

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

A.C., a minor child, by his next friend, )  
mother and legal guardian, M.C., )

Plaintiff, )

v. )

No. 1:21-cv-02965-TWP-MPB

METROPOLITAN SCHOOL DISTRICT OF )  
MARTINSVILLE, *et al.*, )

Defendants. )

**Request for Court to Take Judicial Notice of State Court Order**

Plaintiff, by counsel, states that:

1. At the request of defendants, this Court has previously taken judicial notice of an order from the Morgan Superior Court No. 3 that denied plaintiff a change of his gender marker on his birth certificate. (Dkt. Nos. 42, 47).
2. As is indicated by the attached redacted order, an unredacted copy of which is being filed under seal, the Monroe Circuit Court VI issued its Order on July 22, 2022, granting a subsequent motion by plaintiff for a change of gender marker. Specifically, the state court held “that the Petition for Change of Gender Marker is GRANTED, and the Child’s gender as designated on his birth certificate shall be changed to Male.”
3. This Court can, of course, take judicial notice of this record, even though it is under seal in the state court. *See. e.g., Spiegel v. Kim*, 952 F.3d 844, 847 (7th Cir. 2020) (“A court

may take judicial notice of public records such as the state court documents.); *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (noting that court filings in other courts are subject to judicial notice and stating further that “[w]hile some of these documents are filed under seal, they nonetheless are readily verifiable, and therefore, the proper subject of judicial notice).

4. In granting the defendants’ earlier request to take judicial notice of the decision of the Morgan Superior Court, this Court concluded that the decision of the state court “has no preclusive effect on this Court’s future decisions.” (Dkt. 47 at 3). While plaintiff certainly agrees that neither the decision denying nor the decision granting the change of gender marker have preclusive effect, plaintiff is requesting that the Court take judicial notice of the Monroe Circuit Court order so that the record accurately reflects the status of plaintiff’s efforts to change his gender marker.

WHEREFORE, plaintiff requests that this Court take judicial notice of the July 22, 2022 Order of the Monroe Superior Court VI that granted plaintiff a change of his gender marker, and for all other proper relief.

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STATE OF INDIANA ) IN THE MONROE CIRCUIT COURT VI  
 )SS:  
COUNTY OF MONROE ) CASE NO. 53C06-2205-MI-000898

IN RE THE CHANGE OF GENDER OF

A [REDACTED] C [REDACTED],  
Minor Child

**ORDER ON VERIFIED PETITION FOR CHANGE OF GENDER**

On June 27, 2022, the Court held a hearing on the Verified Petition for Change of Gender. Petitioner, M [REDACTED] C [REDACTED], appeared with the minor child, A [REDACTED] C [REDACTED], and with counsel, Megan Stuart. Witness was sworn and evidence presented. The Court, being duly advised, now finds and orders as follows:

1. The Child's current legal name is A [REDACTED] C [REDACTED]. Formerly, the Child's legal name was [REDACTED].
2. The Child's date of birth is [REDACTED].
3. The Child uses masculine pronouns and identifies as male.
4. The current sex/gender designation on the Child's birth certificate is female.
5. The Child wishes to have his gender marker changed on his birth certificate.
6. Mother and Father consent to the change of gender marker.
7. It is in the Child's best interests to have his gender marker changed. In making this conclusion, the Court has considered the following factors based on the evidence presented:
  - a. The age and sex of the child: The child is thirteen years of age and is a student in middle school. He identifies as male.
  - b. The wishes of the child's parent or parents: Both parents have consented to the gender change.
  - c. The wishes of the child, with more consideration given to the child's wishes if the child is at least fourteen (14) years of age: The Court recognizes the testimony of the child, though the Court is not required to consider A [REDACTED]'s desires. A [REDACTED] began to question his gender identity as early as eight years old, and began to identify as a male socially at age 11. He believes that the gender marker will help him a lot, especially at school, where he is "outed" by fellow students. When asked what he

thought would happen if he was not allowed to change his gender marker, A█ expressed that he would not want to live.

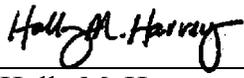
- d. The interaction and interrelationship of the child with:
  - (A) the child's parent or parents;
  - (B) the child's sibling; and
  - (C) any other person who may significantly affect the child's best interests: At home, A█'s family affirms his gender identity as male. His parents are both supportive of his identity. During the summer particularly, he has typically good days, and his level of anxiety is decreased.
- e. The child's adjustment to the child's:
  - (A) home;
  - (B) school; and
  - (C) community: A█'s family has observed that school is particularly difficult, as that is an environment that does not recognize his gender identity. He is withdrawn, angry, and isolates himself. His school life is the biggest challenge of his life; he is teased and bullied, and teachers do not support his preferred pronouns. He has not been able to play sports or use the bathroom designated for males. He is very isolated. A change of gender marker on the birth certificate would alleviate some of those problems. At the very least, it would require school officials to recognize his gender and allow A█ to gain access to preferred bathrooms and pronouns.
- f. The physical and mental health of all individuals involved: The Court herein adopts the opinions of Dr. James D. Fortenberry, who has provided gender affirming medical treatment to children, and has reviewed A█'s medical history. A█ meets diagnostic criteria for gender dysphoria in an adolescent. He confirmed that A█ has identified significant distress, depression, and anxiety in association with misperceptions of his gender, which is consistent with A█'s testimony. A█ has received therapy to assist with his distress, particularly, supportive counseling, counseling for safe chest binding, and hormonal suppression for menstrual periods. The accepted treatment for individuals experiencing gender dysphoria are aimed at alleviating the distress associated with the "incongruence between gender identity and birth assigned sex". That treatment involves allowing the individual to express their identity through name and preferred pronouns, with dress and social behaviors consistent with their experienced gender, along with counseling and supported social transitioning. As noted above, A█ expressed that he experiences the most distress when at school, at which he is not free to express his experienced gender, and has indicated a feeling of hopelessness and lack of will to live if he is not given the opportunity to fully express his gender identity with his gender marker change.

8. The parents of the Child have the authority to proceed with the Petition.

**IT IS THEREFORE ORDERED** that the Petition for Change of Gender is **GRANTED**, and the Child's gender as designated on his birth certificate shall be changed to **Male**.

**IT IS FURTHER ORDERED**, that all agencies, institutions and offices issuing the minor identity documents or holding records related to the minor are directed to amend such documents consistent with this order, including but not limited to the Indiana State Department of Health and its subdivisions.

**SO ORDERED, July 22, 2022**

  
\_\_\_\_\_  
Holly M. Harvey  
Judge, Monroe Circuit Court



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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METROPOLITAN SCHOOL DISTRICT OF )  
MARTINSVILLE, *et al.*, )

Defendants. )

**ORDER**

Plaintiff has filed his Request for Court to Take Judicial Notice of State Court Order. The Court being duly advised finds that good cause exists to grant the motion, and,

IT IS THEREFORE ORDERED that this Court takes judicial notice of the Order of the Monroe Circuit Court VI that grants plaintiff a change of gender marker.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Judge, United States District Court

To: All ECF-registered counsel of record