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10/14/2020

Submitted via [Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov).

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Comments on Proposed Amendments to Rule 4:72 (“Actions For Change of Name”) to Remove Newspaper Publication Requirement.

Hughes Justice Complex; P.O. Box 037

Trenton, New Jersey 08625-0037

Dear Honorable Justice Grant:

I am writing to you on behalf of the New Jersey Coalition to End Domestic Violence (NJCEDV) in response to The New Jersey Supreme Courts proposal to amend Rule 4:72 (“Actions for Change of Name”) so as to remove the publication requirements for name change actions of both adults and minors. We urge the adoption of this proposal, and support its implementation.

NJCEDV is a statewide coalition whose purpose and mission is to end domestic violence in New Jersey. NJCEDV facilitates its mission through advocacy for survivors of domestic violence, collaboration with state agencies, culturally-specific providers, and its member programs, education and training, as well as coordinating efforts to change societal attitudes and systemic barriers that perpetuate domestic violence. NJCEDV recognizes the disproportionate impact marginalized communities face in accessing help for domestic and other forms of violence. Our social justice work promotes systemic change in attitudes and beliefs to support survivors of marginalized communities so they can get the support and resources needed to help them realize their full potential.

NJCEDV feels the elimination of the publication requirement would support equality in the court system and all court users, and provides for the safety and privacy interests of those obtaining name changes, especially individuals obtaining a name change in affirmation of their gender identity. Transgendered individuals need accurate and consistent identification to open bank accounts, travel, enroll in school and for employment. However, the name and gender change process is complicated, burdensome and prohibitively expensive to some. As a result, only one-fifth of transgender individuals who have transitioned have been able to update all their identification with their new gender<sup>1</sup>. Additionally, gender incongruent identification exposes transgender individuals to a number of negative outcomes, from denial of employment, housing,

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<sup>1</sup> <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

public benefits, harassment and at times physical violence<sup>2</sup>. Therefore, it is imperative to undue as many barriers as possible trans gender individuals must face when seeking thier identification with their corresponding gender.

NJCEDV also believes in the safety and the right to privacy for transgender individuals. A powerful conception of privacy is the right to control information about oneself.

Correspondingly, in this conception, a person's privacy is violated when they have no autonomy to decide who will have access to their information. By removing the publication requirement, we are respecting a transgender individuals right to privacy, while not exposing to the general public a very intimate and personal decision for the individual. Rule 4:72-3 requires an individual to publish the notice of application for their name change in a newspaper of general circulation in the county of the plaintiff's residence, and once again after entry of judgment by the court. This requirement is invasive to a transgender individuals privacy. In fact in 2015 the National Center for Transgender Equality conducted a survey where they interviewed over 27,000 identified transgender individuals from all fifty states, districts and territories of the United States providing a detailed look at the experiences of transgender people across a wide range of categories, such as education, employment, family life, health, housing, and interactions with the criminal justice system. The survey revealed that those transgendered individuals who never tried to change their name, one-quarter of them cited the reasons as fear of being outed, fear of physical violence or reprisal from their community, and possible wrongful termination by an employer<sup>3</sup>.

Transgender individuals in New Jersey collectively suffer alarming rates of discrimination, especially in the workplace and in regards to housing, which has a corollary effect of greater housing and economic insecurity for transgender individuals throughout the State. In fact, of the 27,000 respondents in the 2015 survey, 125 of them were from New Jersey. Over three-fourths of respondents cited harassment or mistreatment on the job, while one-fifth lost their job and one-quarter were denied a promotion<sup>4</sup>. Thus, due to employment discrimination, transgender individuals in New Jersey also experience higher rates of homelessness and unemployment than the general population nationally. Transgender indivudals also cited housing instability, brought by both discrimination and economic insecurity bred from workplace discrimination.

Requiring a transgender individual to publish notice of their name change forces an individual to announce to the world that their legal name and gender is incongruent. With high rates of discrimination against transgender individuals in the workplace and housing already prevalent, many transgender individuals would feel deterred from changing their name for fear of perhaps

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<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> [https://transequality.org/sites/default/files/docs/resources/ntds\\_state\\_nj.pdf](https://transequality.org/sites/default/files/docs/resources/ntds_state_nj.pdf)

being outed, and potential consequences that may befront them if an employer or landlord were to find out.

Though the concept of notice is critical to the integrity of due process in our legal system to ensure the opportunity to be heard is provided for the affected party, NJCEDV feels that there are more circumspect and safer ways for transgender individuals to provide notice of their name change. Applicants shouldn't have to choose between their safety and privacy and having consistent identification documents that are crucial to basic social and economic functioning in our society.

For all these reasons, The New Jersey Coalition to End Domestic Violence respectfully asks the New Jersey Supreme Court to support the proposed amendments to the Rule as reflected in the Notice. Thank you for your time and attention to this important matter.

Sincerely,

Michael Mauro, Esq.  
Staff Attorney| NJCEDV  
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## Steven Bonville

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**From:** Celeste Fiore <celeste@argentinolaw.com>  
**Sent:** Wednesday, October 14, 2020 8:25 PM  
**To:** Comments Mailbox  
**Subject:** [External]Amendments to R. 4:72  
**Attachments:** 2020-10-14 CF to Judge Grant re Proposed Rule Change.pdf

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Please see attached.

Respectfully submitted.

**Celeste Fiore, Esq.**

*Partner*

(Honorific: Mx.) they/them/theirs



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