



The Association of the Bar of the City of New York

Committee on Lesbian Gay Bisexual and Transgender Rights

July 25, 2005

Dr. Steven Schwartz, PhD.
The City of New York Dept. of Health
125 Worth Street, Room 144
New York, NY 10013-4090

Dear Dr. Schwartz:

The Association of the Bar of the City of New York writes this letter in full support of the Bureau of Vital Statistics' initiation of a process to improve its policy regarding the requirements for changing one's birth certificate sex, and to urge the Department of Health to adopt a standard that allows for the applicant's medical providers to make the determination of when sex-reassignment care is completed, rather than focusing on specific procedures.

The current policy regarding changing one's sex designation on a birth certificate is outdated and does not conform to current legal and medical standards for recognizing gender transitions. We wish to extend our appreciation for your willingness to take into consideration the concerns of legal and medical professionals concerned with the equitable treatment of transgender people. We understand that you have assembled an expert panel to work on the new policy for birth certificate sex designation change. In addition to this panel, we at the Association of the Bar of the City of New York want to support the suggestion that current legal understandings of a fully transitioned transgender person do not require genital reconstruction; on the contrary, the New York Department of Motor Vehicles and policies in other states support the idea that a gender transition is completed when the individual and his or her medical provider determine it completed.

We urge the Department of Health to adopt a policy that recognizes individually-tailored transition plans, based on a number of different individualized determinations. Specifically, we believe the Bureau of Vital Statistics should allow a change in the sex designation on the birth certificates of transgender individuals when they have completed the necessary treatment for their transition to the corrected gender as verified by their medical providers. This policy would result in

LISA R. BADNER
CO-CHAIR
40 RECTOR STREET, 14TH FLOOR
NEW YORK, NY 10006
(212) 788-8644
Fax: (212) 788-8652
lbadner@eepc.nyc.gov

CHRISTOPHER J. COLLINS
CO-CHAIR
1585 BROADWAY
NEW YORK, NY 10036-8299
(212) 969-3961
Fax: (212) 969-2900
chriscollinsny@yahoo.com

DANIEL R. RENEHAN
SECRETARY
120 EAST 4TH STREET, 4C
NEW YORK, NY 10003
(212) 777-4379
Fax: (212) 214-0975
drehan@earthlink.net

a more accurate reflection of transgender people's experiences regardless of their medical decisions about gender reconstructive procedures. It is important to understand that the vast majority of female-to-male transsexuals do not undergo phallosplasty largely due to its prohibitive cost and medical risks. To institute a birth certificate policy that required genital reconstructive surgery would deny the vast majority of transgender men the ability to obtain a birth certificate which matches their corrected gender.

The Association of the Bar of the City of New York has a long-standing commitment to full equality under the law for lesbian, gay, bisexual, and transgender individuals. We urge the Department of Health to adopt a new policy that will provide an important opportunity for transgender people who have completed their transitions to appropriately document their gender. This is essential for the full realization of their legal rights on an equal basis with all other New Yorkers.

Sincerely,

Committee on Lesbian, Gay, Bisexual and Transgender Rights,
The Association of the Bar of the City of New York

Bcc: Aliza Akhtar
Assistant to the General Counsel
Association of the Bar of the City of New York
42 W 44th Street
New York, NY 10036