

## TESTIMONY IN OPPOSITION TO HB 17-1122



Mr. Chair and members of the committee, Good afternoon. My name is Stephanie C. and I am here representing Family Policy Alliance. Family Policy Alliance is a Colorado Springs-based national organization that works collaboratively with 40 state-based family policy groups across the nation and we are opposed to HB 1122.

Birth certificates are not only an official government-issued record but a reliable historical and genealogical record that establishes the identity of a child as a unique individual by attesting to facts involving that child's birth. Facts such as the given name of the child, the child's place of birth, age, and finally sex.

The birth certificate is generally not subject to scrutiny and is what the Office of Inspector General refers to as a "breeder document". A "breeder document" is a source document used to obtain other forms of official documentation. Documentation such as Social Security Cards, Colorado Driver's License, and government passports. Birth certificates can also be used as proof of citizenship, to register for schools, and bestow rights of marriage, employment, and adoption.<sup>1</sup> All of these documents vest rights and responsibilities to an individual and are presumed to be valid and accurate.

Because the birth certificate is such an important original breeder document identifying and vesting rights within an individual, Family Policy Alliance strongly opposes HB 1122 for three reasons:

**FIRST –Security.**

This bill would allow an *original* birth certificate to be issued based upon a written request and doctor's note. As it stands now, the law issues an *amended* birth certificate based on two court orders. The Office of Inspector General cites that 85-90% of birth certificate fraud . . . is the result of *genuine birth certificates held by imposters*—the most difficult fraud to detect.<sup>2</sup> [emphasis original]. "[V]irtually all

<sup>1</sup> Social Security Administration <https://www.ssa.gov/ssnumber/ss5doc.htm>; CO Required Documents for State I.D. <https://www.ssa.gov/ssnumber/ss5doc.htm>; Breeder documents can also be used for "resident status, Social Security benefits, loans, and other government aid, including Temporary Assistance to Needy Families, Food Stamps, and Medicaid." Office of Inspector General. p. 3 <https://oig.hhs.gov/oei/reports/oei-07-99-00570.pdf>

<sup>2</sup> Birth Certificate Fraud <https://oig.hhs.gov/oei/reports/oei-07-99-00570.pdf>

... fraudulent birth certificates are used as 'breeder documents' to obtain genuine documents needed to create new identities. . . ."<sup>3</sup> The proposed law would simply allow any individual to request a change without verifying their identity and this compromises the security of such an important breeder document.<sup>4</sup>

#### SECOND- Accuracy.

This new law would erase all record that sex on a birth certificate has been amended. It allows the new birth certificate to *supersede* and *become* the original birth certificate.

These proposed changes could affect state organizations that keep accurate birth and death records, organizations that keep vital statistics, scientific research, and law enforcement. This new bill could even erase DNA links to an individual prior to their changed gender.<sup>5</sup> For example, if a male commits a crime and proceeds to request a gender change you now have law enforcement officials that have profiled and may be searching for a male, while that individual is living as female with an official and original birth record clearly identifying a "female."<sup>6</sup>

The point is birth certificates are intended to be an accurate state record establishing the identity of a single individual and the language of the new bill compromises that accuracy.

#### THIRD –Vagueness.

The vague language of the bill allows for possible abuse.

As drafted, the bill does not make clear how many times one can request a change

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<sup>3</sup> Id.

<sup>4</sup> "False identifications is a major factor in crime, and that most, if not all, Federal fugitives and drug trafficking crimes are associated with false identification." Office of Inspector General Id. p. i

<sup>5</sup> "The simplest thing DNA can tell you is whether someone is male or female."

<https://www.theguardian.com/science/2008/apr/27/genetics.cancer>

<sup>6</sup> "...criminal[s] use [ ] fraudulent birth certificates to evade law enforcement for crimes already committed, [to] commit bank or credit card fraud, or obtain services and benefits for which individuals were not entitled." Id. p. 6

in gender correction. For example: what if a parent successfully requests a change on behalf of their minor child, and the child who becomes an adult, then requests a change back to their birth sex? Is that acceptable? How many times can an individual seek a new and original birth certificate under this bill?

Yet, the proposed law would simply allow any individual to request a change without verifying their identity; and since there seems to be no limit on how many times an individual can request a change, a robust fraudulent scheme could involve repeated changes in the gender on a birth certificate without any official record of how many times that certificate has been changed and no verification on who is truly requesting those changes.

In closing, Family Policy Alliance is strongly opposed to HB 1122 because the security, accuracy, and integrity of an original and official breeder document is at stake. Thank you for your time and the opportunity to testify today.