

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-CA-23

IN RE: ADAM CHRISTOPHER STRAIN

ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 849-387, DIVISION "L"
HONORABLE DONALD A. ROWAN, JR., JUDGE PRESIDING

September 08, 2026

SCOTT U. SCHLEGEL
JUDGE

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Scott U. Schlegel

REVERSED; REMANDED WITH INSTRUCTIONS

SUS
FHW
JGG

WICKER, J., CONCURS WITH REASONS

FHW



COUNSEL FOR PLAINTIFF/APPELLANT,
ADELAIDE SELENE STRAIN

Donald F. deBoisblanc, Sr.

Donald F. deBoisblanc, Jr.

SCHLEGEL, J.

Plaintiff/Appellant, Adelaide Selene Strain, formerly known as Adam Christopher Strain, appeals the district court's December 2, 2025 judgment, which denied appellant's petition for change in gender marker and for issuance of new birth certificate. Finding that the district court erred in denying the petition, we reverse the judgment of the district court and remand with instructions.

Facts and Procedural History

Appellant was born in October 2001. Appellant's original birth certificate designated appellant as a male with the name of Adam Christopher Strain. As an adult, appellant sought counseling and medical advice related to gender dysphoria. After being evaluated by medical professionals, appellant received gender reassignment surgery in September 2023.

On November 30, 2023, appellant filed a petition pursuant to La. R.S. 40:62 requesting a name change to Adelaide Selene Strain and the issuance of a new birth certificate with the gender designation of female. On December 4, 2023, the district court granted appellant's requested name change to Adelaide Selene Strain but crossed out the requested relief for the issuance of a new birth certificate pursuant to La. R.S. 40:62.

On January 18, 2024, appellant filed a motion for change in gender marker and for the issuance of a new birth certificate. At the hearing on the motion held on March 25, 2024, appellant's counsel and a representative of the Vital Records Registrar for the Louisiana Department of Health, Office of Public Health – Vital Records Registry (“DHH-VRR”) were present. On that day, the district court entered judgment denying the motion.

On March 28, 2024, appellant filed a motion for new trial and requested a hearing date so that the treating physician could testify. The motion for new trial

indicated that the DHH-VRR did not oppose the motion. The district court denied the motion for new trial without reasons on April 2, 2024.

The appellant filed a timely appeal. In a two-to-one decision rendered on December 30, 2024, the majority of this Court affirmed the district court's judgment, with one judge dissenting. *In re Strain*, 24-234 (La. App. 5 Cir. 12/30/24), 410 So.3d 965, 971, *decision vacated*, 25-198 (La. 4/15/25), 406 So.3d 415.

In a *per curiam* opinion dated April 15, 2025, the Louisiana Supreme Court granted writs, vacated this Court's judgment, and remanded to the district court for further proceedings. *In re Strain*, 25-198 (La. 4/15/25), 406 So.3d 415. The Supreme Court found that the district court had committed legal error by failing to apply the correct legal standard of proof by a preponderance of the evidence. The Supreme Court further found that:

La. R.S. 40:62(C) requires proof: 1) petitioner was properly diagnosed as a transsexual or pseudo-hermaphrodite; 2) sex reassignment or corrective surgery has been properly performed upon petitioner; and 3) as a result of such surgery and subsequent medical treatment, the anatomical structure of petitioner's sex has been changed to a sex other than that stated on the original birth certificate. As Judge Marcel reasoned in his dissenting opinion, this is a civil matter; therefore, petitioner must prove the required facts by a preponderance of the evidence. *See Talbot v. Talbot*, 03-0814, p. 9 (La. 12/12/03), 864 So.2d 590, 598 (explaining that in civil cases a party who has the burden of proof must prove the fact in issue by a preponderance of the evidence, and only in exceptional controversies is the clear and convincing standard applied). The statute requires no specific type, kind, or quantity of evidence to meet that burden of proof, instead providing "[t]he court shall require such proof as it deems necessary to be convinced" of the necessary facts. La. R.S. 40:62(C).

Id. (Footnote omitted.)

On remand from the Louisiana Supreme Court, the district court held a contradictory hearing on December 2, 2025. Two witnesses testified, and exhibits were entered into evidence. A representative from the DHH-VRR attended the hearing and did not oppose the requested relief. At the conclusion of the hearing, the district court entered judgment denying appellant's petition for change in

gender marker and for issuance of new birth certificate. The judgment of December 2, 2025 included the following reasoning:

In support of the Petition, the Petitioner offered the testimony of Dr. David Jensen [*sic*], the plastic surgeon who performed gender reassignment surgery on the Petitioner. Dr. Jensen [*sic*] testified about Petitioner's course of treatment and represented to this Court that, in his expert medical opinion, the Petitioner is anatomically a female. However, Dr. Jensen [*sic*] then admitted that, if a DNA test were performed on the Petitioner, the test would identify male DNA. La. R.S. 40:62 requires the Court to be convinced that the anatomical structure of the sex of the petitioner has been changed to a sex other than that which is stated on the original birth certificate. If, at the molecular level, the Petitioner is a male, it stands to reason that the anatomical structure of the sex of the Petitioner cannot be changed. The appearance of the body and its various structures can be altered through surgery, but a person's sex cannot be fundamentally changed.

Appellant filed a timely motion for devolutive appeal.

Law and Analysis

Appellant submits that the district court misinterpreted La. R.S. 40:62 by failing to grant the request for issuance of a new birth certificate and erred in failing to instruct the DHH-VRR to provide a new birth certificate.

La. R.S. 40:62, entitled "Issuance of new birth certificate after anatomical change of sex by surgery," provides in pertinent part:

A. Any person born in Louisiana who has sustained sex reassignment or corrective surgery which has changed the anatomical structure of the sex of the individual to that of a sex other than that which appears on the original birth certificate of the individual, may petition a court of competent jurisdiction as provided in this Section to obtain a new certificate of birth.

C. The court shall require such proof as it deems necessary to be convinced that the petitioner was properly diagnosed as a transsexual or pseudo-hermaphrodite, that sex reassignment or corrective surgery has been properly performed upon the petitioner, and that as a result of such surgery and subsequent medical treatment the anatomical structure of the sex of the petitioner has been changed to a sex other than that which is stated on the original birth certificate of the petitioner.

If the court shall find that the evidence sustains the required proof, the court shall render a judgment ordering the issuance of a new birth certificate changing the sex designated thereon from that shown upon the petitioner's original certificate of birth. The petitioner may in the same suit seek to have the name of the petitioner changed, and the court may render

judgment in accordance with law upon this additional petition at the same time.

At the hearing, Dr. David Jansen testified that he is the Clinical Chief of Plastic Surgery at the Tulane University School of Medicine, and that he was the lead surgeon who performed appellant's gender reassignment surgery. He stated that before going forward with the surgery, one or two letters of psychiatric evaluation and clearance with a recommendation were required. He considered the opinion of Dr. Brandy Panunti, an endocrinologist, who indicated that appellant had successfully undergone the hormonal component for the surgery and determined that the surgery was medically necessary. He also considered the opinion of Laura Dickinson, a licensed clinical social worker, who had been counseling appellant. She also recommended the surgery. Both indicated that appellant had been diagnosed with gender dysphoria. Appellant had previously had other surgeries and met all the criteria for the gender reassignment surgery.

Dr. Jansen met with appellant six months before the surgery, and again two weeks before the surgery to discuss the surgery, including the risks and benefits, and to answer appellant's questions. He also consulted with a board-certified urologist at Tulane, who assisted in performing the surgery in September 2023. He testified that the surgery was necessary and appropriate, that post-operation, appellant is anatomically a female and that the surgery is permanent. Accordingly, Dr. Jansen testified it was his professional opinion that it would be anatomically appropriate to change the gender marker on appellant's birth certificate from male to female to reflect appellant's physical changes.

The district court, however, followed up by asking Dr. Jansen: "Doctor, just because the anatomy has changed, it doesn't change the DNA structure, does it?" Dr. Jansen responded, "It does not."

Laura Dickinson, a licensed clinical social worker who was part of a team of counselors for appellant, also testified. The University Counseling Center at Loyola had been counseling appellant since October 2021, and she had been the counselor since December 2022. Appellant had transitioned to living as a woman throughout the course of treatment. Appellant was compliant with hormone therapy as prescribed by Dr. Panunti. Ms. Dickinson diagnosed appellant with gender dysphoria. She forwarded information concerning appellant's personal history and diagnosis to Dr. Jansen for his consideration. After the surgery, she continued to counsel appellant. In Ms. Dickinson's opinion, appellant is anatomically a female.

Several exhibits were admitted at the hearing, including medical records consisting of Dr. Jansen's consultation report, preoperative report, operative report, and follow up report. Reports by Ms. Dickinson were also admitted, which indicated that appellant met all of the criteria for surgery, and included a record of counseling sessions attended by appellant from October 2021 through August 2024.

No testimony or exhibits were offered or admitted to contradict the testimony of the witnesses or the exhibits. And as noted, DHH-VRR did not oppose the requested relief.

Legislation is the solemn expression of legislative will; as such, statutory interpretation is primarily the search for legislative intent. *Police Jury of Calcasieu Par. v. Indian Harbor Ins. Co.*, 24-449 (La. 10/25/24), 395 So.3d 717, 723. The interpretation of any statute begins with the statute itself. *Id.* "When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made in search of the intent of the legislature." La. C.C. art. 9. Similarly, La. R.S. 1:4 provides that "[w]hen the wording of a Section is clear and free of

ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.” Further, a statute must be interpreted and applied in a manner consistent with logic and the presumed fair purpose and intention of the Legislature in enacting it. *Police Jury of Calcasieu Par.*, 395 So.3d at 723.

In this case, the Legislature passed La. R.S. 40:62 with the clear intention that if a person makes the showing as required by the language in the statute, the court “shall render a judgment ordering the issuance of a new birth certificate changing the sex designated thereon from that shown upon the petitioner’s original certificate of birth.” It is the function of the courts to interpret the law so as to provide the connotation the lawmaker obviously intended and not to construe statutes so rigidly as to give them preposterous or odd meanings. *O’Brien v. Shepley*, 451 So.2d 82, 84 (La. App. 5 Cir. 1984) (citing *Lucas v. Berkett*, 233 La. 896, 98 So.2d 229, 235 (1957)).

Thus, in light of the Supreme Court’s recent finding that the correct legal standard in these types of cases is proof by a preponderance of the evidence, appellant has carried the burden of proof. The district court’s interpretation of the statute would result in the statute being impossible to apply.

Conclusion

For these reasons, we find that the district court erred as a matter of law. The district court’s December 2, 2025 judgment is reversed. We remand with instructions that the District Court promptly issue an order to the Vital Records Registrar for the Louisiana Department of Health, Office of Public Health – Vital Records Registry to provide a new birth certificate to Adelaide Selene Strain in accordance with this opinion.

REVERSED; REMANDED WITH INSTRUCTIONS

Fifth Circuit Court of Appeal State of Louisiana

No. 26-CA-23

IN RE: ADAM CHRISTOPHER STRAIN

WICKER, J., CONCURS WITH REASONS

I agree with the majority’s opinion and write separately only to point out that the district court’s error was straightforward—it denied relief based on a requirement not found in La. R.S. 40:62(C). Such an interpretation effectively reads the statute out of existence. La. R.S. 40:62(C) requires proof that “the anatomical structure of petitioner’s sex has been changed” through surgery and subsequent medical treatment; it does not require proof that the petitioner’s molecular, genetic, or chromosomal makeup has changed. Because such a change is, at present, scientifically unattainable, reading the statute as the district court did would render it meaningless by foreclosing relief in *every* case. Courts are constrained to apply the statute the Legislature enacted, not one they may prefer instead. La. R.S. 40:62(C) means what it says, and the district court erred in reading it to require proof of something it does not require. Accordingly, I concur in reversing the district court’s judgment.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
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MARC E. JOHNSON
STEPHEN J. WINDHORST
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY
SEPTEMBER 8, 2026 TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES
NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-CA-23

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)		
HONORABLE DONALD A. ROWAN, JR. (DISTRICT JUDGE)		
DONALD F. DEBOISBLANC, JR. (APPELLANT)	DONALD F. DEBOISBLANC, SR. (APPELLANT)	S. CATHERINE LEARY (APPELLANT)
NEAL R. ELLIOTT, JR. (APPELLEE)		

MAILED

NO ATTORNEYS WERE MAILED