**Section 500.43 Amendments to Birth Records Following Gender Re-assignment**

Changes to gender on birth records following an operation having the effect of reflecting, enhancing, changing, reassigning or otherwise affecting gender designation on an existing Illinois birth record shall be governed by this Section. A person born in Illinois, with an existing Illinois birth record, may submit an application to the Department seeking to have the gender changed on his or her own birth record after undergoing an operation having the effect of reflecting, enhancing, changing, reassigning or otherwise affecting gender. The burden of proof shall be on the applicant to clearly demonstrate that he/she has met the gender change criteria set forth in this Section.

a) Except as provided in subsection (b), all requested changes shall be supported by *an affidavit of a physician, licensed to practice medicine in Illinois or any other State.* The physician's affidavit shall clearly state *that he* or she *has performed an operation on* the applicant that has reassigned the gender of the applicant, *and that, by reason of the operation, the sex designation on* the applicant's *birth record* (certificate) *should be changed.* (Section 1(9) and 17(d) of the Act) The affidavit shall specify the name of the operation or operations that justify the change in gender on the applicant's birth record.

b) Applicants who have undergone a gender reassignment operation outside of the United States shall submit an affidavit signed by an examining physician duly licensed to practice medicine in Illinois or any state in the United States. The affidavit shall clearly establish that the examining physician personally examined the applicant and shall clearly state that the identified operation previously performed has reassigned the applicant's gender and justifies a change in the applicant's gender on his/her birth record.

c) The Department shall specify the form of the application and supporting affidavits and shall have the authority to request additional information and documentary proof, including copies of certified medical or other records.

d) Name changes shall comply with separate criteria for name changes in this Part.

(Source: Added at 35 Ill. Reg. 16682, effective October 3, 2011)