

---

## Appendix 2

# DOCUMENTATION LAW PROJECT: OUTLINES AND GOALS

---

## INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street  
Houston, Texas 77035-5515, USA  
Area Code 713 / 723-8368  
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty  
Employment Law Director, Laura Elizabeth Skaer, Atty  
Health Law Director, Martine Aliana Rothblatt, Atty  
International Bill of Gender Rights Project and  
Military Law Director, Sharon Ann Stuart, Atty  
Secretary Director, Jackie Thome, C.P.A.  
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

---

# Documentation Law Project

---

First draft developed at the 2<sup>nd</sup> International Conference on Transgender Law and Employment Policy, 28 August, 1993. NOTE: This draft is subject to revision as the Documentation Law Project refines their responsibilities and goals over the next few months. In subsequent printing editions of this document this draft will be replaced with a final version.

---

**Personal Documentation Project** (including but not necessarily limited to: identification, driver's license, birth certificate, passport, social security, military records, university/school records):

- Goal:** Achieve equitable procedures for modifications to identity, records, and major documents for transgendered persons.
- Objectives:**
- Select those jurisdictions and documents where changes are needed.
  - Determine the best, most effective route to effect change in each jurisdiction (legislative, administrative, judicial).
- Process:**
- Do reconnaissance queries to identify those jurisdictions (national, states, districts, territories, provinces) where changes are needed and seem likely to be achievable.
  - Do reconnaissance queries to identify those jurisdictions where conditions are favorable.
  - Prepare an updated questionnaire to be used at jurisdiction level.
  - Move toward updating Legal Aspects of Transsexualism, discovering/verifying current status in each jurisdiction (target as first priority those especially good or poor jurisdictions), using this questionnaire or any other process. Expand beyond United States.
  - Develop a uniform language for rules for each type of documentation, to instruct the processing of identity changes internally in each jurisdiction.
  - Work to effect those changes in each needed jurisdiction.

For each jurisdiction, determine agency and contact person within agency friendly to the TG community, to assist in:

- determining current status and procedure,
- reviewing status,
- tracking changes or potential changes, and
- implementing beneficial changes.

**Sample Draft of Questionnaire Format**  
(This sample is designed for a driver's license/identification document;  
questionnaires for other types of personal documentation will be similar.)

**INTERNATIONAL CONFERENCE  
ON TRANSGENDER LAW  
AND EMPLOYMENT POLICY, INC.**

5707 Firenza Street  
Houston, Texas 77035-5515, USA  
Area Code 713 / 723-8368  
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty  
Employment Law Director, Laura Elizabeth Skaer, Atty  
Health Law Director, Martine Aliana Rothblatt, Atty  
International Bill of Gender Rights Project and  
Military Law Director, Sharon Ann Stuart, Atty  
Secretary Director, Jackie Thome, C.P.A.  
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

[Date]

[Address]

Director, Department of Motor Vehicles, State/Province/Territory of \_\_\_\_\_:

The Documentation Law Project of the Second International Conference on Transgender Law and Employment Policy (August, 1993), is reviewing the procedures in every jurisdiction for change of name and gender identification on driver's license/identification documents.

It has been determined that every jurisdiction permits and has a regular and simple process for change of name.

One of our purposes in this effort is to facilitate, for each jurisdiction, the administration of a similar process for change of gender identification, to minimize administrative burden within the jurisdiction, to try to avoid unnecessary court action, and to furnish equity to those for whom such a change is proper and just.

Kindly share with this Law Project, public information about your current process, by responding to and returning this questionnaire.

1. Some jurisdictions and activities consider gender identification as irrelevant. Does your jurisdiction include designation of gender (or "sex") of record as an element of the driver's license/identification document?

Yes  No

2. If it does (answer to question 1 is "Yes"), is the gender-of-record designation

Required?  Optional?

3. We have previously established that all jurisdictions permit change of gender-of-record on the driver's license/identification document. Please confirm this for your jurisdiction. I.e., Can a person, once documented as "Male", have the gender-of-record on the document modified and reissued to read "Female", and visa versa?

Yes  No

4. Has your process for change of gender-of-record been determined by (specify those which apply):
- legislative law?
  - judicial case law?
  - administrative procedure?
  - other? Please specify: \_\_\_\_\_
5. Please name or identify the enabling legislation, key cases or administrative directives, and describe the procedure for change of gender-of-record for your jurisdiction. Response may be on a separate sheet.
6. Please attach copies of the controlling directives for gender-of-record changes.
7. Please attach copies of the relevant forms and examples of customary documents used by the public for gender-of-record changes.
8. What administrative or organizational level has the authority, responsibility and power to approve or disapprove change of gender-of-record in your jurisdiction?
9. Is common-law change of name acceptable in your jurisdiction?
- Yes                       No
10. If common-law change of name is acceptable (answer to question 9 is "Yes"), what are the requirements which define a proper common-law change of name?
11. Is a court ordered change of name acceptable?
- Yes                       No
12. If answer to question 11 is "Yes", is a court ordered change of name required (mandatory)?
- Yes                       No
13. Is the change of name required to be published?
- Yes                       No
14. If the answer to question 13 is "Yes", what are the publishing requirements for your jurisdiction?

Please return this completed questionnaire with supportive attachments to:

**Marian Beddill**  
**Documentation Law Project, ICTLEP, Inc.**  
**1050 Larabee Ave., #104-316**  
**Bellingham, WA 98225 USA**

Sincerely,

Phyllis Randolph Frye, Attorney,  
Executive Director, ICTLEP, Inc.

# INTERNATIONAL CONFERENCE ON TRANSGENDER LAW AND EMPLOYMENT POLICY, INC.

5707 Firenza Street  
Houston, Texas 77035-5515, USA  
Area Code 713 / 723-8368  
FAX 723-1800

Executive Director, Phyllis Randolph Frye, Atty  
Employment Law Director, Laura Elizabeth Skaer, Atty  
Health Law Director, Martine Aliana Rothblatt, Atty  
International Bill of Gender Rights Project and  
Military Law Director, Sharon Ann Stuart, Atty  
Secretary Director, Jackie Thorne, C.P.A.  
Imprisonment Law Moderator, Raymond Wayne Hill, 107 S.Ct. 2502

I.C.T.L.E.P.

---

## Documentation Law Project

---

First draft developed at the 2<sup>nd</sup> International Conference on Transgender Law and Employment Policy, 28 August, 1993. NOTE: This draft is subject to revision as the Documentation Law Project refines their responsibilities and goals over the next few months. In subsequent printing editions of this document this draft will be replaced with a final version.

---

### National Driver's License Sub-Project:

Ms. Ruby Gonzales, Sub-Project Chair

**Goal:** To educate with respect to the proposed National Driver's License Project of the U.S. Department of Transportation on the advantages of:

- Removing designation of gender identification ("sex") from the driver's license, and
- Assuring that former names/aliases which have been changed by law for transgendered persons are not included in the re-issued driver's license/identity record.

**Objectives:**

- To identify what actions have already been taken and by which congressional and federal offices in reference to recording of historical information on the proposed national driver's license.
- To identify how far the national driver's license project has proceeded.
- To make written and personal contact with congressional representatives and DOT personnel involved with formulating law and policy related to the establishment of a national driver's license.
- To attempt to educate those responsible for formulation of policy, procedures and rules in reference to these objectives regarding sensitivity to change of name and gender identification issues, and need for protection of individual's privacy.

### Sub-Project Members:

Ms. Ruby Gonzales, Chair  
2139 Bunzel Street  
Houston, TX 77088 USA  
(713) 448-4408

Ms. Carol-Lee Erikson, Operations, DC  
2311 Pimmit Drive #1115  
Falls Church, VA 22043 USA  
(703) 280-1029

Mr. Leslie Feinberg, Operations, NJ/DC  
147 Chestnut Ave., #4R  
Jersey City, NJ 07306 USA  
(201) 659-2664

Ms Marian Beddill, ex-officio as Project Moderator  
1050 Larrabee Ave., #104-316  
Bellingham, WA 98225 USA  
(206) 738-7974