

LAWRENCE G. WASDEN  
ATTORNEY GENERAL

STEVEN L. OLSEN  
Chief of Civil Litigation Division

W. SCOTT ZANZIG, ISB # 9361  
Deputy Attorneys General  
Civil Litigation Division  
Office of the Attorney General  
954 W. Jefferson Street, 2<sup>nd</sup> Floor  
P. O. Box 83720  
Boise, ID 83720-0010  
Telephone: (208) 334-2400  
Fax: (208) 854-8073  
[scott.zanzig@ag.idaho.gov](mailto:scott.zanzig@ag.idaho.gov)  
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

F.V. and DANI MARTIN,

Plaintiffs,

vs.

RUSSELL BARRON, in his official capacity  
as Director of the Idaho Department of Health  
and Welfare and ELKE SHAW-TULLOCH,  
in her official capacity as Administrator of the  
Division of Public Health the Idaho  
Department of Health and Welfare, and  
JAMES AYDELOTTE, in his official  
capacity as State Registrar and Chief of the  
Bureau of Vital Records and Health Statistics,

Defendants.

)  
) Case No. 1:17-cv-000170-CWD

**PLAINTIFFS’ AND DEFENDANTS’  
NOTICE AND STIPULATION  
REGARDING JUDGMENT AND  
TIME FOR BILL OF COSTS AND  
MOTION FOR ATTORNEYS’ FEES**

Plaintiffs F.V. and Dani Martin (“Plaintiffs”) and Defendants Russell Barron, Elke Shaw-

Tulloch, and James Aydelotte (“Defendants”) hereby provide notice to the Court of the actions

that Defendants have taken to comply with the Court's March 5, 2018 Order (Dkt. 39). Based on these actions, Plaintiffs and Defendants agree that the Court may enter judgment in the case and also request that the Court extend the time for any bill of costs or motion for attorneys' fees, as stipulated below:

1. On March 5, 2018, the Court granted Plaintiffs' motion for summary judgment with respect to their claim under the Equal Protection Clause, permanently enjoined Defendants from automatically rejecting applications from transgender people to change the sex listed on their birth certificates, and ordered that Defendants begin accepting such applications on or before April 6, 2018 using a constitutionally-sound approval process.

2. On March 20, 2018, the Board of Health and Welfare convened a special session where it considered and approved revisions to IDAPA 16.02.08.201 through a temporary and proposed rule ("Rule"), attached as Exhibit A. The Rule requires the Registrar to issue an amended birth certificate upon submission of, inter alia, "[a] declaration that the registrant's indicator of sex on the Idaho certificate of live birth does not match the registrant's gender identity." The Rule went into effect on April 6, 2018, and Defendants have implemented it through the form and instructions attached as Exhibit B.

3. Plaintiffs and Defendants agree that the Rule complies with the Court's holding that "there is no rational basis for denying transgender individuals birth certificates that reflect their gender identity" and with the Court's instruction that any rule remedying the constitutional violation found must "withstand heightened scrutiny review" and must avoid imposing burdens lacking constitutionally-appropriate justification. Dkt. 39 at 18, 25.

4. Based on the approval of the Rule, and the expectation that the substance of the Rule will remain in place, Plaintiffs and Defendants agree that the Court may enter judgment in favor of Plaintiffs.

5. Plaintiffs and Defendants are engaged in discussion regarding the resolution of any potential costs or attorneys' fees and, to that end, request that any bill of costs or motion for attorneys' fees, if necessary, not be due until 45 days after entry of judgment.

DATED this 17th day of April, 2018

COCKERILLE LAW OFFICE, PLLC

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By:     /s/ Monica G. Cockerille      
Monica G. Cockerille

By:     /s/ W. Scott Zanzig      
W. Scott Zanzig  
Deputy Attorney General

LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.

By:     /s/ Peter C. Renn      
Peter C. Renn

LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.

By:     /s/ Kara Ingelhart      
Kara Ingelhart



## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.02.08 - VITAL STATISTICS RULES

DOCKET NO. 16-0208-1801

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is [April 6, 2018](#).

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to [Section 39-242, Idaho Code](#).

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than [May 16, 2018](#).

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

On March 5, 2018, the United States District Court for the District of Idaho issued a decision holding that Vital Records' practice of categorically denying applications for the amendment of gender markers on a birth certificates violated the constitutional rights of two transgender plaintiffs. *F.V. v. Barron, et al.*, Case No. 1:17-CV-170-CWD. The court ordered that Vital Records must begin accepting applications from transgender persons no later than April 6, 2018, and that it must process those applications in a constitutionally sound manner. This rule change establishes the standards and processes for such applications.

This rule change proposes to establish a process for the amendment of a gender marker on a birth certificate. Specifically, this rule change requires a notarized affidavit from the applicant; prohibits the marking of the replacement birth certificate as amended; and designates that a previous or concurrent name change must not show revision history, or be marked as amended.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to comply with deadlines in amendments to governing law or federal programs, specifically, this rulemaking is being done to comply with a federal court order.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Negotiated rulemaking has been deemed not feasible since the Department must have the temporary rule in effect by April 6, 2018, as required by a federal court order.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference in this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact [James Aydelotte at \(208\) 334-4969](#).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to

the undersigned and must be delivered on or before [May 23, 2018](#).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
(208) 334-5500 phone; (208) 334-6558 fax  
[dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov) e-mail

**THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT OF DOCKET NO. 16-0208-1801**

**201. COMPLETION AND CORRECTION OF CERTIFICATES.**

**01. Correction of Minor Errors on Certificates During the First Year.** Except as otherwise provided in these rules, correction of obvious errors or transposition of letters in words of common knowledge, may be made by the State Registrar or an authorized agent within the first year after the date of the event either upon individual observation or query or upon request of any person with a direct and tangible interest as defined in IDAPA 16.05.01, "Use and Disclosure of Department Records," Subsections 011.01 and 011.03, or any person listed in Subsection 201.06.d. of these rules. The method of correction will be determined by the State Registrar, and is not subject to the requirements of Subsection 201.08 of these rules. When such minor corrections are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change must be made on the certificate in such a way as not to become a part of any certification issued. The certificate must not be marked as amended. (3-30-07)

**02. Amendment of Registrant's Given Names or Surname on Birth Certificates Within the First Year.** (12-26-83)

**a.** Until the registrant's first birthday, given names or surname may be amended upon written notarized request of: (11-20-87)

i. Both parents; (12-26-83)

ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (4-5-00)

iii. The father in the case of the death or incapacity of the mother; (12-26-83)

iv. The mother in the case of the death or incapacity of the father; or (12-26-83)

v. The legal guardian or agency having legal custody of the registrant. (12-26-83)

**b.** The certificate must be marked as amended. (3-30-07)

**03. Amendment of Registrant's Given Name on Birth Certificate After the First Year.** (12-26-83)

**a.** After one (1) year from the date of birth, the provisions of Subsection 201.06 of these rules must be followed to amend the given name if the name was entered in error at the time of the preparation of the birth certificate. (3-30-07)

---

**DEPARTMENT OF HEALTH AND WELFARE**  
**Vital Statistics Rules**
**Docket No. 16-0208-1801**  
**Temporary/Proposed Rule**


---

**b.** In all other cases, a legal change of name order from a court of competent jurisdiction must be submitted to change a given name after one (1) year. (12-26-83)

**04. Addition of Given Names on Birth Certificates.** (12-26-83)

**a.** Until the registrant's seventh birthday, given names, for a child whose birth was recorded without given names, may be added to the certificate upon written notarized request of: (12-26-83)

- i. Both parents; (12-26-83)
- ii. The mother in the case of a child born out of wedlock and the father's name is not shown on the certificate; (4-5-00)
- iii. The father in the case of the death or incapacity of the mother; (12-26-83)
- iv. The mother in the case of the death or incapacity of the father; or (12-26-83)
- v. The legal guardian or agency having legal custody of the registrant. (12-26-83)

**b.** The certificate must be marked as amended. (12-26-83)

**c.** After the registrant's seventh birthday, the provisions of Subsection 201.06 of these rules must be followed to add a given name. (3-30-07)

**05. Acknowledgment of Paternity.** (12-26-83)

**a.** Subject to the provisions of Subsection 201.05.b. of these rules, a new certificate of birth will be prepared by the State Registrar for a child born out of wedlock in this state upon receipt of an affidavit of paternity signed by both parents and a written request by both parents. The child's surname will be changed on the certificate to that of the father if both parents so request. (3-30-07)

**b.** If another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction, or following adoption. (12-26-83)

**c.** The certificate must not be marked as amended. (3-30-07)

**06. Amendment of Indicator of Gender.** (4-6-18)T

**a.** The State Registrar must issue an amended Idaho certificate of live birth for the change of the indicator of sex upon receipt of the following: (4-6-18)T

**i.** For a registrant eighteen (18) years of age and older, a completed and notarized application on a form approved by the State Registrar that includes the following information: (4-6-18)T

**(1)** The identity of the applicant; (4-6-18)T

**(2)** The Idaho certificate of live birth to be amended; (4-6-18)T

**(3)** A declaration that the registrant's indicator of sex on the Idaho certificate of live birth does not match the registrant's gender identity; and (4-6-18)T

**(4)** The gender indicator as it should appear on the amended certificate of live birth. (4-6-18)T

**ii.** For a registrant under the age of eighteen (18), a completed and notarized application on a form approved by the State Registrar that includes the following information: (4-6-18)T

---

**DEPARTMENT OF HEALTH AND WELFARE**  
**Vital Statistics Rules**
**Docket No. 16-0208-1801**  
**Temporary/Proposed Rule**


---

- (1) The identity of the applicant; (4-6-18)T
- (2) The Idaho certificate of live birth to be amended; (4-6-18)T
- (3) A declaration that the registrant's indicator of sex on the Idaho certificate of live birth does not match the registrant's gender identity; (4-6-18)T
- (4) The gender indicator as it should appear on the amended certificate of live birth; and (4-6-18)T
- (5) The consent of all parents listed on the certificate of live birth or the consent of the registrant's legal guardian. If a parent is deceased, a copy of the death certificate must be submitted with the application. If a parent cannot be located, the applicant must also submit a certified copy of an order from an Idaho court of competent jurisdiction ordering that the consent of only one (1) parent is required. (4-6-18)T

**b.** The amended certificate of live birth issued under this rule must not be marked amended, must not refer to the original certificate of live birth sex, and must show the amended gender as requested. The certificate of live birth being amended, application, and court order if required, must be placed in a sealed file which may only be opened by an order from an Idaho court of competent jurisdiction. (4-6-18)T

**c.** A one-time name change made under an amendment of sex on the certificate of live birth, whether made prior to, at the time of, or subsequent to a change of indicator of gender on a certificate of live birth must not be marked amended and must not refer to the original birth certificate name or indicator of sex. Any additional name changes are governed by Subsections 201.08 and 201.09 of this rule. (4-6-18)T

**067.** **All Other Amendments.** Unless otherwise provided in these rules or in Section 39-250, Idaho Code, all other amendments to vital records must be supported by: (3-30-07)

- a.** An affidavit setting forth: (12-26-83)
  - i. Information to identify the certificate; (12-26-83)
  - ii. The incorrect data as it is listed on the certificate; and (3-30-07)
  - iii. The correct data as it should appear. (12-26-83)
- b.** If one (1) year has elapsed since the date the event occurred, one (1) or more items of documentary evidence which support the alleged facts and which were established at least five (5) years prior to the date of application for amendment or within seven (7) years of the date of the event. (12-26-83)
- c.** Any item of a medical nature can be amended only upon receipt of an affidavit from the person certifying such item, except that queries originating in the vital statistics office and subsequently completed and signed by the certifier may be used to complete or modify the reported cause of death. The State Registrar may require documentary evidence to substantiate the requested amendment. (3-30-07)
- d.** Applications to amend a specific vital record will be accepted as follows: (12-26-83)
  - i. An application to amend a birth certificate may only be made by one (1) or both of the parents, the legal guardian, the registrant if eighteen (18) years of age or older, or the individual responsible for filing the certificate. (12-26-83)
  - ii. An application to amend a death certificate may only be made by the informant, the next of kin, the funeral director or person acting as such who signed the death certificate, or the certifying physician or coroner. (12-26-83)
  - iii. An application to amend a stillbirth certificate may only be made by a person listed in Subsections 201.06.d.i. or 201.06.d.ii. of these rules. (3-30-07)

---

**DEPARTMENT OF HEALTH AND WELFARE**  
**Vital Statistics Rules****Docket No. 16-0208-1801**  
**Temporary/Proposed Rule**

---

iv. An application to amend a marriage or divorce certificate may only be made by the custodian of the official record from which the certificate was prepared, either of the parties to the marriage or divorce, or the individual responsible for filing the certificate. (12-26-83)

e. The State Registrar will evaluate the evidence submitted in support of any amendment, or require additional documentation. The State Registrar's decision and determination will be based upon serving the objectives of the vital statistics statutes and the best interests of the public. In the event the application is rejected or additional information is required, the State Registrar must advise the applicant of the reason for the action and the right to appeal pursuant to Section 39-250(5), Idaho Code. (3-30-07)

**078. Amendment of the Same Item More Than Once.** Once an item is amended on a vital record, that item can not be amended again except upon receipt of a court order from an Idaho court of competent jurisdiction. (3-30-07)

**089. Methods of Amending Certificates.** (12-26-83)

a. Certificates of birth, death, stillbirth, marriage, and divorce may only be amended by the State Registrar as follows: (12-26-83)

i. Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires. The new certificate may be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these rules, the item number of the entry that was amended must be identified on the new certificate. In every case, except as provided elsewhere in these rules or the Idaho Code, the new certificate must show the date the amendment was made and be given the same state file number as the existing certificate. Signatures appearing on the existing certificate must be typed on the new certificate. (3-30-07)

ii. Completing the item in any case where the item was left blank on the existing certificate. (12-26-83)

iii. Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side. The line drawn through the original entry must not obliterate such entry. (3-30-07)

iv. A certificate of birth amended in accordance with the provisions of Section 39-250(4), Idaho Code, must be amended as prescribed in Subsection 201.08.a.iii. of these rules. The fact that the name was changed in accordance with a court order must be stated on the certificate. (3-30-07)

b. Unless prohibited by statute or rule, there must be inserted on the face of the certificate the date the amendment was made and the initials of the person making the change; the certificate must be marked as amended. (3-30-07)

**INSTRUCTIONS TO CHANGE THE INDICATOR OF SEX ON AN  
IDAHO BIRTH CERTIFICATE TO REFLECT GENDER IDENTITY**

As of April 6, 2018, people who were born in Idaho can apply to change the indicator of sex on their birth certificate to match their gender identity. In addition to these instructions, this packet provides the application form to change the sex and an order form to request copies of the new certificate. Medical documentation is **not required** to change the sex; however, a court order granting name change is required to change the name of the person listed as the child on the birth certificate. After a valid application is received and reviewed, the Idaho Bureau of Vital Records and Health Statistics will create a replacement birth certificate. The new certificate will not show that the gender or name has been changed. The original birth certificate will be placed in a sealed file that can only be opened by an Idaho court order.

**Summary Instructions**

1. Read all information in this packet before completing the application.
2. The application information may be filled out online and printed or entered by hand. If entering the information by hand, use blue or black ink and make sure the information is neat and can be read.
3. If you want to change the name on the birth certificate at the same time, you must include a certified copy of a court order legally changing the name of the person listed as the child on the birth certificate.
4. Applications to change the sex or name must be signed in the presence of a notary public.
5. If you want a copy of the new birth certificate, you must submit a completed order form and a copy of the signer's identification.
6. There is a fee of \$20.00 to process the application. Copies of the new birth certificate are an additional \$16.00 each.
7. Mail the application to:  
IDAHO VITAL RECORDS  
PO BOX 83720  
BOISE, IDAHO 83720-0036

**Who can make a request to change the indicator of sex on the birth certificate?**

Anyone who was born in Idaho and feels their gender identity does not match the indicator of sex on their birth certificate can request this change. The person listed on the birth certificate is referred to as the registrant. In some cases, the person applying to make the change (the applicant) may be different from the registrant. For example, if the registrant is under the age of 18, the applicant must be a parent (or legal guardian) since the parent(s) listed on the registrant's birth certificate must consent to changing the birth certificate. On the application form, there is a place for the applicant's information and the registrant's information.

**Can the name on the birth certificate be changed at the same time?**

Yes. The applicant will need to send an original, certified copy of a court order legally changing the registrant's name. The court order must identify the person by the name currently on the birth certificate and their date of birth. If the court order does not contain the required information, the applicant may submit, along with the court order, a certified copy of the petition or application for the name change if it contains the required information. The new certificate will not show that the name has been changed. If the name on the certificate was changed previously, the applicant can ask that notations of amendment on the record be removed. Any future legal name changes will be shown on the record.

**INSTRUCTIONS TO CHANGE THE INDICATOR OF SEX ON AN  
IDAHO BIRTH CERTIFICATE TO REFLECT GENDER IDENTITY****How long will it take to make the change on the birth record once the application has been submitted?**

Processing times are subject to variation and incomplete orders will be significantly delayed. Applicants can anticipate about a four to six-week turnaround time. Requests are processed in the order they are received in the Bureau. For those who need a quicker turnaround on their application, they may choose to pay a RUSH fee (\$25.00) to expedite the application. These typically have a one to two-week turnaround time.

**How do I get a copy of the new birth certificate?**

To order a copy of the new birth certificate, fill out the IDAHO VITAL STATISTICS CERTIFICATE REQUEST form. It is at the end of this packet. Carefully review the instructions on the back of the form to ensure that it is filled out completely. Proper identification and payment are required. If they are not included, the request for the certificate will be significantly delayed. Ordering a copy of the new record is optional. If the applicant wants a copy of the original birth certificate, it must be ordered prior to requesting this change. Once the change to the indicator of sex is made, the original certificate will be placed in a sealed file which cannot be opened except upon the receipt of a court order from an Idaho court.

**What is the process if I am a parent requesting that my child's birth certificate be changed?**

All parents listed on the child's birth certificate must consent to changing the indicator of sex on the birth certificate. Consent is demonstrated by having both parents' signatures notarized on the application form. If a parent cannot be found, the applicant must also submit a certified copy of an order from an Idaho court ordering that the consent of only one parent is required. If a parent listed on the birth certificate is deceased, an original, certified copy of a death certificate must be submitted with the application. The death certificate will be returned to the applicant.

**What fees are associated with making an application to change the indicator of sex on the birth certificate?**

- \$20.00 application fee
- \$25.00 RUSH fee to add expedited service (optional). Please note that RUSH service is requested by writing RUSH on the front of the envelope and including the RUSH fee.
- \$16.00 fee for each copy of the new certificate requested.
- There is no shipping charge for regular mail. If express mail is desired, the applicant can express mail the application materials to us and include a prepaid express mail envelope for the return.

**Who do I contact if I have more questions?**

- [www.vitalrecords.dhw.idaho.gov](http://www.vitalrecords.dhw.idaho.gov) for forms and general ordering information.
- [ivr@dhw.idaho.gov](mailto:ivr@dhw.idaho.gov) to email questions to the Bureau of Vital Records and Health Statistics.
- (208) 334-5980 to contact a vital records customer service representative.
- IDAHO VITAL RECORDS to mail requests.

PO BOX 83720  
BOISE IDAHO  
83720-0036



IDAHO DEPARTMENT OF HEALTH & WELFARE  
DIVISION OF PUBLIC HEALTH  
Bureau of Vital Records and Health Statistics

### APPLICATION TO CHANGE THE INDICATOR OF SEX ON AN IDAHO BIRTH CERTIFICATE TO REFLECT GENDER IDENTITY

**This application form is only for requesting a change to the indicator of sex on the birth certificate. This is NOT an order form. To order a certificate, use the IDAHO VITAL STATISTICS CERTIFICATE REQUEST form.**

#### APPLICANT INFORMATION

1. Applicant's current legal name	First	Middle	Last
2. Applicant's relationship to registrant	<input type="checkbox"/> SELF <input type="checkbox"/> PARENT <input type="checkbox"/> LEGAL GUARDIAN (provide copy of court ordered guardianship)		

#### CURRENT REGISTRANT INFORMATION ON THE BIRTH RECORD TO BE AMENDED

3. Full name as it currently appears on the birth record	First	Middle	Last
4. Date of birth	MM/DD/YYYY	5. Place of birth	CITY
6. Sex as it currently appears on the birth certificate	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> UNKNOWN		
7. Mother/Parent full name on registrant's birth certificate	First	Middle	Last
8. Father/Parent full name on registrant's birth certificate	First	Middle	Last

#### NAME CHANGE

The name on this certificate has previously been amended to reflect a name change. I want the amendment note removed.

Change the name to:

First	Middle	Last	Suffix
-------	--------	------	--------

*(An original, certified copy of the court order changing the name is required with the application.)*

I am not requesting a name change at this time.

#### ATTESTATION

The sex shown on the birth certificate referenced above does not match the registrant's gender identity. I am requesting that the sex on the birth certificate identified above be changed to  MALE  FEMALE

State of )	AFFIDAVIT* OF REGISTRANT (18 OR OLDER), LEGAL GUARDIAN, OR PARENT LISTED ON THE BIRTH CERTIFICATE (UNDER 18)
County of )	

Subscribed and sworn (affirmed) to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public \_\_\_\_\_ Applicant's signature \_\_\_\_\_

Residing At \_\_\_\_\_ Printed Name \_\_\_\_\_

My Commission Expires \_\_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_\_ Street Address \_\_\_\_\_

(Seal) \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_



IDAHO DEPARTMENT OF HEALTH & WELFARE  
DIVISION OF PUBLIC HEALTH  
Bureau of Vital Records and Health Statistics

### APPLICATION TO CHANGE THE INDICATOR OF SEX ON AN IDAHO BIRTH CERTIFICATE TO REFLECT GENDER IDENTITY

State of )  
County of ) **SUPPORTING AFFIDAVIT\* OF THE SECOND PARENT LISTED ON THE BIRTH CERTIFICATE  
REQUIRED FOR MINORS IF TWO PARENTS ARE LISTED ON THE BIRTH CERTIFICATE**

Subscribed and sworn (affirmed) to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public \_\_\_\_\_ Parent's signature \_\_\_\_\_

Residing At \_\_\_\_\_ Printed Name \_\_\_\_\_

My Commission Expires \_\_\_\_\_ / \_\_\_\_\_ /20 \_\_\_\_\_ Street Address \_\_\_\_\_

(Seal) \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

State of )  
County of ) **SUPPORTING AFFIDAVIT\* OF MINOR  
REQUIRED FOR MINORS UNDER THE AGE OF 18**

Subscribed and sworn (affirmed) to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public \_\_\_\_\_ Minor Applicant's Signature \_\_\_\_\_

Residing At \_\_\_\_\_ Printed Name \_\_\_\_\_

My Commission Expires \_\_\_\_\_ / \_\_\_\_\_ /20 \_\_\_\_\_ Street Address \_\_\_\_\_

(Seal) \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

#### CHECKLIST

- Complete APPLICANT and REGISTRANT information has been provided
- The appropriate selection for a name change has been selected.
- All required signatures have been notarized.
- The certificate request form has been completed and reviewed and identification has been included (if a new certificate is desired).
- Appropriate fees have been included.
- Mail to:  
IDAHO VITAL RECORDS  
PO BOX 83720  
BOISE, IDAHO 83720-0036

**Fees:**  
\$20.00 application fee  
\$16.00 certificate fee (per certificate)  
\$25.00 RUSH fee (optional)

\*IDAHO CODE §39-273 STATES THAT FURNISHING FALSE OR FRAUDULENT INFORMATION AFFECTING ANY CERTIFICATE IS A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS (\$5,000) OR IMPRISONMENT OF NOT MORE THAN FIVE (5) YEARS, OR BOTH.

**IDAHO VITAL STATISTICS CERTIFICATE REQUEST**

IDAHO VITAL RECORDS • P.O. Box 83720 • Boise, ID 83720-0036 • (208) 334-5988 • www.vitalrecords.dhw.idaho.gov

**Instructions for completing this form are located on the back of this document. Please read these instructions carefully. Failure to do so may cause a significant delay in processing your request.**

YOUR MAILING ADDRESS INFORMATION (PERSON REQUESTING THE CERTIFICATE)			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME	
STREET AND NUMBER (P.O. BOX)		CITY, STATE	ZIP CODE
CONTACT PHONE NUMBER (DAYTIME)	YOUR RELATIONSHIP TO THE PERSON NAMED ON THE CERTIFICATE (SELF, MOTHER, ETC.)		
PURPOSE FOR THE CERTIFICATE		<input type="checkbox"/> INCLUDE COPY OF ACKNOWLEDGEMENT OF PATERNITY WITH BIRTH CERTIFICATE.	
<b>SIGNATURE OF THE PERSON REQUESTING THE CERTIFICATE: PROVIDE A PHOTOCOPY OF SIGNER'S IDENTIFICATION *</b>			
<b>IMPORTANT: BIRTH, DEATH, STILLBIRTH, MARRIAGE OR DIVORCE MUST HAVE OCCURRED IN IDAHO</b>			
<input checked="" type="checkbox"/> EVENT REQUESTED: <b>BIRTH</b> <input type="checkbox"/> <b>STILLBIRTH</b> <input type="checkbox"/> <b>DEATH</b> <input type="checkbox"/> Available from July of 1911 <b>MISCARRIAGE</b> <input type="checkbox"/> Available from July of 2016			
NAME ON THE CERTIFICATE			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME	
DATE OF EVENT	CITY OF EVENT	NUMBER OF COPIES YOU ARE REQUESTING	
<input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME	MAIDEN SURNAME
<input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME	MAIDEN SURNAME
<input checked="" type="checkbox"/> EVENT REQUESTED: <b>MARRIAGE</b> <input type="checkbox"/> <b>DIVORCE</b> <input type="checkbox"/> Available from May of 1947			
<input type="checkbox"/> BRIDE/WIFE <input type="checkbox"/> GROOM/HUSBAND			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME (AT THE TIME OF THE EVENT)	
<input type="checkbox"/> BRIDE/WIFE <input type="checkbox"/> GROOM/HUSBAND			
FULL FIRST NAME	FULL MIDDLE NAME	FULL LAST NAME (AT THE TIME OF THE EVENT)	
DATE OF EVENT	CITY OF EVENT	NUMBER OF COPIES YOU ARE REQUESTING	
ORDER TOTALS			
DESCRIPTION OF ITEM	FEES	#OF COPIES	TOTAL COST
BIRTH-STILLBIRTH/MISCARRIAGE-MARRIAGE-DIVORCE-DEATH CERTIFIED COPY (COMPUTER GENERATED)	\$16.00		
BIRTH-STILLBIRTH/MISCARRIAGE-MARRIAGE-DIVORCE-DEATH CERTIFIED PHOTOCOPY	\$21.00		
ADDITIONAL PHOTOCOPIES OF THE SAME CERTIFICATE EVENT	\$16.00		
SPECIAL HANDLING (RUSH ORDERS ONLY) PER EVENT REQUESTED	\$10.00		
TOTAL ENCLOSED			

\* See the back of this document for further instructions, information, and explanation of fees.

♦ If you would like to RUSH your order, please include a one-time charge of \$10.00 (per event) and write **RUSH** on the outside of your envelope. There is no shipping charge for regular mail. If express mail is desired, you may express mail your request to us and include a prepaid express mail envelope back to yourself. We cannot send your order C.O.D.

**PLEASE READ THESE INSTRUCTIONS CAREFULLY**

**WHO CAN ORDER**

Only immediate family members, their legal representative, or those who provide documentation showing it is needed for their property right may order legally confidential certificates. Immediate family includes: spouse, sibling, parent, child, grandparent, and grandchild.

Proof of relation/legal representation may be required. Step-relatives, in-laws, great-grandparents, aunts, uncles, cousins, etc. are not immediate family as defined by Idaho Statute.

**IDENTIFICATION IS REQUIRED**

The applicant (person signing this request) must provide a photocopy of their driver's license or other current signed government [state, federal or tribal] issued picture identification. If this is not available, copies of two other forms of identification are required; one of which **MUST** include the applicant's signature. (Refer to the following list) **ID is accepted upon validity verification by our office.**

**IMPORTANT:** If acceptable identification is NOT enclosed, and/or your application is incomplete, your request will be returned and significant delays in processing your order may occur.

**APPROVED IDENTIFICATION LIST**

<b>Current Government Issued Picture Identification with a signature</b>	<b>OR Two Forms of CURRENT ID – One MUST have a Signature</b>		<b>OR</b>
<ul style="list-style-type: none"> <li>• Driver's License</li> <li>• State ID Card</li> <li>• Passport</li> <li>• Tribal ID Card</li> <li>• Concealed Weapons Permit</li> <li>• Prison ID Card</li> </ul>	<ul style="list-style-type: none"> <li>• Social Security Card with signature</li> <li>• Work ID Card with picture or signature</li> <li>• Auto registration with signature</li> <li>• Traffic Ticket with signature</li> <li>• Court Record with signature</li> <li>• College/School ID with picture</li> <li>• Matricula Card with signature.</li> </ul>	<ul style="list-style-type: none"> <li>• Insurance Record</li> <li>• Auto Insurance</li> <li>• Driver Permit</li> <li>• Pay stub</li> <li>• Hunting/Fishing License</li> <li>• Passport Card</li> </ul>	<ul style="list-style-type: none"> <li>• Notarized Signature on the Request</li> <li>• Have an immediate family member (that has current ID from the approved list) request it for you (Please Note: Proof of relation may be required.)</li> <li>• Court Order</li> </ul>

**FEEES**

**CERTIFICATE FEES**

Each certified copy or record search of a Birth, Stillbirth/Miscarriage, Death, Marriage or Divorce Certificate is \$16.00. Certified copies are computer-generated and are valid for most legal purposes. If the requested certificate cannot be found a statement of search will be issued. A certified *photocopy* (not computer-generated) of a Birth, Stillbirth/Miscarriage, Death, Marriage or Divorce certificate can be ordered for \$21.00; each additional certified photocopy of that record, ordered at the same time, is \$16.00.

**LEGAL FEES**

The Processing fee to complete an adoption, paternity, or court order name change is \$20.00. The processing fee to complete a delayed registration is \$25.00. (Does not include a copy of the certificate).

**RUSH FEES**

If you would like to RUSH your order, please include a one-time charge of \$10.00 (per event) and write **RUSH** on the outside of your envelope. If you would like to RUSH your legal action, please include a one-time charge of \$25.00 (per event). There is no shipping charge for regular mail. If express mail is desired, you may express mail your request to us and include a prepaid express mail envelope back to yourself. We cannot send your order C.O.D.

To order on-line, through VitalChek, please see our website at <http://www.vitalrecords.dhw.idaho.gov>. *Additional charges will apply.* All credit card orders are processed through Vitalchek.

Make checks or money orders payable to Idaho Vital Records.

**SUBMITTING THE REQUEST**

Complete the request form and mail it to the address on the front of the form. Remember to sign your request and enclose the correct fees and a copy of *both sides* of your signed picture ID.

**WARNING:** False application for a certified copy of a vital record is a felony punishable by a fine up to \$5,000, five years in prison, or both (*Title 39, Chapter 2, Idaho Code*).