

## **FREQUENTLY ASKED QUESTIONS FOR BIRTH CORRECTIONS**

Questions can arise while you are looking for the content that you need. The following are common questions that have often been posed to our office.

### **WHAT IS THE PROCEDURE FOR CORRECTING A BIRTH CERTIFICATE?**

- a. Submit to the Probate Court an Application to Correct Birth Certificate.
- b. Provide a certified copy of birth certificate to be corrected.
- c. Provide evidence to verify the correction. Use a Birth Certificate Worksheet from the hospital, if possible.
  - School Records
  - Baptismal Records
  - Military Records
  - Employment Records
  - Hospital Records
  - Census Records
  - Insurance Records
  - Death Records
  - Children's Birth Certificate
  - Marriage License Records

### **WHAT IS THE PROCEDURE TO CHANGE THE SEX MARKER ON A BIRTH CERTIFICATE?**

- a. An Application to Change Sex Marker can only be filed for a birth that took place in OHIO. Contact the State where the birth took place to find out the laws regarding this change.
- b. Submit to the Probate Court an Application to Correct Birth Certificate.
- c. Provide a certified copy of the birth certificate to be corrected.
- d. Provide a letter from a Health Professional verifying transgender status for both MINORS and ADULTS.
- e. For a MINOR, both parents must consent to the sex marker change. If both parents are not consenting, the application must be set for hearing and notice sent, via certified mail, to the non-consenting parent.
- f. If a biological/adoptive parent's current address is unknown, an Affidavit must be completed for Unknown Address of parent. Publication is not required.

## **A CITIZEN’S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES**

### **Why can’t I communicate directly with the judge or magistrate on my case?**

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

### **How can I speak to the judge or magistrate on my case?**

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called “service”). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

### **I’ve heard there’s always a magistrate on duty to hear arguments immediately – what does that mean?**

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

### **What if I need to tell the judge or magistrate something I don’t want the other party to know about?**

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.