

WAC 246-490-075 Changing sex designation on a birth certificate.

(1) For the purposes of this section:

(a) "Adult" means a person who is at least eighteen years of age, or is an emancipated minor under chapter 13.64 RCW.

(b) "Minor" means a person under the age of eighteen years of age, but not an emancipated minor under chapter 13.64 RCW.

(c) "X" means a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgagender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, nonbinary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified.

(2) Only an adult, or an adult through a guardian appointed pursuant to chapter 11.92 RCW, may apply to change sex designation on a birth certificate for oneself.

(3) Only the parent or legal guardian of a minor may apply to change sex designation on the minor's birth certificate.

(4) To change sex designation on a birth certificate, an adult, or parent or legal guardian of a minor, must submit to the department a completed, signed, and dated application provided by the state registrar that includes, at a minimum, the following information for the person named on the birth certificate:

(a) Full name listed on the birth certificate;

(b) Date of birth;

(c) Place of birth;

(d) Mother or parent's full name listed on the birth certificate;

(e) Father or parent's full name listed on the birth certificate, if it appears on the record;

(f) Contact information;

(g) Sex designation requested (male, female, or X); and

(h) Other information requested by the state registrar.

(5) If an adult, or parent or legal guardian, cannot provide the information in subsection (4) of this section due to special circumstances; the adult, or parent or legal guardian, must submit a written explanation of the circumstances to the state registrar. The department may change the sex designation on the birth certificate if, in the state registrar's judgment, these circumstances prevent the adult, or parent or legal guardian, from knowing one or more of the required items.

(6) The sex designation change application of an adult must be notarized and signed under penalty of perjury pursuant to chapter 9A.72 RCW.

(7) The sex designation change application of a minor must include a signed statement by the minor's licensed health care provider attesting that:

(a) The minor identified on the application is under the care of the provider; and

(b) The provider has determined the request to change sex designation on the birth certificate is consistent with the minor's identity.

(8) Only licensed health care providers whose scope of practice allows for attestation of a sex designation change may provide this attestation.

[Statutory Authority: RCW 43.70.150 and 43.70.160. WSR 18-02-048, § 246-490-075, filed 12/27/17, effective 1/27/18.]