|  |  |  |
| --- | --- | --- |
| **CIVIL COURT OF THE CITY OF NEW YORK**  **COUNTY OF NEW YORK** |  |  |
| In the Matter of the Application of  **PARENT/GUARDIAN/NEXT FRIEND NAME**, as [Parent/Guardian/Next Friend] |  | **Index #:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| For Leave to Change the Name of  **OLDFIRST OLDMIDDLE OLDLAST  a.k.a. OLDFIRST OLDMI OLDLAST  a.k.a. OLDFIRST OLDLAST**  to  **NEWFIRST NEWMIDDLE NEWLAST** |  | **PETITION FOR MINOR’S  CHANGE OF NAME** |
|  |  |  |

1. PARENT/etc NAME, by this petition alleges:
   1. I am the parent of OLDFIRST OLDMIDDLE OLDLAST.
   2. The minor’s **present name** is OLDFIRST OLDMIDDLE OLDLAST, a.k.a. OLDFIRST OLDMI OLDLAST, and OLDFIRST OLDLAST.
   3. I would like the minor’s **new name** to be NEWFIRST NEWMIDDLE NEWLAST in place of the minor’s present name.
   4. The minor is AGE years old. The minor was born on MONTH DAY, YEAR. The minor’s signed consent to this name change petition is submitted with this request. [IF MINOR IS 14 YEARS OR OLDER ONLY]
   5. The minor was born in CITY, STATE. Annexed to this petition is a certified copy of the minor’s birth certificate [USE WHATEVER THE DOCUMENT IS CALLED ON ITS FACE], number #####, issued by the ISSUING AGENCY [Ex. NEW YORK STATE DEPARTMENT OF HEALTH] and a true and accurate copy of my photo identification.
   6. The minor lives at STREET, CITY, NY ZIP.
   7. The minor has never been convicted of a crime. [OR DETAILS]
   8. The minor has never declared bankruptcy. [OR DETAILS]
   9. There are no judgments or liens against the minor. [OR DETAILS]
   10. The minor is not a party to any actions or proceedings. [OR DETAILS]
   11. I have not made a previous application to change the minor’s name in this or any other court. [OR DETAILS]
   12. I want to change the minor’s name for the following reason(s): My child uses the name NEWFIRST in all aspects of their life. Friends, family, community members, teachers and classmates call them NEWFIRST; they are no longer known as “OLDFIRST.” They live openly as a young MAN/WOMAN/NONBINARY PERSON, wear typically MASCULINE/FEMININE/NEUTRAL clothing and have a typically MASCULINE/FEMININE/NEUTRAL hairstyle. Their current name does not accurately reflect their intrinsic MALE/FEMALE/NONBINARY identity or appearance. Being forced to use an incongruous name harms NEWFIRST, who is embarrassed and uncomfortable when called by their legal name. We are seeking to bring NEWFIRST ‘s legal name and identity documents in alignment with their current name. Having a typically MASCULINE/FEMININE [SEX ASSIGNED AT BIRTH] name that does not match NEWFIRST ‘s identity or appearance creates confusion and distress for NEWFIRST and our family when they are required to use their legal name. We are also presently unwilling to travel internationally because NEWFIRST ‘s passport does not match who they are, which unnecessarily exposes them to harassment. NEWFIRST ‘s NONPETITIONING PARENT [MOTHER/FATHER/PARENT/GUARDIAN] and I are also concerned about the possibility of NEWFIRST experiencing harassment in situations where people learn of their legal name. We believe it is in NEWFIRST ‘s best interest to have their legal name match who they are and that a legal name change will improve their safety and wellbeing.
   13. The minor has another living parent who is 18 years of age or older.
   14. The minor’s other living parent, NAME, has signed a notarized consent to this name change petition, which is being submitted with this request.
   15. I respectfully request that the publication provisions of Civil Rights Law §§ 63-64 be waived and rendered inapplicable and that the records of this name change be sealed pursuant to Civil Rights Law §64-a because I am concerned that publication of the name change would jeopardize my child’s personal safety. Publication would publicize my child‘s transgender status to the general public and violence against transgender people permeates our society. Sealing the records of my child’s name change is important to protect the medical privacy and safety of my child throughout their life. As the court in *Powell v. Schriver* noted, “transsexualism is the unusual condition that is likely to provoke both an intense desire to preserve one’s medical confidentiality, as well as hostility and intolerance from others. The excrutiatingly [sic] private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate.” 175 F.3d 107, 111 (2d Cir. 1999) (holding that disclosure of an inmate’s transgender status by prison officials violated her constitutional right to privacy because “individuals who are transsexuals are among those who possess a constitutional right to maintain medical confidentiality”). The court in *In re E.P.L.*, 26 Misc 3d 336 (N.Y. Sup. Ct., Westchester County 2009), waived publication requirements and sealed the records for a transgender individual without a particularized history of violence or crime against him, finding that “there exist numerous documented instances of those targeted for violence based on their sexual orientation or gender identity,” *id.* at 338, and that the petitioner “has a right to feel threatened for his personal safety in the event his transgender status is made public,” *id.* at 339. The legislature recognized this threat and amended Civil Rights Law §64-a in 2015 to support the holding in *In re E.P.L.* (See Assembly Bill A02242 (enacted)). The amended Civil Rights Law §64-a specifically states that judges “shall not deny such waiver solely on the basis that the applicant lacks specific instances of or a personal history of threat to personal safety.” (N.Y. Civ. Rights Law § 64-a (amended 2015)). The Supreme Court in Suffolk County has also affirmed in *In re J.A.L., Jr.*, 53 Misc. 3d 1220(A) (N.Y. Sup. Ct. 2016) that waiver based on the totality of the circumstances applies to transgender individuals even without a particular threat against them, as has the Supreme Court in Erie County in *Matter of M.M.H.*, 2020 N.Y. Slip Op 51544(U) (N.Y. Sup. Ct. 2020).
   16. Should the Court find this petition deficient in any aspect, I respectfully request leave to renew the application with additional information as the Court may require.

WHEREFORE, your Petitioner respectfully requests that an Order be granted permitting this change of name.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date PARENT/etc NAME

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**VERIFICATION**

State of New York, County of COUNTY ss.:

PARENT/etc NAME, being duly sworn, deposes and says:

I am the petitioner in the above-captioned action. I have read the petition and know the contents to be true to my own knowledge, except to those matters alleged on information and belief and as to those matters I believe them to be true.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PARENT/etc NAME

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public

|  |  |  |
| --- | --- | --- |
| **CIVIL COURT OF THE CITY OF NEW YORK**  **COUNTY OF NEW YORK** |  |  |
| In the Matter of the Application of  **PARENT NAME**, as Parent |  | **Index #:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| For Leave to Change the Name of  **OLDFIRST OLDMIDDLE OLDLAST  a.k.a. OLDFIRST OLDMI OLDLAST  a.k.a. OLDFIRST OLDLAST**  to  **NEWFIRST NEWMIDDLE NEWLAST** |  | **PARENT’S CONSENT  TO CHANGE OF NAME** |
|  |  |  |

State of STATE, County of COUNTY ss.:

NAME, being duly sworn, says:

1. I am over 18 years old and reside at STREET, CITY, STATE, ZIP.

2. I am the MOTHER/FATHER/PARENT of the minor child.

3. I have read the Petition dated DATE, requesting a change of name from OLDFIRST OLDMIDDLE OLDLAST to NEWFIRST NEWMIDDLE NEWLAST.

4. I consent to such change.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
NAME

Sworn to before me this

\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public

|  |  |  |
| --- | --- | --- |
| **CIVIL COURT OF THE CITY OF NEW YORK**  **COUNTY OF NEW YORK** |  |  |
| In the Matter of the Application of  **PARENT NAME**, as Parent |  | **Index #:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| For Leave to Change the Name of  **OLDFIRST OLDMIDDLE OLDLAST  a.k.a. OLDFIRST OLDMI OLDLAST  a.k.a. OLDFIRST OLDLAST**  to  **NEWFIRST NEWMIDDLE NEWLAST** |  | **MINOR’S CONSENT  TO CHANGE OF NAME** |
|  |  |  |

State of New York, County of COUNTY ss.:

OLDFIRST OLDMIDDLE OLDLAST, being duly sworn, says:

1. I am AGE years old and reside at STREET, CITY, NY, ZIP.

2. I am the minor child herein.

3. I have read the within Petition dated DATE requesting a change of name from OLDFIRST OLDMIDDLE OLDLAST to NEWFIRST NEWMIDDLE NEWLAST.

4. I consent to such change.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
OLDFIRST OLDMIDDLE OLDLAST

Sworn to before me this

\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Notary Public