

The Supreme Court of the State of Louisiana

IN RE: ADAM CHRISTOPHER STRAIN

No. 2025-C-00198

IN RE: Adelaide Selene Strain, formally Adam Christopher Strain - Applicant Other;
Applying For Writ Of Certiorari, Parish of Jefferson, 24th Judicial District Court
Number(s) 849-387, Court of Appeal, Fifth Circuit, Number(s) 24-CA-234;

April 15, 2025

Writ application granted. See per curiam.

WJC
JLW
JDH
PDG
JMG
CRC

McCallum, J., dissents.

Supreme Court of Louisiana
April 15, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-00198

IN RE: ADAM CHRISTOPHER STRAIN

*On Writ of Certiorari to the Court of Appeal, Fifth Circuit,
Parish of Jefferson*

PER CURIAM.

Writ granted. 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,¹ 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).

The trial court committed legal error in failing to apply the correct legal standard of proof by a preponderance of the evidence. See Wallmuth v. Rapides

¹ **In re: Strain**, 24-234, p. 3 (La.App. 5 Cir. 12/30/24), __ So.3d __, __ (Marcel, J., dissenting).

Parish School Bd., 01-1779, p. 7 n.2 (La. 4/3/02), 813 So.2d 341, 345 n.2. Such legal error interdicted the factfinding process. **Evans v. Lungrin**, 97-0541, p. 6 (La. 2/6/98), 708 So.2d 731, 735. Accordingly, the trial court abused its discretion in failing to grant a new trial. The decision of the Court of Appeal is vacated and set aside. This case is remanded to the trial court for further proceedings.

VACATED.