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SB93 VITAL RECORDS MODIFICATIONS

To Whom It May Concern:

My name is Dr. Colleen M. Kuhn, I am a clinical child and adolescent psychologist who specializes in sexual and gender related issues of children, adolescents, and young adults. I am a full member of the World Professional Association of Transgender Health, and I have been a board member of the LGBTQ Affirmative Psychotherapists Guild of Utah since 2016. I am writing to express my concerns regarding SB93, which would bar transgender minors in Utah from correcting gender markers on their birth certificates. I am writing in my personal capacity as a practitioner with over a decade of experience in treating this population. The views expressed here are my own and not those of any organization.

8.5 x 11 made from cellulose fibers from trees. Red, orange, yellow, green, blue, purple, black, brown, light blue, pink, white. An airplane, bags, bowls, origami, cards, books, ornaments, baskets, the possibilities are endless with some glue and creativity. It carries words such as doctorate, licensed, deed, trust, medical record, law, offender, marriage, divorce, hello, goodbye, I'm sorry. What does a piece of paper mean to you? For transgender and gender expansive youth, a birth certificate means acceptance, inclusivity, safety, love, affirmation, solace, confidence, support, worthiness, identity, alive. Undoubtedly, millions of pieces of paper are used a year. Why are we placing our concerns on a few of those pieces that bring hope to so many of our most vulnerable youth.

There is a plethora of research to demonstrate the life-saving mental health benefits of permitting transgender youth to obtain corrected birth certificates. Barring youth from updating the gender marker on their birth certificates to align with their authentic gender self and presentation puts them at risk of very serious harms. Research shows that youth who are referred to by their chosen names have 65% fewer suicide attempts, 34% fewer reported thoughts of suicide, and 71% fewer symptoms of depression (Russell et al. 2018). Having a legal transition is a protective factor for emotional well-being, mental health, and overall functioning (Vance, 2018). For adults, obtaining a corrected birth certificate is associated with "significantly lower odds of experiencing emotionally upsetting responses due to gender-based mistreatment," such as depression, anxiety, somatization, and global psychiatric distress (Restar et al. 2020). It is only natural that those under 18 will reap these benefits as well.

Transgender youth who wanted to update their vital records but were not able to do so showed an increased risk of attempting suicide in the last year (DeChants et al. 2022). Conversely, adults who have had a legal transition had lower suicidal ideation, suicide planning, and pervasiveness of serious psychological distress (Scheim, 2020). DeBois et al. (2018) found that the more inclusive transgender policies a state had (ability to correct gender on personal documentations, parenting rights, protection of sexual and gender minority youth) the fewer poor mental health days transgender adults had in the last 30 days.

Our name and gender marker follow us all day long in multiple systems. Teenagers experience obtaining their driver's license as a rite of passage. They want to take a picture and share their achievement with their friends. Transgender youth who have not had a legal transition are not afforded this celebration with their friends. Moreover, they experience increased anxiety when thinking about what might happen if they have an interaction with the police and their gender expression doesn't match their state issued identification cards. Having to explain this difference and having to out themselves, possibly in front of friends who do not know they are transgender, is terrifying. They fear prejudice and intolerance from law enforcement; the state of Utah has the opportunity to assuage this fear.

Fear is also felt when showing up for a doctor's appointment. Imagine front desk staff referring to a teenaged transgender boy in the waiting room by a female name or pronouns. While you sheepishly walk towards the front desk everyone is staring at you. Your gender expression is masculine, yet everyone heard you addressed as female. Being outed like this is crushing, yet avoidable. Not all medical facilities have integrated electronic medical records systems that allow providers to include a child's chosen name in their records. Consequently, legal names have been used at appointments. Understandably, this is a traumatic event for transgender youth. Furthermore, when one is admitted to the hospital one is required to wear a hospital band that identifies their legal name and sex. The overt discrimination felt by transgender youth when this happens is substantial and harmful. It is not enough to wear long sleeves and not look at the hospital band. They know what it says, and it weighs heavily on them.

The school setting poses many risks to the mental health of gender expansive youth. Their names are used across many platforms from emails to rosters, birthday lists to computer screens, and Canvas to the school photographer's list. Students have ID badges and are required to show their identification in classes. TGE students have the ability to formally change their name at school; however, this seemingly easy process of completing a name change form is far from the sort. Time and time again TGE students complete the form only to find out that only one office list has been updated but their name hasn't been updated anywhere else. They are repeatedly misgendered and referred to by their legal name from unknowing school staff and substitute teachers. They are outed every time this happens and unnecessarily are feeling rejected, discouraged, and alienated. Inevitably, multiple phone calls and emails from the student and their parents are required to engage the school enough to make all the necessary changes, often taking several months. Meanwhile, LGBTQ youth who found their school to be LGBTQ- affirming reported lower rates of

attempting suicide (The Trevor Project 2022). Consistently, Pollitt et al. (2021) found that chosen name use at school predicted greater self-esteem and lower depressive symptoms.

Practically, TGE youth intentionally hold their thumb over their legal name on credit cards to prevent friends from seeing it. They try to distract their friends when they have to show their ID to enter school for a dance. At work they are forced to out themselves, as they have to use a legal name to earn wages. Chosen name use in the work place predicted greater self-esteem and lower depressive symptoms and suicidal ideation (Pollitt et al., 2021). Similarly, travel is another experience that proves emotionally harmful for transgender youth. They experience increased anxiety at flying and having to state their legal name out loud when they go through security. Risking someone overhearing them and being outed is a deterrent to flying and prevents transgender youth from visiting loved ones.

Having a legal transition allows transgender youth to be seen, and to have dignity and self-worth. A legal transition is an important step for these young people in their medically-prescribed transition and towards being fully and completely affirmed in their gender identity. This alignment of documents and identity are a protective factor of their mental health and decreases the occurrences of being misgendered (Hunter, J., 2021).

Of critical importance, permitting transgender youth to correct their birth certificates protects them from unintentional disclosures of their transgender identity. Having gender dysphoria is a medical condition. No child should be forced to give up their dignity and privacy by being forced to disclose such a sensitive medical issue against their will. And yet this is exactly what this bill will do.

In sum, evidenced-based research underscores the need for legal protections for our transgender youth to protect their medical privacy, their safety, and their health and well-being. Parents/legal guardians and mental and medical health providers in conjunction with guardian ad litem and attorneys are the individuals to decide what is best for our youth, not legislatures.

Some legislators have voiced concerns that a transgender youth may later wish to resume living as their birth sex. This is exceedingly rare, occurring in less than one percent of cases (Bustos, V.P., 2021). Even for the very small number of minors who may find themselves in this situation, there is no barrier to changing the gender marker on their birth certificate to align with their birth sex. This is not a reason to deny this critical protection to all transgender youth.

SB93 is a form of systemic discrimination against a vulnerable group of children and their parents. When the health and well-being of this a marginalized population are at stake, we need to take a step back and reevaluate why we want to deny that protection to our transgender youth. Allowing these youth to update their legal documents is a public health intervention. It is an early health intervention that safeguards their mental health and provides enormous, proven protection against very serious negative medical and mental health harms.

Discriminatory legislation perpetuates historical oppression. I believe the law affords us all privacy and equal protection. Why is this not being respected? Transgender individuals face discrimination in all walks of life. Experiencing it in the state of Utah should be unimaginable; however, that discrimination is exactly what the Vital Records Modifications bill supports.

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