

Salt Lake Tribune, UT, USA

Friday, February 2, 2018

Bill proposes statewide policy for transgender people in Utah seeking to change their legal gender designation

By Lee Davidson

Some Utah judges now grant applications to people who seek to legally change their gender designation, but others refuse all requests. A bill unveiled Thursday would clearly allow judges to grant such applications — if petitioners meet some basic standards.

It comes as the Utah Supreme Court is [already considering a case](#) on whether current law allows granting such petitions.

“Right now judges are forced to legislate from the bench because I believe the Legislature has failed in its duty” to outline how and when gender-switch petitions should be granted, said Sen. Todd Weiler, R-Woods Cross, sponsor of [SB138](#).

He said a Utah law on the books since the 1950s has allowed people to petition for legal name and gender changes.

“I doubt that was originally intended for transgender, but that’s how it’s being used,” he said. “Some judges are denying them. Some are granting them.”

Weiler, an attorney, adds, “There’s actually no guidance on what factors to consider to get a petition. So whether you are for or against this issue, you should be for the Legislature saying ... these are what factors you should be looking at.”

The new bill would allow gender-change petitions as long as the petitioner is not on probation or parole; is not seeking the change to avoid creditors or others with claims against him or her; is not doing so for any fraudulent motive; and has been a resident of the county for a year.

It requires a hearing and a petition outlining the reasons for the requested change. It says judges may grant the application if he or she finds there “exists proper cause for granting the change of legal gender.”

Weiler said he is not requiring sex-change surgery or other such steps as a precursor to someone obtaining a change of gender designation, and would allow people to choose the gender with which they identify.

Sen. Jim Dabakis, D-Salt Lake City, the only openly gay member of the Legislature, said the one goal he hopes lawmakers will seek with such legislation is “to treat people as human

beings.... People ought to be given the human right to make that choice about what their gender is. It shouldn't be made by others.”

The bill comes as Angie Rice and Sean Childers-Gray have appealed to the Utah Supreme Court a refusal by a 2nd District judge to grant a legal change in gender. He said current law did not give him the power to do so. The high court heard arguments last month in that case.

Weiler said his bill is not trying to tell justices how to rule, and his bill should not affect the outcome because it would not be retroactive.

<https://www.sltrib.com/news/politics/2018/02/01/bill-proposes-statewide-policy-for-transgender-people-in-utah-to-change-their-legal-gender-designation/>