**		✓				
Senator FRANK B. **AGUON, JR.**		✓				
Senator William M. **CASTRO**	✓	II				
Senator James V. **ESPALDON**		III ✓				
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**		III ✓				
Senator Louise B. **MUÑA**					✓	✓
Senator Telena Cruz **NELSON**		✓				
Senator Dennis G. **RODRIGUEZ, Jr.**	✓	I				
Senator Joe S. San **AGUSTIN**		✓				
Senator Michael F.Q. **SAN NICOLAS**	✓					
Acting Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**		III ✓				
TOTAL:	**6**	**7**			**1**	**1**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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2018 (SECOND) Regular Session

Bill No. 291-34 (COR)
As amended on the Floor.

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Introduced by: Fernando Barcinas Esteves

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

"**§ 3222. Correction and Amendment of Vital Records.**

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

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

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

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

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

(e) Upon receipt of a copy of a court order changing the legal sex of a person born in Guam, and upon written request of such person, the sex of the individual *shall* be amended on the birth certificate by the Office of Vital Statistics to reflect the sex that such individual identifies. No other requirements, such as, but not limited to, surgical, hormonal, or other treatment or therapy, shall be conditioned upon the approval of a legal sex designation change or subsequent name change application. The name of the individual may be changed as provided in paragraph (c) of this Section. The Superior Court of Guam *shall* seal the certified copy of the court order, the application, and the original certificate. The amendment *shall* be registered

with and become a part of the original birth certificate. A certified copy of the birth certificate issued to the individual *shall not* indicate that it has been amended, and *shall* be issued to the individual without additional cost."

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

"**CHAPTER 37**

CHANGE OF LEGAL SEX

§ 37101. Jurisdiction.

§ 37102. Petition; Contents.

§ 37103. Hearing of the Petition.

§ 37104. Effect of Proceedings.

§ 37105. Combined Petitions.

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

§ 37101. Jurisdiction.

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

§ 37102. Petition; Contents.

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

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

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

(2) the proposed legal sex;

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

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

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

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

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

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

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

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

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

§ 37103. Hearing of the Petition.

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

§ 37104. Effect of Proceedings.

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

§ 37105. Combined Petitions.

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

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

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

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