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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1392**

In Re the Matter of the Application of:
John Doe for a Change of Birthdate to April 10, 1976.

**Filed April 17, 2017
Affirmed
Reilly, Judge**

Hennepin County District Court
File No. 27-CV-16-5100

Kathryn M. Lammers, Blaine L. M. Balow, Heimerl & Lammers, Minneapolis, Minnesota
(for appellant John Doe)

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Minnesota (for amicus curiae Minnesota Department of Health)

Considered and decided by Reilly, Presiding Judge; Johnson, Judge; and Smith,
Tracy M., Judge.

UNPUBLISHED OPINION

REILLY, Judge

Appellant challenges the district court’s denial of his petition to modify his birth record under the Minnesota Vital Records Act, Minn. Stat. §§ 144.211-.227 (2016), to alter his date of birth. Because the district court did not err by determining that appellant’s birth record was not “incomplete, inaccurate, or false” under Minnesota Statutes § 144.218, subdivision 4, we affirm.

FACTS

This appeal arises from the denial of appellant's petition to modify the date of birth on his birth record under Minnesota Statutes section 144.218, subdivision 4. Appellant's undisputed date of birth is April 10, 1969, which date is reflected on his birth record. Appellant sought to modify his birth date to April 10, 1976, claiming that he is a "survivor of a profound mental illness" early in his life that has had a "profound impact on his identity" at present, causing him to identify as younger than his chronological age.

Appellant appended three supporting letters to his petition. David L. Stagner, M.D., who met with appellant on eight occasions, opined that appellant suffered from a disorder during his teenage years which "essentially robbed him of normal and expected adolescent developmental experiences." As a result of these early experiences, Stagner found that appellant "feels most comfortable" considering as his peers people 5 to 15 years younger than his chronological age. Psychologist Gary R. Perrin also submitted a letter of support, stating that he has been providing psychotherapy services to appellant on a weekly basis since January 2014. In his opinion, appellant "identifies as an age significantly younger than his chronological age," and a change in his birth record could allow appellant to "develop a more cohesive sense of self" and "relate more satisfactorily to his peers." Lastly, appellant submitted a letter from Michael S. North, Assistant Professor of Management and Organizations at New York University, who wrote generally about the "presence and pervasiveness of age stereotypes and age role expectations in society," without addressing appellant's petition or his personal situation.

The district court denied appellant’s petition, holding that appellant’s birth record “is not incomplete, inaccurate or false within the meaning of the statute, which the Court finds is clear and unambiguous.” The district court noted that it was “not without sympathy” for appellant’s situation and found that appellant’s petition was both “honest and heartfelt.” Nevertheless, the district court concluded that “the law does not contemplate making the change [appellant] requests, and it is not within this Court’s power to grant it.” The petition was therefore denied, and this appeal follows.

D E C I S I O N

Appellant seeks to alter the date of birth on his birth record from April 10, 1969, to April 10, 1976, on the ground that he experiences a psychological disconnect between his biological age and the age at which he now identifies, owing to developmental delays in his youth. The district court denied the petition as seeking relief not authorized by the plain language of the statute. The question presented on appeal is whether Minnesota law permits a petitioner to modify the date of birth on his or her birth record when the date of birth, as recorded, is not incomplete, inaccurate, or false.

Statutory interpretation presents a question of law which an appellate court reviews de novo. *Christianson v. Henke*, 831 N.W.2d 532, 535 (Minn. 2013). The goal of all statutory interpretation is to “ascertain and effectuate the intention of the legislature.” Minn. Stat. § 645.16 (2016). “If the language of a statute is clear and free from ambiguity, the court’s role is to apply the language of the statute and not explore the spirit or purpose of the law.” *Toyota-Lift of Minn., Inc. v. Am. Warehouse Sys., LLC*, 886 N.W.2d 208, 211 (Minn. 2016) (citing Minn. Stat. § 645.16 (2014)). A statute is ambiguous only when it is

reasonably susceptible to more than one interpretation. *Marks v. Comm’r of Revenue*, 875 N.W.2d 321, 324 (Minn. 2016).

The relevant statutory authority for our inquiry is Chapter 144 of the Minnesota Statutes, the Vital Records Act. The Vital Records Act provides that a birth record for each live birth in Minnesota must be filed with the state registrar within five days after the birth. See Minn. Stat. §§ 144.211, .215, subd. 1; Minn. R. 4601.0100, subp. 17 (2015). A vital record may be amended or corrected “only according to [the Vital Records Act] and rules adopted by the commissioner of health to protect the integrity and accuracy of vital records.” Minn. Stat. § 144.2181(a); see also Minn. R. 4601.0600-.1400 (2015). In the case of birth records:

If a court finds that a birth record is incomplete, inaccurate, or false . . . , the court may order the registration of a replacement vital record, and, if necessary, set forth the correct information in the order. Upon receipt of the order, the registrar shall register a replacement vital record containing the findings of the court. The prior vital record shall be confidential . . . and shall not be disclosed except pursuant to court order.

Minn. Stat. § 144.218, subd. 4.

While the Vital Records Act does not separately define “incomplete, inaccurate, or false” for purposes of this section, Minn. Stat. § 144.212, the plain and ordinary meaning of those words designates a piece of information which is factually incorrect, see *The American Heritage Dictionary of the English Language* 637, 885, 889 (5th ed. 2011) (defining “false” as “[c]ontrary to fact or truth,” defining “inaccurate” as “[m]istaken or incorrect; not accurate,” and defining “incomplete” as “[n]ot complete”); see also *Toyota-*

Lift of Minn., 886 N.W.2d at 212 (identifying canon of construction that courts “construe words and phrases according to their plain and ordinary meaning” when interpreting a statute).

It is an undisputed fact that appellant’s date of birth is April 10, 1969. *See* Minn. R. 4601.0100, subp. 6 (2015) (“‘Date’ means month, day, and year.”). Appellant’s birth record accurately and correctly reflects this date. The plain and unambiguous terms of section 144.218, subdivision 4, permit modification of a birth record when it is “incomplete, inaccurate, or false.” Because appellant’s birth record is not “incomplete, inaccurate, or false” as it relates to his date of birth, he does not fall within the class of persons entitled to redress under the statute.¹ Thus, because the district court had no statutorily conferred authority to modify the birth record, it did not err by denying appellant’s petition.

Appellant asserts that his request is made in good faith. The district court thoughtfully addressed appellant’s situation, noting that it was

not without sympathy for [appellant]’s plight. [Appellant]’s mental health struggles have been real, and his developmental delay has been the unfortunate result. His request is honest and heartfelt. But the law does not contemplate making the change [appellant] requests, and it is not within this Court’s power to grant it.

¹ We have reviewed these supporting letters submitted by appellant to the district court. North’s letter does not address the facts of this case. And while Drs. Stagner and Perrin wrote in support of the petition, their letters must be viewed from a therapeutic standpoint and cannot overcome the plain language of controlling law.

Although we are likewise sympathetic to appellant's concerns, we are bound by clear Minnesota law. Nothing in Minnesota Statutes section 144.218, subdivision 4, allows for modification of a petitioner's date of birth, where the birth record accurately reflects the date, and "[i]t is not the function of this court to establish new causes of action." *Jane Doe 43C v. Diocese of New Ulm*, 787 N.W.2d 680, 690 (Minn. App. 2010) (citing *Stubbs v. N. Mem'l Med. Ctr.*, 448 N.W.2d 78, 80-81 (Minn. App. 1989), *review denied* (Minn. Jan. 12, 1990)). The district court properly applied section 144.218, subdivision 4, and we affirm.²

Affirmed.

² Appellant asks us to analogize his petition to modify his birth record to change his date of birth to a petition to modify a birth record to change a petitioner's sex-designation. Appellant cites no relevant authority, in any jurisdiction, to support his position, which we decline to adopt. See *Fannie Mae v. Heather Apartments Ltd. P'ship*, 811 N.W.2d 596, 600 n.2 (Minn. 2012) (declining to consider arguments made without citation to legal support). We are similarly unpersuaded by appellant's public policy arguments, which are better directed to the Minnesota Supreme Court or to the legislature. See *Tereault v. Palmer*, 413 N.W.2d 283, 286 (Minn. App. 1987) ("[T]he task of extending existing law falls to the supreme court or to the legislature, but it does not fall to this court."), *review denied* (Minn. Dec. 18, 1987).