

Good afternoon, Madam Chair and members of the committee.

My name is Jamie Gentry Cunningham and this is my daughter Gavi. Gavi's dad, her twin brother Keller, and I live in Broomfield. I am a colorado native and I can't think of another place I would rather raise my kids than here. My daughter Gavi is transgender. This, however, does not define her and is only one small part of who she is...she is beautiful, talented, smart, artistic, kind, and the bravest person I know. I'm here to show support for, and urge you to vote yes on House Bill 19-1039.

Gavi Jo was born Gavin Gregory. At around 2 1/2, despite being surrounded by hot wheels and superheroes, Gavi started asking for barbies and princess dolls. In preschool, she loved dressing up in princess gowns and playing dolls with her girlfriends. I remember the first time she dressed up for halloween at school, and how we "compromised" on a crayon costume because I knew it was a crayon, and she thought it was a dress--to this day we call it "the crayon compromise". For the next 3 years, she was persistent and insistent and finally told me "mom, inside I don't feel like a boy. I'm a girl. I have always been a girl." The summer of 2016, she decided she was going to go back to school as who she really was...a girl. So far, Gavi has had a good school experience. She has a lot of friends, and is doing great academically. I am not naive to the fact that my daughters life will at times be challenging, but these challenges will never be harder than making her live a life that is unauthentic.

If this bill passes, it will make the process less burdensome for transgender coloradans, like my daughter, to update the gender on their birth certificate. It will match our state's laws with current federal policy for updating federal documents. A couple of months ago, we obtained her updated social security card, and passport, along with obtaining her legal name change. The updated gender on her birth certificate is the last step in the process of affording my daughter the basic human right of an affirmed identity, which is the least that this beautiful human, and others like her, deserve.

Thank you so much for your time and for listening to my family's story, and I hope for a yes vote on House Bill 19-1039.

Jamie, Jamie, Gavi & Keller Cunningham
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Good afternoon. My name is Tracy and my youngest daughter, Tenzin, is like a lot of girls. She participates in Girl Scouts, loves acting and science.. But unlike many girls, Tenzin is transgender. At age 3, she found the words to tell me what I already had sensed for a while, that she was a girl. And every day since, she has asserted her identity in different ways. Dressed as a princess, Tenzin would wake me up asking if I wanted to build a snowman and she still draws herself with long hair and wearing a pink dress. Tenzin just needed a space where she was acknowledged as her authentic self. As simple as that.

So, after many visits with a gender-specialist, the psychologist affirmed what we knew – Tenzin was really a girl. She picked out new clothes and we started using female pronouns. We let the school know and to our surprise and relief, we were able to change the gender marker in the school system with great ease. Since then, she has flourished. We have it lucky at this point - her school, our family and our friends are all supportive. Still, it's not all easy. Her privacy and sense of autonomy is being threatened already.

As an American citizen, under federal law, Tenzin was able to change her gender marker on her passport easily as well. Her doctor, citing professional standing and having a qualified opinion, affirmed that Tenzin is female. But since she was born in Colorado, under current law, she will be viewed as male unless, as an adult, she has a very expensive and dangerous surgery. Because of her age, she will not even have that option for a decade plus.

Here's the point: it's her body. She has a right to privacy. She shouldn't be forced by the State to alter it in any way. She will have to share her gender status, something that is personal, private medical information, at every turn. From entering a new school & taking exams, to getting a driver's license or a job, one's gender marker is highlighted. It should be consistent one's sense of self and with federal guidelines.

Colorado's current law is burdensome: financially, legally, physically and emotionally. It threatens her privacy, her opportunities and her safety. It puts my daughter in a legal limbo and she deserves a legal remedy. This is your chance towards making it right.

I understand that this topic is new to many folks. Five years ago, I knew little about the term 'transgender' or about challenges for transgender people...but these folks are our friends, family, neighbors and coworkers. That said, I respectfully ask you to vote YES on House Bill 1039.

Tracy Selph
9107 W 11th Ave
Lakewood, CO 80215

Dear Chair Lee and Senate committee.

My name is Tenzin. Over time I have realized who I am... And at 8 years old, I am a strong beautiful young woman with a powerful voice. I am here today to tell you that if you know anybody that has the first certificate wrong, but if you have a child or basically anyone, and they should have the ability to be who they really are. This testimony has gone on five years straight. The House committee has already agreed to this matter. Everyone deserves equal rights no matter the color of their skin or their gender or their appearance, or physical ability. Just know that you are you. You are beautiful and brave.

Thank you.

TS

9107 w 11th Ave

Lakewood, CO 80215

My name is Suzanne Opp and my address is 2807 Haystack Road, Castle Rock, CO 80104. I am the parent of a transgender daughter.

My daughter came to me two years ago with the profound realization that for her to live authentically, it would be as a woman. Knowing how difficult it would be to undertake this transition didn't change the fact and understanding she truly identifies as female, even though her birth certificate, childhood history and young adulthood said otherwise.

When she expressed this realization and acknowledgement, our family began to have a cascade of insight and desire to gain congruency in all parts of her life. And so, we embarked upon the work to change her social security card, driver's license and other documents that would align with her identification on a daily basis.

However, I was shocked and dismayed to find that updating the Birth Certificate to match the other documents, was dependent on medical verification of gender confirmation surgery. It is absolutely outrageous my daughter (or anyone's child) should suffer this invasion of privacy OR face the withholding of a document that accurately reflects who she is. This intensely private information should NOT be between her and the court, but between her and her medical team, who has the training and qualifications to help guide her.

Good afternoon, chair Senator Lee and committee members.

I come from a conservative background as a Lutheran who grew up in conservative Utah. My conservative LDS wife and I have been married for 30 years and we have three adult kids. On moving to "crazy liberal Boulder" we were shocked at the LGBT community there and chose to live in more conservative Longmont. It blew our minds when we found out that our youngest was transgender -- something like most of you we knew nothing about. We learned being transgender is not a choice and the medical community agrees that supporting her gender identity is critical for her ongoing health. HB19-1039 help ensures that she won't be discriminated against for being transgender by having "amended" marked on her birth certificate.

I've told my story for the past four years to advocate for this bill. I'm going to concentrate on what NOT passing this bill has done for my daughter. Her identity documentation is inconsistent. Her proper gender is recorded on her passport, social security card, and Colorado driver license. But, incorrect on her birth certificate. As a result of that anytime her birth certificate is shown -- it will out her as transgender and subject her to the discrimination that is shown to transgender people in employment and housing. Even with recent changes in policy it will still be marked as amended so she is still subject to discrimination whenever her birth certificate is given out to employers or others.

So not passing this bill hurts my child. Please vote yes on passing HB19-1039. It will help my daughter and other transgender Coloradan's without harming anyone. HB19-1039 is not simply a liberal democrat bill -- it serves ALL transgender Coloradoan's and their families whether they are democrat, republican, liberal or conservative -- and does nothing to hurt any Coloradan.

Erik Kluzek
2213 Jewel Street
Longmont CO 80501 (303)859-0183

Good afternoon, I am here to speak in favor of HB 19-1039. My name is Meredith Phillips, although my legal name is Robinson Phillips. I am currently undergoing fingerprint background checks with both the FBI and CBI to satisfy the requirements for a court ordered name change, after which I will be beginning the process of obtaining a new Driver's License, notifying all of my financial institutions, updating my educational credentials, employment history and birth certificate.

I mention this to emphasize the extensive bureaucratic process that transgender persons such as myself are required to go through, on top of the enormous personal and social challenges that come with changing one's assigned gender. While some of these steps are necessary safeguards against confusion and fraud, the provision under question today is not one of them.

Under Colorado Revised Statutes 25-2-115 (4), the only way I can amend my birth certificate to reflect my gender is to undergo a surgical procedure, namely sex reassignment surgery, or SRS. The state is essentially requiring me to undergo surgery just to update a single piece of paper. I can think of no compelling reason why the State of Colorado needs to be updated on the status of my genitals. The bill before you still requires that a medical professional concur with the change in birth certificate, however it leaves the choice of appropriate treatment where it belongs; with the patient and their doctor.

Not every transgender person is interested in or even eligible to undergo SRS. What we are interested in, however, is official recognition of our preferred gender. This bill expedites that process, and eliminates an unnecessarily mandatory surgery. I urge you to vote in favor of HB 1039 and eliminate the state's overreach into private matters.

Meredith Phillips
14006 E. Stanford Circle, Unit K6
Aurora, CO 80015

Dear Madam/Sir of the Judiciary Committee,

Thank you for giving me an opportunity to share my story today. I want to first thank everyone who has worked so hard on this bill. It's difficult to convey how much your hard work means to me. Thank you.

I am a 30 year old transgender man. I was born in Aurora in 1988, and I grew up in Lakewood. Colorado is a beautiful state that I am proud to call home.

I started living my life as a transgender man in my teens. For 15 years now, I've been successfully existing as the man I was born.

I've never been able to receive a birth certificate that reflects this though. I'm asking you to consider the possibilities in my life that could be opened if I had a birth document that is congruent with my identity.

I have never had the financial capability to afford the surgeries required by the state to update my birth certificate, and I don't suspect I ever will.

Everyday people take something as benign as a birth certificate for granted, but I've spent 15 years just wishing mine would disappear. It grieves me that such a harmless act, as having congruent documents, would be a major hurdle for transgender people.

I look forward to a time when we can treat people different from ourselves with the love, compassion, and understanding that we ourselves wish for. I hope today that this committee steps forward in creating that world.

Lukas William O'Byrne
6355 West Mississippi Place
Lakewood, CO, 80232
303-995-7417

Good afternoon,

My name is Rev. Morgan Caruthers Fletcher and I'm a pastor at Calvary Baptist Church of Denver and a member of Interfaith Alliance of Colorado. I am sharing my support of HB 1039, Jude's Law, because gender has been shown to be fluid & non-binary. I believe all of us are made in the image of God and are called Beloveds, which includes the full spectrum of gender identity.

Allowing a person who was born a gender they do not identify with to correct their birth certificate and other necessary IDs is not a matter of logistics but a matter of human dignity and justice. If our identifying documents do not match our gender identity folx are put in harm's way as they can be harassed, agitated, or even cause physical harmed if their presenting identity does not match their ID. This bill would allow folx to have the red tape of their document identification to be removed and live a bit more freely in their true identity. While this bill does not reduce all of the risk our transgender neighbors will face in our society it will allow them the human dignity of having their documents to reflect who they are, without the requirement of gender reassignment surgery. This also an economic justice bill as it does not require expensive surgery to allow ones IDs to reflect who they truly are.

I ask of this committee to pass Jude's Law for the human dignity of all persons to have their documents truthfully identify them as the gender identity they know themselves to be. Thank you for your time.

Morgan Caruthers Fletcher
2285 West Gill Place
Denver CO 80223

My name is Jennifer Molde, my pronouns are she, her, and hers. I am an out and proud transgender woman from Louisville, Colorado. I am the peer facilitator coordinator for the Boulder County Gender Support Group.

As part of my transition I navigated the name change procedure in Colorado about five years ago. Filing for a name change is an intimidating process that involves interacting with people at agencies and in the court system who are not necessarily friendly to transgender folks. One of the most intimidating steps in the current process is publishing your name change in a local paper.

Publication on three consecutive days in the Boulder Daily Camera cost me \$75 five years ago. My partner just changed their name last week and publication cost \$150. As a consequence of this publication I was contacted by a reporter doing a story on people who had changed their name. Not every transgender Coloradan wants that kind of public attention and that attention can be dangerous for many. In my role with the Boulder County Gender Support Group I have spoken with hundreds of transgender Coloradans. Many have family or acquaintances that are hostile to their gender transition and could potentially cause them harm if they see the name change notice. In addition there are people who just have hatred towards transgender people who might target one of us for violence after seeing the public notice.

House Bill 1039 will remove the publication requirement for transgender Coloradans changing their name which will improve the safety and privacy of a population that faces the potential for hate and violence on a daily basis. I urge the Senate to pass this bill to help protect transgender Coloradans.

Jennifer Molde
855 W Dillon Rd. Apt. B104
Louisville, CO 80027

To the Senate Committee

I am testifying my support for HB1039. As a professional who works with the transgender community, I know how important this bill is to my community. HB1039 will eliminate barriers our community members face when updating their identity documents and ease the unnecessary burdens placed on transgender people. It will allow them to better engage in professional and civic life and relieve some of the stress so many of my community members face.

In my work with the transgender community, numerous community members come to me about the challenges they have faced updating their gender markers and names. They have talked about the difficulties in meeting many of the requirements for updating their birth certificates and names. Some community members, because of health or financial concerns, are unable to meet the unnecessary surgery requirements for updating their birth certificates. Others live out of state and unable to meet the outdated and complicated requirements. I have had many members express concerns about the potential for harassment which can come from the publication requirements for name changes. And there are community members for which need more accurate gender options to represent their identities and experiences. Not having access to accurate identity documentation places barriers to their ability to work, find housing, and navigate their day-to-day lives free of harassment. In addition, the requirement to publish name changes puts anyone updating their name information at risk for harassment.

And as someone who have navigated many of these systems myself, I can also personally say HB1039 will have an enormous positive impact on the lives of Coloradans throughout the state, freeing them of unnecessary burdens placed upon them.

I hope you will take this an opportunity to empower Coloradans with the ability to attest for themselves who they are and engage fully in everything our state has to offer.

Sable Schultz, MA
(she, her, hers pronouns)
Transgender Program Manager
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HB18-1039– Support Testimony - Issuance of a New Birth Certificate with a Gender Designation

My name is Amanda Gonzalez, and I am the executive director of Colorado Common Cause, a nonpartisan, nonprofit organization that works for open, honest, and accountable government and makes sure our democracy is fair and accessible by empowering everyday people to have their voices heard.

Colorado Common Cause supports House Bill 1039, the 2019 Birth Certificate Modernization Act, and urges the committee to pass it today. It is vital that individuals have clear and convenient access to elections in Colorado, and to have that, they must have clear and conveniently accessible documentation that reflects their identity.

In Colorado, we rightly allow an individual to vote using a broad array of identifications including a driver's license, the last four digits of a social security number, a U.S. military I.D. card, a student I.D. with photograph, a current bank statement that has name and address, and more. With that said, driver's licenses and birth certificates are among the most common used to vote. If someone is unable to conveniently obtain government documents that reflect their identity, then it is just as likely that they will not be able to conveniently vote—which is foundational to belonging and participating in the public life of our country. Otherwise, we may deter people from voting, and that is simply unacceptable.

It is also important that the election process is as accurate as possible. To maintain faith in our electoral system, people should have access to required government documents that accurately reflect their identity. Without that access, the voting system is just one that can suffer.

Ultimately, there is no reason for an existing birth certificate to be amended rather than issuing a new one. Having to present an amended certificate may be a barrier to some individuals and may cause confusion with election staff who are unfamiliar with it. It is time to change that provision.

Thank you for your allowing my to testimony to be included today.

Amanda Gonzalez
Executive Director

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RIGHTS
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Senate Judiciary Committee
Colorado Capitol Building
200 East Colfax Avenue
Denver, CO 80203

March 4, 2019

Re: SUPPORT for CO HB 1039, Testimony from the Human Rights Campaign in support of the bill to modernize the gender marker update process for birth certificates

Dear Chairperson Lee and Members of the Committee:

The Human Rights Campaign (HRC), on behalf of its more than 162,000 members and supporters in Colorado, thanks you for considering HB 1039, a vital measure that will ensure that transgender people are able to change their birth certificates to reflect their correct name and gender without unnecessarily expensive and invasive obstacles. We urge you to pass this important legislation.

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ citizens and realize a nation that achieves fundamental fairness and equality for all. As an advocate of equal rights for all members of the LGBTQ community, HRC believes that transgender, gender non-conforming, and non-binary people should be able to receive accurate identification and documentation that reflects who they truly are.

Current state law makes it difficult and expensive for transgender people to update their birth certificate because it requires them to undergo surgery, and even then only providing an amended document. However, based on current medical understanding of transgender people, an individualized course of care for gender transition is recommended.¹ Even among those for whom surgery is appropriate, many cannot receive it because such care is not covered by their insurance, there may be no appropriate providers, or they have a medical condition that prevents them from undergoing these medical procedures. Additionally, the current law only allows individuals to update the gender marker on their birth certificate to either "male" or "female." Many non-binary individuals do not identify as exclusively male or female and are therefore unable to select a gender marker that accurately reflects their identity. Nationally, only 11% of transgender and non-binary people have been able to update all their identification documents and records, including birth certificates, to reflect their appropriate name and gender.²

¹ Coleman, E., et al. "Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7." *International Journal of Transgenderism*, 13:165-232, 2011. Available at http://www.wpath.org/uploaded_files/140/files/IJT%20SOC.%20V7.pdf

² James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality Available at <http://www.ustranssurvey.org/report>.

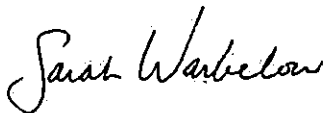
HB 1039 would instead allow a transgender person to submit a sworn statement verifying that the person's birth certificate does not align with their gender identity. This procedure would simplify the process of updating records and comply with the best understanding of transgender health care. Additionally, this bill allows for the selection of a third gender marker option, which would allow non-binary individuals to have their gender accurately reflected on their birth certificates. Furthermore, HB 1039 would allow transgender and non-binary individuals to receive newly issued birth certificates that do not indicate that their name or gender marker has been amended, which will help ensure their privacy.

Transgender and non-binary people with incongruent identity documents frequently experience violence and discrimination. For example, the U.S. Transgender Survey found that nearly one-third (32%) of transgender and non-binary people with incongruent documents were verbally harassed, denied benefits or service, asked to leave, or assaulted.³ Furthermore, identity documents are required by employers for payroll purposes, and incongruent documents can lead to a transgender employee being "outed" at work, which may result in discrimination. Incongruent documents can also cause unnecessary expense or suspicion by the government when dealing with a person who has unmatched documents.

The current statute in Colorado is outdated and inadequate when compared to more modern, streamlined policies followed by the U.S. Department of State,⁴ the Social Security Administration⁵ and the various states that have updated their laws in the past few years.⁶ The technical changes in this legislation will modernize state law and standardize a necessary government function in a simple way that is consumer friendly, concise, and professional.

Thank you for allowing us to provide testimony in support of this important legislation to improve the lives of transgender, non-binary, and gender non-conforming citizens in Colorado.

Sincerely,



Sarah Warbelow
Legal Director
Human Rights Campaign

³ See Footnote 2.

⁴ U.S. Dept. of State, Foreign Affairs Manual, vol. 9 (2011). 7 FAM 1300 Appendix M, Gender Change. Available at <http://www.state.gov/documents/organization/143160.pdf>

⁵ U.S. Social Security Administration. RM 10212.200 Changing Numident Data for Reasons other than Name Change (2013). Available at <https://secure.ssa.gov/poms.nsf/lnx/0110212200>.

⁶ 19 states plus DC have statewide laws or policies that facilitate gender marker change on birth certificates or driver's licenses. See Warbelow, Sarah, Cathryn Oakley, and Collen Kutney. *2018 State Equality Index*. Washington, DC: Human Rights Campaign Foundation. Available at www.hrc.org/SEI.