



Via Email and Certified Mail

March 15, 2018

Dr. Cara M. Christ, Director
Arizona Department of Health Services
P.O. Box 60018
Phoenix, AZ 85007

Re: *Revisions to Birth Certificates and Birth Certificate Applications*

Dear Dr. Christ:

The ACLU of Arizona wrote to you in November 2017, requesting that the Arizona Department of Health Services revise all newly issued birth certificates and birth certificate applications to reflect the possible circumstances of the birth and the preference of the couple (Parent 1/Parent 2, Mother/Mother, Father/Father, or Mother/Father). Currently, Arizona birth certificates and birth certificate applications do not reflect all families. The requested revisions would bring the Department into compliance with both federal and state case law. *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015); *Pavan v. Smith*, 137 S. Ct. 2075 (2017); *McLaughlin v. McLaughlin*, 401 P.3d 492 (Ariz. 2017), cert denied, 2018 WL 1037583 (February 26, 2018).

As we explained in our letter dated November 13, 2017, the Arizona Supreme Court's *McLaughlin* opinion makes clear that all couples should be afforded the same rights and presumptions, and that gendered language used in the context of marriages and families in Arizona is outdated and unconstitutional. The United States Supreme Court declined to review *McLaughlin* on February 26, 2018, meaning that the Arizona Supreme Court's decision must now go into effect. Therefore, we once again ask that the requested revisions be made.

Arizona birth certificates are not gender-neutral and do not account for all possible circumstances of the birth of the child (Parent 1/Parent 2, Mother/Mother, Father/Father, or Mother/Father). Current birth certificate applications do list "Mother/Parent 1" and "Father/Parent 2," but this still does not reflect all possible types of families in Arizona, and such language actually stigmatizes same-sex couples. For instance, only one parent in a family with two mothers will be allowed to be designated as the "Mother."

To reflect more accurately the law, we request that all birth certificates and applications be changed to account for all families. We also request that you contact all licensed birthing facilities and hospitals in the state, and inform them of these changes. Finally, we ask that you update your website, and other informational material, to be inclusive of all families.

We ask that you contact us regarding the Department's planned course of action no later than March 30, 2018.

Sincerely,



Brenda Muñoz Furnish
Staff Attorney
ACLU of Arizona