



NEW JERSEY STATE BAR ASSOCIATION

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Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposed Amendments to Rule 4:72 -
Removal of Publication Requirement
Hughes Justice Complex, P.O. Box 037
Trenton, NJ 08625-0037

Re: Proposed Amendments to Rule 4:72 - Removal of Publication Requirement in Name
Change Applications

Dear Judge Grant:

The New Jersey State Bar Association (NJSBA) thanks the Court for the opportunity to comment on the proposed amendments to Rule 4:72, concerning the removal of the newspaper publication requirements in name change applications. The association also thanks the members of the Court's Family and Civil Practice Committees, as well as the Committee on Diversity, Inclusion and Community Engagement, for undertaking a review of the issues presented and presenting this thoughtful recommendation.

The NJSBA urges the Court to adopt the proposed amendments, as they will promote consistency in the name change process and will protect the safety and privacy interests of individuals seeking a name change, particularly those who seek court approval to use a name consistent with their gender identity and lived experience.

For many transgender and gender non-binary individuals, a legal name change is a prerequisite to obtaining identification documents consistent with their gender identity and gender expression. Requiring a transgender or non-binary individual to publish notice of their name change in a newspaper forces that individual to announce to the world that their legal name and gender identity are incongruent, without any cognizable benefit to potential parties in interest. The practical effects of this process are far more than mere preference or administrative formality, as nearly one-third of individuals who have shown identification documents bearing a name or gender that did not match their appearance reported negative experiences such as being harassed, denied services or attacked. The United States Court of Appeals for the Third Circuit has acknowledged, "[T]here can be 'no denying that

transgender individuals face discrimination, harassment and violence because of their gender identity.” *Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518,528 (3d Cir. 2018) (quoting *Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. Of Educ.*, 858 F.3d 1034, 1051 (7th Cir. 2017)).

While the current newspaper publication requirement is subject to waiver in individual cases, if denied by the court, it places unnecessary additional burdens on individuals who are already at-risk, forcing them to choose between their safety and privacy and obtaining a name change. Adoption of this proposal will alleviate that burden and allow individuals to pursue name changes with appropriate notification to those particular individuals and agencies who may have an actual interest in the change.

For these reasons, the NJSBA urges the Court to adopt the proposed amendments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kimberly A. Yonta". The signature is fluid and cursive, with the first name being the most prominent.

Kimberly A. Yonta, Esq.
President

/sab

cc: Domenick Carmagnola, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director