

Judicial Declaration of Gender Identity (Part 3): Objecting to a Judicial Declaration of Gender Identity of a Minor

Hi, I'm Jay. My pronouns are they and she. I am here to help you understand how to object to a petition for judicial declaration of gender identity of a minor, with or without a name change. I am also going to talk about what to do if someone has objected to a petition you filed.

Let's start by talking about how to make an objection.

CHAPTER HEADING: HOW TO MAKE AN OBJECTION

Only parents, guardians, and custodians can object to a petition for judicial declaration of gender identity of a minor. Use form CC-DR-123. If the petition includes a request to change the child's name, you can consent to one request but not the other. For example, you may consent to the declaration of gender identity but object to changing the child's name. That's okay. The court will hold a hearing and decide what's best for your child.

Your objection must include an affidavit, which is a written promise to the court, under the penalties of perjury, that the statements in your objection are true and based on your personal knowledge. It must also state that you are competent, meaning able to testify to what you say in your statement. Your objection must be filed within 30 days of being served notice of the petition. If you do not file on time, the court may consider your silence as consent.

Now let's explore the other side of the case – responding to an objection.

CHAPTER HEADING: RESPONDING TO AN OBJECTION

If you are served with an objection by another parent, guardian, or custodian, you have 15 days to file a written response with the court. You'll also need to mail or deliver a copy of your response to the person who objected and to any other parents, guardians, or custodians.

After all the paperwork is filed, the court will hold a hearing. It can also order what's called a specific issue evaluation, which is a focused investigation conducted by a licensed professional such as a social worker or psychologist. The purpose of the evaluation is to provide the court with information to help determine if your request is in the child's best interest. You will have an opportunity to review the evaluator's report and challenge it. It is best to talk to a lawyer if you disagree with the report. I know this might sound like a lot, but the point of the evaluation is to help the court make the right decision for your child.

I hope this video has been helpful. If you need more information, check out mdcourts.gov/genderidentity. Thanks for watching.