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October 14, 2020

Via Email (Comments.Mailbox@njcourts.gov)

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 4:72 – Removal of Publication Requirement

RE: Amendments to R. 4:72

Dear Judge Grant:

This firm submits these comments in support of the proposed amendments to Rule 4:72 to eliminate the publication requirement in name change cases for both minors and adults, as described in the September 14, 2020 Notice to the Bar. This firm focuses on providing legal services to the LGBTQ community, including but not limited to name changes. We have extensive experience obtaining name changes for both minors and adults in almost every county. Individual members of the firm regularly provide trainings on name change procedure as well as LGBTQ humility or competency training.

We welcome the opportunity to submit comment in support of such a vital rule change that will have an immeasurable positive impact upon the transgender community who seek to change their names. For parents of transgender children, often a legal name change is one of the only ways by which they can affirm their child's identity and they must use the courts, unlike when they named their child.

Publication is the costliest portion of the name change process, particularly because the Court's fee waiver is not honored by publishers. The filing fee (\$250.00) and fee for certified copy (\$25.00 each) can be waived but the per/line cost to publish is set outside of the court and varies by publication. Over the past three years, we have had at least 10 people who would have qualified for a fee waiver and for whom we would have provided *pro bono* representation but who could not move forward with a name change because they had no money for publication. Additionally, we have had clients put off their name change in order to save the money for court and publication fees, thereby delaying their access to the courts.

Another costly way by which our clients have sought to protect their privacy (or the privacy of their minor children) is to retain counsel to file a motion to waive the publication requirement. Although we have at times donated our time to drafting and arguing such motions, the need for such a motion amounted to what we in our firm have termed a "queer tax" by which LGBTQ people face an additional financial or procedural hurdle to lived equality. Such motions are then determined by individual judges

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with little to no consistency among or within vicinages. The vicissitudes of outcomes make it impossible to set client's financial or temporal expectations even if such a motion is filed.

Based upon our firm's experience, we adamantly support and welcome the suggested amendment to eliminate the publication requirement.

Even with this amendment to the Rule, another anachronistic requirement remains: a certified copy of the name change must be filed with the Department of Treasury with 45 days of the *judgment date*. COVID-19 closures and reductions in on-site staff have exacerbated the possibility of delay in a litigant obtaining a certified copy of the judgment with enough time to file with the Department of Treasury. Firm clients have reported that the Department is rejecting the filings if received after 45 days of the judgment, thereby requiring an additional motion or request of the court to amend its order. This also starts the process of obtaining certified copies over, again opening up the likelihood of delay and a repeat of the cycle. It is unclear why this requirement is in the Rule; it also imposes a "queer tax" through no fault of the litigant.

We are proud to be members of the Bar of the State of New Jersey as we continue to improve access to the courts and for fairness and justice for all litigants.

Respectfully submitted,



Celeste Fiore

Pronouns: they/them/theirs

Honorific: Ms.