



Pathology/Biology Section - 2016

H140 What is Sex? Autopsy Documentation and Death Certification in the Transgender Population

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After attending this presentation, attendees will be able to identify which states allow transgender individuals to amend their birth certificates. Attendees will be able to describe how a transgender person's sex should be documented in an autopsy report. Attendees will better understand what documentation is needed to complete the death certificate of a transgender person.

This presentation will impact the forensic science community by recognizing the importance of proper death certification in the transgender population. As 41% of the transgender community surveyed has attempted suicide and suicide deaths are investigated by medical examiners and coroners, it is likely that transgender individuals will be examined by forensic pathologists.

There are approximately 700,000 transgender people in the United States, or 0.3% of the adult population. Forty-one percent of transgender people surveyed in *Injustice at Every Turn* said they had attempted suicide, compared with 1.6% of the general population. Those who reported bullying, sexual assault, and job loss were at an increased risk.¹

Dictionary.com defines sex as either the male or female division of a species, especially as differentiated with reference to the reproductive functions. Gender is defined as either the male or female division of a species, especially as differentiated by social and cultural roles and behaviors.² At autopsy, forensic pathologists usually rely on anatomical description of an individual to assign sex. Thus, if a patient identifies as a male, but a uterus and ovaries are present, the person is described as being female. Presently, the terms "transgender male" or "trans male" should be used to describe female-to-male transgender people and "transgender female" or "trans female" should be used to describe male-to-female transgender people.² Historically, whatever sex was described at autopsy was then entered onto the death certificate.

Amending the sex designation on a birth certificate may be an extremely important step for a transgender person to accurately reflect on this legal document the sex with which the individual identifies. A majority of states permit the name and sex of a transgender individual to be changed on a birth certificate, either through amending the existing birth certificate or by issuing a new one. Only Idaho, Kansas, Ohio, and Tennessee refuse to change the gender marker on a birth certificate.³

In addition to the physical characteristics noted at autopsy and initial case information, next-of-kin or family opinion may be useful in determining how a deceased person identified themselves; however, many transgender people are estranged from relatives who are uncomfortable with their gender transition. Amended birth certificate, driver's license, or passports may be sufficient legal documentation to trump family opinion. Therefore, medical examiners and coroners should record a person's gender identity rather than anatomical sex on a death certificate.

Reference(s):

1. <http://www.washingtonpost.com/news/wonkblog/wp/2015/01/22/the-state-of-transgender-america-massive-discrimination-little-data/>
 2. <http://dictionary.reference.com/>
 3. <http://www.lambdalegal.org/know-your-rights/transgender/changing-birth-certificate-sex-designations>
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Transgender, Amended Birth Certificate, Death Certificate