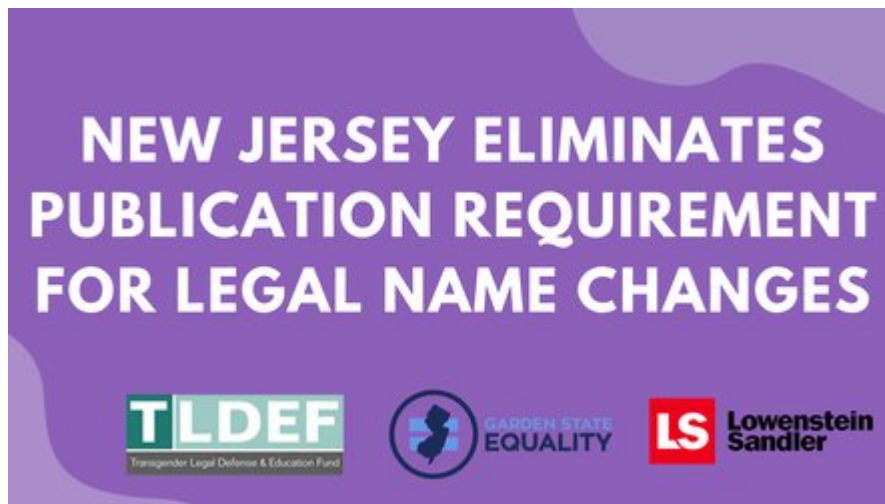


TLDEF, Garden State Equality Secure Removal of Name Change Publication Requirement from New Jersey Supreme Court

Amended rule removes safety and financial barriers for transgender youth and adults seeking legal name changes



(NEW YORK, NY – December 15, 2020) – The Supreme Court of New Jersey has amended Rule 4:72 entitled, “[Name Change Applications – Elimination of the Requirement of Newspaper Publication](#),” to abolish the requirements that people who obtain court-ordered name changes publish their former and new names in a newspaper. The Transgender Legal Defense & Education Fund (TLDEF), along with Garden State Equality and the law firm Lowenstein Sandler submitted comments to the court in October 2020, supporting the then-proposed amendments to the court’s rules.

Previously, New Jersey residents seeking to legally change their name by court order were required to publish separately both the notice of application and the court order granting the name change. Not only did this former process pose a significant financial barrier, but also threatened the safety and privacy of transgender people. Often citing financial hardship, transgender people are unable to legally change their identity documents and as a result, frequently encounter incidents of discrimination when a legal name on identification does not reflect their lived gender identity.

With these changes, New Jersey now becomes the 18th U.S. jurisdiction to remove name change publication requirements. TLDEF’s Name Change Project works alongside law firms across the country, like Lowenstein Sandler, to provide pro bono legal assistance for transgender and non-binary people seeking legal name changes. For TLDEF’s Name Change Project participants, many of whom are people of color and often live on less than \$1,000 each month, the court and publication fees are often insurmountable barriers to accessing affirming identity documents.

“We applaud the New Jersey Supreme Court for recognizing the safety and privacy considerations that are often barriers for transgender name change petitioners,” said **TLDEF’s Name Change Project Counsel Charlie Arrowood**. “Removing the publication requirement for name changes not only makes the process more accessible and affordable to those who need it, but also removes the safety burden of publicizing private and personal information. At a time when violence against our community continues to break records, granting legal name changes and protecting private medical information will save lives.”

“Removing the requirement for people to publish name changes in the newspaper gives transgender and non-binary people the dignity and privacy they deserve,” said **Garden State Equality Executive Director Christian Fuscarino**. “Eliminating these financial and social barriers ensures that trans people of all socio-economic backgrounds have one less obstacle in the way of living full and healthy lives.”

“The rule change will significantly impact our Name Change Project clients and other low-income transgender and gender-nonconforming people, who will now avoid unnecessary risk and stigma from publicizing their name changes,” said **Lowenstein Sandler attorneys Matthew Hintz and Zachary Berliner**. “They will also have greater access to legal name changes without the fees required for two publications. We commend the Court for taking this initiative in the name of social justice and removing barriers to name changes.”

This rule change comes at a time when TLDEF and partner law firms have been working with courts across the country to reduce systemic barriers to accessing name changes for low-income transgender people. TLDEF's successful court advocacy has included efforts to file and grant name change petitions without a required court appearance—which is especially essential in the midst of the ongoing COVID-19 pandemic.

Over the past year, TLDEF's Name Change Project participants have reported increased disparities as a result of the pandemic. Among TLDEF's legal clients, the Name Change Project has found:

- Unemployment has increased from 41% (pre-pandemic) to 58 percent;
- Participants average income has decreased 11% from \$982/mo to \$873/mo; and
- Rates of people experiencing poverty has increased from 59% to 65 percent.

Despite COVID-19, the number of TLDEF's name change intakes have remained consistent as affirming identity documents create greater access to social services, public benefits, housing, and health care, including Medicaid. Access to affirming identity documents can also reduce instances of anti-transgender violence.

TLDEF attorneys David Brown and **Charlie Arrowood** submitted comments with the law firm **Lowenstein Sandler LLP** (Attorneys Matthew Hintz and Zachary Berliner) and **Garden State Equality**, both in New Jersey. The New Jersey Supreme Court Committee on Diversity, Inclusion, and Community Engagement, along with the Family Practice and Civil Practice Committees also endorsed the proposal to eliminate the requirement, citing both financial and safety concerns for transgender and non-binary people seeking name changes.

About TLDEF

Transgender Legal Defense & Education Fund is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through test-case litigation, direct legal services, public policy, and public education efforts. For more information, visit [TLDEF.org](https://tldef.org).

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