Name Change Project Attorney Handbook for Allegheny County, PA

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Driving progress through partnership

Name Change Project
Recipient of 2015 New Initiative Award
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Thank you for choosing to participate in the Transgender Legal Defense & Education Fund's Name Change Project. This project provides transgender community members with free legal representation during the name change process. Since the Name Change Project's inception in Spring 2007 in New York City, over 1,500 attorneys have participated in the program in multiple cities around the country.[1] Over 2,700 people have sought assistance from the project, and at any given time there are hundreds of clients working with attorneys. This project would not be possible without the generous support of firms and attorneys like you.

Thank you!

I. INTRODUCTION TO TLDEF AND THE NAME CHANGE PROJECT

A. About TLDEF

Transgender Legal Defense & Education Fund (TLDEF) is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, community organizing, and public policy efforts. You can learn more about TLDEF's work at http://www.transgenderlegal.org.

B. Why The Name Change Project?

The Name Change Project came about because a great deal of the discrimination that transgender individuals face is due to a perceived mismatch between their birth names and their current appearance. A lack of appropriate identity documents can deter people from applying for jobs, school, benefits, or even a library card. Having to present an ID that does not match one's appearance can, at best, be embarrassing, or worse—subject the person to harassment or violence. In one of TLDEF's cases, a 17-year-old transgender woman applied for a job at a fast

[1] Visit http://www.transgenderlegal.org/work_show.php?id=7 for a list of Name Change Project locations and participating law firms and corporate legal departments.

food restaurant. Despite having previous experience, the manager refused to hire her when he saw that she had written a male name on the application and left her a voicemail using anti-LGBT slurs stating, "You will not get hired." Helping people obtain legal documents that match their gender goes a long way toward removing discriminatory barriers to obtaining basic things like employment, housing, and public benefits.

Securing a legal name change can be an intimidating experience because it involves interaction with judges and the court system. It can also involve a serious commitment of time and effort in an arena (the legal system) that is unfamiliar to many people. By ensuring that transgender people have adequate legal representation when seeking name changes, the Name Change Project ensures that they can successfully negotiate the legal process and move forward with their lives.

Unlike typical adversarial proceedings, name changes are voluntarily undertaken, and are usually happy occasions. As one client put it, shedding his birth name "felt like giving away, say, an ugly Christmas sweater." William Glaberson, *For Transgender People, Name Is a Message*, N.Y. Times, January 25, 2010, http://www.nytimes.com/2010/01/25/nyregion/25namechange.html (featuring four Name Change Project clients). This and other articles related to the Name Change Project can be found at Appendix G.

C. How The Name Change Project Helps

The process of transitioning can be enormously stressful, and simply living as a transgender person can mean constantly experiencing or being exposed to harassment and discrimination. Transgender people are all too frequently placed in the position of having to advocate for themselves—at work, at school, with doctors, family members, religious communities, government agencies, and so on.

In contrast, the Name Change Project was founded on the principle that everyone who wants a lawyer deserves to have one in order to make the name change process as simple as possible. For many people, the Name Change Project is a vital way to obtain a name change that they would be unable to complete on their own. For a group of people that is widely marginalized, simply being represented by a respectful attorney at a prominent law firm or corporation can be an empowering experience.

D. TLDEF's Appellate Work

On occasion, issues arise that necessitate appellate work. For example, in a 2009 proceeding in New York, a judge refused to grant a name change to a participant in the Name Change Project unless he produced a note from a doctor substantiating the need for a name change. TLDEF partnered with the name change attorneys in a successful appeal. The court noted, "[t]here is no sound basis in law or policy to engraft upon the statutory provisions an additional requirement that a transgendered-petitioner present medical substantiation for the desired name change." *In re Winn-Ritzenberg*, 26 Misc.3d 1 (N.Y. App Term, 1st Dept 2009).

We ask that you keep us apprised of any unusual development in your client's proceedings so that we may determine whether appellate or other action is necessary. Appellate work is a separate engagement, and there is no requirement that anyone participating in the Name Change Project agree to engage in appellate work.

E. About This Handbook

This handbook is only current as of the date on the front page. We incorporate updated information as new questions arise and court procedures are learned or changed. We encourage you to let us know if you experience something that differs from the procedures outlined here so that we can update the handbook.

II. WHO ARE NAME CHANGE PROJECT PARTICIPANTS?

A. A Diverse Group Of Individuals

Our participants are a diverse group in terms of race, ethnicity, education, and socioeconomic status. Since each participant is an individual, it is not possible to generalize about any particular individual based on experiences with another. Some may be in college, many are unemployed, and a disproportionate number live in shelters or supervised residences. Some will make all of their appointments on time, and others will not show up and become unreachable.

Name Change Project participants are in all stages of transition. Some are just starting their transitions, and others have transitioned over a decade ago but were never able to pursue a legal name change on their own.

For a wonderful series by the *Pittsburgh Post-Gazette* that follows several members of the Pittsburgh transgender community, see Appendix G, and visit the interactive story at http://newsinteractive.post-gazette.com/longform/stories/identity/.

B. Socioeconomic Status

Because transgender individuals face widespread discrimination in housing, employment, and education, they are disproportionately poor, unemployed, and homeless. Some Name Change Project participants have criminal records. Most are poor and working class. Most receive public assistance. For these reasons, your client may qualify for *in forma pauperis* ("*IFP*") status, which will allow the waiver of all court costs, but not the newspaper publication fees. Because publication costs $228 in Allegheny County, some participating law firms and companies cover the cost of publication for clients who are proceeding as *IFP*, making the entire name change process free-of-charge for them.

III. INTERACTING WITH CLIENTS

A. Respecting Gender Identities

Providing a safe space for transgender people requires using proper names, pronouns, and gendered terms at all times. One of the most frustrating aspects of being transgender is being gendered incorrectly by others. As their attorney, it is essential that you refer to your client by their preferred name and using their preferred pronouns – if you don't know what they prefer, it is very respectful to ask. When emailing your client or referring to them in the presence of others, including the judge, use gender-affirming language such as Mr., Ms., or Mx. If the client asks to use the restroom, direct them to the restroom that accords with their gender identity.

In the Name Change Petition or other legal documents, if pronouns are used, it is important to refer to clients by their preferred gender pronouns. Additionally, it is appropriate to refer to a client in legal name change documents as "Petitioner." At the name change hearing, use the name and the pronouns your client prefers.

Please be aware that some clients' appearances may not match their gender identity. This is particularly true for clients who lack access to clothing, cosmetics, medication and procedures, and other items that would enable them to conform their bodies and appearances more to their gender identity. Additionally, some clients may have safety and privacy concerns that make it easier for them to dress in ways typically associated with another gender, rather than the one with which they identify.

If you make a mistake with a client's name or pronoun, apologize, correct yourself and move on. Do not linger on the mistake or apologize repeatedly; prolonging attention on the mistake is unnecessary and may make the client more uncomfortable.

B. Logistics of Firm/Corporate Culture

Our participants typically do not have experience visiting large law firms or corporate offices, and may be nervous doing so. Because many clients have identification that reflects their birth names and gender, showing identification increases the chances that the security and/or reception staff will refer to the client with inappropriate gendered terms. When arranging a meeting with the client, give them notice about the security and/or reception requirements, and, if you can, meet them in the lobby to accompany them through security and/or reception. Educating your security and/or reception staff is also important.

C. Missed Appointments and Drop-Outs

We emphasize to Name Change Project participants the importance of keeping appointments with attorneys and calling ahead of time to reschedule if they cannot make it. You may find it helpful to send a reminder email or make a reminder call the day before a scheduled appointment. Unfortunately, some clients will miss appointments, for a variety of reasons. If you experience repeated issues with a client, please contact TLDEF for assistance.

Many participants are young and may simply be unaccustomed to having to be in a certain place at a certain time. They may lack transportation money or have health issues, including depression. For certain people, particularly visibly transgender people, simply leaving their apartment can, at times, be overwhelming. Oftentimes transgender people do not have the privilege of simply walking out of the house without preparation; they must take steps to ensure that their appearances will allow them to be comfortable and safe in public.

Despite TLDEF's efforts to screen participants, some who make it past the intake process and are assigned to attorneys do not complete the name change process. Some clients may discover that they are not in a place in their lives where they can complete the name change process. Some clients encounter opposition from family members and do not proceed. Others

face interactions with law enforcement or other unforeseen problems that require their full attention. We always do all we can to help clients through, and try to find out why they are unable to proceed. Many return to the project at a later date.

D. Timeliness Of Name Changes

Most of our clients are eager to change their names. Some have been waiting for years. While it might be tempting to think that if someone has waited their whole life, they can wait another month, it is often not that simple. In addition to the general factors outlined above, people are often urgently waiting for name changes for specific reasons, such as to assist them in switching to a different shelter or because they are moving to another city where projects like this are not available to assist them. For certain clients, it is essential to complete the name change as quickly as possible.

We ask that if you are unable to give enough attention to a client to promptly complete the process, please hold off until your schedule allows more time. In the meantime, that client can be assigned to another attorney who has time, and there will always be another client waiting when you are ready. If something comes up and you are having difficulty finding time for the case, please just let us know and we are happy to reassign the client.

Please note that some clients are not always prompt in producing requested documents or in replying to calls and emails. If your client has not contacted you in a significant or unusually long period of time and you cannot reach them, please let TLDEF know, we will try to get a response from the client.

IV. OVERVIEW OF THE NAME CHANGE PROCESS – ALLEGHENY COUNTY

The Name Change Project provides legal name change services to transgender individuals, including residents of Allegheny County. When a participant joins the project, TLDEF performs an initial intake. Participants sign a letter (*see* Appendix A, TLDEF

Participant Explanation Letter) agreeing to provide their attorney(s) with complete and accurate information and to keep all scheduled appointments. When an attorney or pro bono coordinator requests a client, TLDEF forwards the client's intake form to the attorney (*see* Appendix A, TLDEF Intake Form). The form contains the client's contact information, as well as the basic elements which will comprise the Name Change Petition. The attorney will then establish contact with the client, draft the Name Change Petition and set up an initial interview with the client. If, as a result of the interview process, the attorney becomes aware of the need for additional documentation, *e.g.*, the client's fingerprint card, the attorney will assist in obtaining such documents.

Once the petition is completed, it will be filed with the Court of Common Pleas of Allegheny County. After the State Police in Harrisburg process the fingerprint card and provide clearance on a background check, you will schedule a hearing either with the Special Name Change Judge's chambers or in General Motions court. In the weeks before the hearing, you will publish notice of the hearing in two Pittsburgh newspapers (unless the publication requirement is waived) and initiate a judgment search in each county where the petitioner has resided during the previous five (5) years. The hearing must be held between one and three months after the filing date. *See* 54 Pa. C.S.A. § 701(a.1)(3)(i). At the final hearing, the judge will either grant the petition or deny the petition pending resubmission to cure any defects. Once the petition is granted, we ask that the attorney help the client obtain three to five certified copies of the name change order to be used later to change legal documents such as a birth certificate, Social Security card, and driver's license or PA state identification card.

If you are not comfortable taking on a case by yourself, you may partner with another volunteer attorney. Whether working alone or on a team, you are invited to use the attorneys

listed in the next paragraph as resources. You must be admitted to practice in Pennsylvania (or have a colleague who is admitted to practice and can attend court with the client) to represent a client through the Name Change Project. Expect between 15 to 20 hours of total work for each client (although more time may be required if issues arise), over approximately 2 to 4 months.

AC Dumlao, who coordinates the Name Change Project at TLDEF, is available to answer general questions throughout the name change process. You may contact AC at 646-862-9396 x 106, or via email at adumlao@transgenderlegal.org. Please note that AC is unable to answer any questions about Pennsylvania law or procedure. Additionally, Pittsburgh-based Reed Smith attorneys Stefan Dann (412-288-4325; sdann@reedsmith.com) and Greg Vose (412-288-3154; gvose@reedsmith.com) are available to handle questions. If your firm has other attorneys who have worked with the Name Change Project, they are also great resources.

V. PENNSYLVANIA AND ALLEGHENY COUNTY NAME CHANGE LAW

See Appendix B for the full text of the rules, statutes, and cases cited below.

A. State Case Law

Pennsylvania has a "strong, liberal policy regarding change of name requests." *In re Miller*, 824 A.2d 1207, 1214 (Pa. Super. Ct. 2003). Specifically in the transgender name change context, the Pennsylvania Supreme Court has held that "[t]he fact that [a petitioner] is a transsexual seeking a feminine name should not affect the disposition of his request. … The details surrounding [his] quest for sex-reassignment surgery are not a matter of governmental concern." *In re McIntyre*, 715 A.2d 400, 402-03 (Pa. 1998).[2] So long as a petitioner is "judgment free and was not seeking a name change to avoid any financial obligations or commit fraud," the Pennsylvania Supreme Court instructs that the name change petition should be

[2] For an idea of how lower courts struggled with transgender name changes prior to the Pennsylvania Supreme Court's pronouncement in *McIntyre*, see *In re Harris*, 707 A.2d 225 (Pa. Super. Ct. 1997).

granted. *Id.* at 402 ("Petitions for change of name may be denied upon lawful objection or if the petitioner seeks a name change in order to defraud the public.").

B. Pennsylvania Statute

Successful name change petitions in Allegheny County must satisfy both the Pennsylvania statute and the Allegheny County Local Civil Rules regarding name changes. The Pennsylvania Judicial Change of Name statute, 54 Pa. C.S.A. §§ 701-705,[3] establishes the general elements of a name change petition:

- Petition must be filed in the court of common pleas of the county in which the individual resides (§ 701(a.1)(1));
- Petition must set forth (i) the intention to change the petitioner's name, (ii) the reason for the name change,[4] (iii) the petitioner's current residence, (iv) the petitioner's residences for the past five years, and (v) whether the petitioner wishes to move for waiver of the publication requirement (§ 701(a.1)(2));
- The Court will forward to the Pennsylvania State Police a duplicate copy of the petition and a set of the petitioner's fingerprints, which the State Police will use to determine the petitioner's criminal history and, if needed, note the name change on the petitioner's criminal record (§ 702(b));[5]
- Unless waived, notice of the filing of the petition and of the date set for the hearing on the petition must be published in two newspapers of general circulation in the county where the petitioner resides (§ 701(a.1)(3)(ii));
- At the name change hearing, any person having lawful objection to the name change may appear and be heard, and the petitioner must present (A) proof of publication, unless waived, and (B) an official judgment search of the county where the petitioner resides and of any other county where the petitioner has resided within the past five years, showing that there are no judgments, decrees of record or other similar matters against the petitioner (§ 701(a.1)(4)); and

[3] *Available at* http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=54&div=0&chpt=7.

[4] For transgender name changes, we recommend using the following language: "I request this change of name because I am a [man/woman], and I would like my name to be consistent with my identity and appearance."

[5] A convicted felon's name change eligibility depends on several factors listed at 54 Pa. C.S.A. § 702(c). If eligible, a petitioner with a felony record must also comply with Allegheny County Local Civil Rule 505(3)(e).

- The court may enter a decree changing the name as petitioned if the court is satisfied after the hearing that there is no lawful objection to the granting of the petition (§ 701(a.1)(5)).

C. Local Civil Rule[6]

Allegheny County Local Civil Rule 505[7] sets forth additional procedures for a name change in Allegheny County. The items below are required if the petitioner is an adult; if the petition is brought on behalf of a minor, slightly different rules must be followed.[8]

- All name change proceedings must be brought in the Civil Division (L.Cv.R. 505(1)) and be filed on the General Docket (L.Cv.R. 505(2));

- The petition must contain two proposed orders: (i) an Order Scheduling Hearing on Name Change, and (ii) a Decree for Change of Name, both of which must comport with the forms provided in the Rule (L.Cv.R. 505(3)(a));

- The Prothonotary must receive: (i) the petition and one extra copy; (ii) a completed fingerprint card with "Name Change" written in red across the top of the card; (iii) a stamped 8-1/2" x 11" envelope[9] addressed to the PA State Police; (iv) a stamped letter size envelope addressed to the Prothonotary of Allegheny County; (v) a stamped letter size envelope to the petitioner's attorney; and (vi) the filing fee (L.Cv.R. 505(3)(b)); and

- After the fingerprint search is complete, the petitioner is responsible for taking the petition to the Chief Motions Clerk for scheduling the time and date for the name change hearing (L.Cv.R. 505(3)(c) & (d)).[10]

D. No Other Requirements

In Pennsylvania, a name change petition should proceed and be granted without incident as long as (i) the petitioner meets the statutory requirements, (ii) there are no lawful objections,

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[6] We anticipate an updated Local Civil Rule will be adopted in 2018 to address the new Special Name Change Judge procedure that should be used when the publication requirement is waived and the record is sealed and the publication requirement is waived. *See* "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below.

[7] *Available at* https://www.alleghenycourts.us/local_rules/default.aspx?show=joJcwUoGE0Y=.

[8] *See* "Minor Petitioners," below.

[9] Any envelope larger than 8 ½ by 11 is sufficient.

[10] *See* "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below, for a discussion of scheduling time and date for the name change hearing before the Special Name Change Judge when publication is waived.

and (iii) the petitioner is not seeking to commit fraud. There are no other legal requirements – either under statute or case law – for receiving a name change in Allegheny County.

Importantly, note that a name change petitioner need not testify before the judge regarding his or her motivations for a name change, and no medical or other type of expert is required to support a transgender person's name change petition. A remote chance exists that argument may occur in a name change hearing if an objector appears or the judge expresses skepticism, but in our experience name change petitions for our transgender clients have been routinely granted in Allegheny County.

VI. STARTING A NEW NAME CHANGE MATTER

When you are ready to take a Name Change Project client, contact either your organization's Name Change Project coordinator, or if you do not have an internal coordinator, AC Dumlao at TLDEF directly at 646-862-9396 x106 or adumlao@transgenderlegal.org. The first document you will receive after volunteering for a Name Change Project client is the client intake form. As seen in Appendix A, TLDEF Intake Form, the form contains most, if not all, of the information you will need to (i) contact your client, (ii) run a conflicts check, and (iii) draft the Name Change Petition and other documentation.

Please reach out to your client as soon as possible. When assigned, we inform the clients they will hear from their attorney in seven to ten business days. They often have been waiting for some time to begin the name change process. Even if you are not prepared to set up a meeting – such as if the client has not yet cleared a conflicts check – promptly introducing yourself and letting the client know that someone has received their case is extremely reassuring. Clients greatly appreciate knowing their case is moving forward, and there is a reduced likelihood of losing touch with the client if regular contact is maintained.

Before the initial meeting with your client, you should have the following:

- Client has cleared conflicts;
- Engagement letter;
- Draft of Name Change Petition containing information from client intake form;
- If considering *IFP* status, copy of Allegheny County *IFP* petition, to use as a reference for information to collect in determining whether your client qualifies for *IFP* status; and
- If waiving publication or requesting that the record be sealed, a motion to waive the publication requirement or motion to seal the record and waive the publication requirement and a Verified Statement in Support of the Motion to Waive Publication or Motion to Seal the Record and Waive Publication.

VII. INITIAL MEETING WITH THE CLIENT

A. What Client Should Bring

When scheduling the initial client meeting, ask your client to bring the following information and documentation if they have it:

- ID as required by your office's security and/or reception;
- Birth certificate, if available;[11]
- Fingerprint card, if available;[12]
- If relevant based on the client intake form that you receive:
  - Financial records if you are considering pursuing *IFP* status. This includes income and debt information such as current amounts in bank accounts, rent, car information, credit card debt and monthly payments, and other information;
  - Immigration documents;
  - Criminal records (*e.g.*, rap sheet, certificates of disposition if available);
  - Bankruptcy-related documents;
  - Documentation regarding judgments, liens, or current lawsuits;
  - Documents regarding prior attempted name changes;

[11] Note that a birth certificate is not required for a name change petition in Allegheny County. If a client does not have their birth certificate or forgets to bring it to the initial client meeting, please do not let this hold up completing the name change petition and other documents and/or the filing of the name change petition.

[12] Instructions on obtaining a fingerprint card are below at Part VIII.

- Family-related documents, such as a divorce order;

- Calendar for the next four months;
- Addresses for the last 5 years; and
- How long they have lived in Allegheny County.

B. What To Discuss

When the client comes in, be sure to discuss the attorney-client privilege to put your client at ease regarding confidentiality, and have the client sign your firm's engagement letter (give your client a copy for their records).

Then, verify the information in the client intake form. Clients may not have known all of the details or may not have been comfortable disclosing everything to TLDEF during their initial intake. But when they arrive at a formal law office and are assured that their confidences will be kept, they may disclose additional information, particularly in the areas of criminal or immigration matters. Because you used the client intake form to populate the blank spaces in the Name Change Petition, be sure to review the draft petition and make any necessary updates.

Discussing the costs involved in the name change should be on the agenda. Depending on your client's circumstances and your organization's policies, the entire process could cost $0 to $573.25 or more. The potential costs include:

- Certified Pa. Birth Certificate: $20 per copy (Optional in Allegheny County) [13]
- Fingerprint card: $40 (Free if done at State Police barracks in Moon Twp.)
- Filing fee for name change petition: $160.25 [14]
- Publication in *Pittsburgh Legal Journal*: $104 [15]

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[13] *See* http://www.health.pa.gov/MyRecords/Certificates/BirthCertificates/Pages/default.aspx. As discussed elsewhere, a birth certificate is not required for a name change in Allegheny County. If a client does not have their birth certificate, please do not let this delay promptly filing the name change petition and other documents.

[14] *See* http://www.alleghenycounty.us/court-records/civil/new-case-filings.aspx (Petitions, Miscellaneous).

[15] *See* https://www.pittsburghlegaljournal.org/pdf/Daily_Rate_Card.pdf.

- Publication in *Pittsburgh Post-Gazette*: $124 [16]
- Judgment Search fee: $25 [17]
- Certified copy of name change order: $20 per copy, recommend 3-5 copies [18]

If you believe that your client may qualify for *IFP* status, discuss their financial situation to inform your assessment of whether you should file an attorney's praecipe (detailed later in this handbook). Even if a client is *IFP*, $228 in publication costs will need to be paid (unless the publication requirement is waived), though some law firms and companies cover those costs for *IFP* clients.

You should also discuss whether either pursuing a waiver of the publication requirement or filing a motion to seal the record and waive publication would be appropriate for your client. The process for each is detailed in a later section of this handbook. Obtaining a publication waiver would negate the publication costs.

Once a Name Change Petition is filed with the Department of Court Records, Civil Division, the statute requires that the hearing be held "not less than one month nor more than three months after the petition is filed." 54 Pa. C.S.A. § 701(a.1)(3)(i). Find out if there are dates in the next few months that your client is unavailable for a hearing. Final name change hearings proceeding in General Motions usually occur in the morning, at 9:45 a.m.,[19] and clients are usually out of the courthouse by 11 a.m. Final name change hearing proceedings before the Special Name Change Judge usually occur on the last Friday of each month in the afternoon, at

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[16] With the *Pittsburgh Tribune-Review* no longer available in print, the *Post-Gazette* is the only "newspaper of general circulation" remaining in Allegheny County for publication of legal advertisements.

[17] *See* http://www.alleghenycounty.us/court-records/civil/miscellaneous-filings.aspx (Search).

[18] *See* http://www.alleghenycounty.us/court-records/civil/miscellaneous-filings.aspx (Certified Copy).

[19] But check the Court's General Motions calendar, https://www.alleghenycourts.us/docupost/civil_motions_calendar.aspx, to confirm that a special schedule is not in effect for a certain date.

1:30 p.m.,[20] and clients are usually out of the courthouse by 2:30 p.m. When the process will be completed is important for many clients, either for work scheduling or to plan a time to celebrate their name change with their friends.

VIII. OBTAINING A FINGERPRINT CARD

Your client must file a completed fingerprint card with the Name Change Petition. Note that the fingerprint card must have the words "Name Change" written in red across the top of the card. *See* Allegheny County L.Cv.R. 505(3)(b).

The State Police barracks in Moon Township (449 McCormick Road, Moon, PA 15108), near the Pittsburgh International Airport, provides fingerprinting for name changes from 9 a.m.-2 p.m. on Monday, Tuesday, and Wednesday. This is a free service, including free fingerprint cards, but you should have your client call 412-787-2000 before traveling to the barracks to confirm that the service is being offered on any particular day. Clients should be prepared to provide the following:

- Current ID card;
- Current address and phone number;
- Social Security number; and
- Employer's name and address.

The State Police barracks is a weapons-free facility, so before being brought back into the secure area for fingerprinting, clients will receive a pat-down search – please inform your client about this in advance so they can be prepared.

Because the State Police barracks are not easily accessible by public transportation, some clients opt to stay in Pittsburgh and pay for fingerprint services. Fingerprint cards are available

[20] But check with the Special Name Change Judge's chambers to confirm that a special schedule is not in effect for a certain month. *See* "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below, for scheduling time and date for the name change hearing if your client is not available for the monthly name change hearing before the Special Name Change Judge.

at multiple locations in Pittsburgh and other parts of Allegheny County, typically for $40. The State Police list accepted Allegheny County fingerprinting vendors – including several UPS Stores – at https://www.pa.cogentid.com/ohio/PDE/PDE_regions/reg_3.htm. We know that the UPS Store at the University of Pittsburgh in Oakland provides fingerprinting for name changes, but you or your client should call other locations in advance to confirm that they will take fingerprints for name changes. Some may be like the Monroeville UPS Store, which will only take people registered in the PA Cogent system, which does not include name changes.

Alternatively, although the Pittsburgh Police do not provide fingerprinting services, a Pittsburgh Police Officer, John Godlewski, does fingerprints as a side business. He will meet your client at your client's house or another location in Pittsburgh. Call 412-337-6004 to schedule an appointment, or visit http://www.premierfingerprinting.com for more information. This costs $40, or a little more for travel outside of Pittsburgh. Other mobile fingerprinting services that the State Police post at their barracks are:

- Proof Positive Fingerprinting, 724-413-4553;
- Pittsburgh Fingerprinting Service, 412-965-4030; and
- Victor Campeau Jr., 412-364-4682.

If you or your client wish to explore other alternatives, we recommend inquiring with the State Police in Harrisburg at 717-783-5599 to make sure that the fingerprint card will be accepted.

IX. BIRTH CERTIFICATES

It is not necessary to file a birth certificate with a Name Change Petition in Allegheny County. (A birth certificate is a requirement in other jurisdictions, *e.g.*, Philadelphia County.) Although it may be a best practice to include one as an exhibit to the Name Change Petition, if a client does not have a copy of their birth certificate please do not let that delay the name change

process. If a client is interested in ordering a birth certificate, they should follow the steps below.

A. Ordering Pennsylvania Birth Certificates

In Pennsylvania, birth certificates may be ordered online, by mail, or by making an in-person request. Processing time, however, is significantly reduced when the request is made in person, and for this reason we recommend utilizing the in-person request procedure at Division of Vital Records, 411 Seventh Avenue, Suite 360, Pittsburgh, PA 15219. For detailed information about ordering a Pennsylvania birth certificate, please visit http://www.health.pa.gov/MyRecords/Certificates/BirthCertificates/Pages/default.aspx.

The client or legal representative (among others) may order a Pennsylvania birth certificate. Sending the client to order the certificate in person with a check or money order in the amount of $20.00 – be sure to confirm this amount beforehand – made out to "Vital Records," and a photo ID, may be the quickest and easiest option. It's not a same-day service – the client will have two options: (1) request that the birth certificate be mailed by Vital Records the next day (and thus delivered a few days later), or (2) return in 3 days to pick up the birth certificate in person. Additional instructions on how to make an in-person request for birth certificates are at Appendix D, Ordering Your Pennsylvania Birth Certificate.

If the client is unable to go in person, explain the long wait time, and apply by mail or online (which carries a $10 service fee per transaction). It may be easier to have the birth certificate sent to the client directly. If an attorney orders the certificate, you must include the following: (1) application, (2) $20.00 fee, (3) a photocopy of the ***attorney's*** Pennsylvania driver's license showing the ***attorney's*** current name and address.

Sometimes clients lack acceptable photo identification required to obtain a copy of their birth certificate, particularly if they have had a common law name change. If this is the case,

please see the instructions at http://www.health.pa.gov/MyRecords/Certificates/Pages/follow%20a%20simple%20set%20of%20instructions%20_653.aspx.

B. Ordering Birth Certificates From Other States

Birth certificates must be ordered from the Department of Vital Records in the state where the person was born or through VitalChek (http://www.vitalcheck.com). If using a law firm credit card for online ordering, additional documentation will need to be submitted per state-specific instructions provided on the website, usually a letter from the attorney and a notarized release from the client.

Ordering a copy is not always straightforward. Some states, such as California, require that the applicant mail a notarized statement. As another example, one of our clients had a misspelling on his birth certificate, and since he had no documentation with that misspelling, Vital Records refused to issue him his birth certificate. His attorneys had to file a correction before he could obtain a copy.

Again, if time-delaying issues arise in attempting to obtain a birth certificate, remember that one is not required for Allegheny County Name Change Petitions. If you encounter such delays, you should opt to forego including a birth certificate with your client's petition.

X. DRAFTING THE NAME CHANGE PETITION

See Appendix C for a sample Name Change Petition for Allegheny County. If you have the Word version of this handbook, you can copy that sample for your own use. If you cannot create a version that you can edit, email TLDEF for a copy.[21] Exercise care in ensuring that the

[21] Alternatively, Reed Smith LLP maintains a share site (data room) that contains all document templates required for name changes in Allegheny County. The share site is available at http://oursite1.reedsmith.com/sites/999933.20395/Pages/Home.aspx. Contact Stefan Dann or Greg Vose to gain access to the site if you do not already have access.

final petition meets the statutory requirements in 54 Pa. C.S.A. § 701 and Allegheny County Local Civil Rule 505 (*see* Appendix B).

The information required is very straightforward. In most cases, the information on the client intake form you receive from TLDEF will be sufficient to allow you to draft the Name Change Petition before the initial client meeting. If you have a completed petition at the time of the first meeting, the client can sign it and accomplish everything in one visit. Fortunately, because the client's signature is on its own page, the petition can be edited later if necessary without requiring the client to come back in to sign. Because of that, and for efficiency's sake, you may ask the client to sign the verification before you finalize the document, but be sure to confirm any subsequent changes with your client before filing. If preparing a particular client's Name Change Petition is not straightforward, you will have ample opportunity to apply your advocacy skills in gathering all of the information necessary for a successful petition.

A. Cover Sheet

Allegheny County Local Civil Rule 205.2(b) requires a cover sheet on "any pleading, petition, motion or other legal paper." Be sure to review the Local Civil Rule (*see* Appendix B) and comply with its requirements. Note that it is permissible to leave the "Code" category blank, though the word "Code:" should be included on the cover sheet.

B. Certificate of Compliance

Effective January 6, 2018, the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (the "Public Access Policy") established, among other things, standards regarding what and how confidential information and confidential documents will be safeguarded. Be sure to review the Public Access Policy and comply with its requirements. Please note that Section 7.0 and Section 8.0 of the Public Access Policy, dealing with Confidential Information and Confidential Documents, respectively, are not

applicable to cases filed under seal. Accordingly, if you proceed as recommended by filing a motion to seal the record and waive the publication requirement before the Special Name Change Judge[22], the Public Access Policy should not be applicable and the only required action is to file a Certificate of Compliance with each filed document[23].

C. Aliases

In the caption, include all possible variations of the client's current legal name as aliases. For example, if the client's current legal name is Jane Sarah Doe, list "a/k/a Jane S. Doe, a/k/a Jane Doe." Ask the client if there are any variations of their name that appear on identity documents that they are going to be changing. Frequently, people with two last names may have different names on different identity documents. Additionally, if the client has used an alias in a criminal matter or already has been using their preferred name in any substantial way (*e.g.*, on a California driver's license, which can be changed without a legal name change), also list this name as an alias.

D. Middle & Last Names

The name change order will specify the client's first, middle, and last name for both their current name and their chosen name. Agencies such as the DMV will require the client to use the names as specified on the order, so it is important that it is accurate. Be sure that you know which name(s) the client wants as their middle and surnames or else the court will decide for them. To prevent any doubt about which names the client wants as their middle and surnames, use the words "first" "middle" and "last" in the petition, e.g., "(First) Manuel (Last) Padilla Pérez." Similarly, if necessary, specify "first" "middle" and "last" for their current name as well.

[22] *See* "Waiver", below.
[23] The form of Certificate of Compliance is available at www.pacourts.us/assets/files/page-1089/file-6361.pdf.

E. Reason For Name Change

Assure your client that they will not be the first transgender person in Allegheny County to seek a name change. You can assist your client with drafting a succinct reason. We recommend the following language for male and female clients: "I request this change of name because I am a [man/woman], and I would like my name to be consistent with my identity and appearance." If the client identifies as non-binary, then we suggest this language: "I request this change of name because I would like my name to be consistent with my identity and appearance."

F. Verification

Like all other pleadings, petitions filed in Allegheny County must be verified. As the attorney, you sign the petition, and your client signs the verification. Explain the significance of the verification form to your client. Executing the verification is the equivalent to swearing under oath that the statements your client has made in the petition are true; as the verification states, knowingly misrepresenting any information on this form is punishable by law.

G. Exhibit A: Birth Certificate

If including your client's birth certificate, attach it as Exhibit A to the petition, and make reference to Exhibit A in the body of the petition at the end of paragraph 1. Otherwise, you should omit Exhibit A and the reference to Exhibit A in the body of the petition at the end of paragraph 1

H. Proposed Orders

Allegheny County Local Civil Rule 505 requires that a blank Order Scheduling Hearing on Name Change and a blank Decree for Change of Name be attached to the petition. The Local Civil Rule provides forms to follow in creating these proposed orders, which are replicated in Appendix C.

Note that the proposed orders can be altered to suit any specific needs of your client, so long as the form language of the Local Civil Rules is substantially followed. If, for example, your client is proceeding under *IFP* status, it is advisable to add language to the Decree for Change of Name explicitly stating that your client shall receive a certain number of certified copies of the final order for free. If your client is seeking a waiver of the publication requirement, the language in the Order Scheduling Hearing on Name Change referencing advertisement of the name change and the language in the Decree for Change of Name referencing proof of publication should be removed. *See* Appendix C.

I. Waiver Of Publication Requirement

If your client wishes to seek waiver of the publication requirement (detailed below at Part XV.B), the Pennsylvania statute requires that the petition must so state. *See* 54 Pa. C.S.A. § 701(a.1)(2)(v) ("The petition must set forth . . . [i]f the petitioner requests the court proceed under paragraph (3)(iii) [describing waiver]."). Allegheny County Local Civil Rule 505(3)(b)(i) states that the reason for waiver of publication should be described under paragraph 6, reason for name change.

J. Minor Petitioners

On occasion, a name change client will be under 18 years of age. The petitions of minors – people less than 18 years old, as defined in Pa. R. Civ. P. 76 – must be made by a guardian, Pa. R. Civ. P. 2027, defined as "the party representing the interests of a minor party in any action, whether as (a) the guardian of a minor appointed by any court of competent jurisdiction, (b) a person in the nature of a next friend selected to represent a minor plaintiff in an action, or (c) a guardian ad litem specially appointed by the court in which the action is pending." Pa. R. Civ. P. 2026. A petition for change of name is "commonly brought by the child's natural or legal guardian pursuant to Pa.R.Civ.P. 2026." *In re Change of Name of Zachary Thomas Andrew*

Grimes, 609 A.2d 158, 161 n.3 (Pa. 1992). The statute requires that notice be "[g]iven to any nonpetitioning parent of a child whose name may be affected by the proceedings." 54 Pa. C.S.A. § 701(a.1)(3)(ii)(B). In Allegheny County, Form 505B(ii), Order Scheduling Hearing on Name Change, which is used if the petition is brought on behalf of a minor, orders the petitioner to "obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith."

XI. *IN FORMA PAUPERIS*

Potentially, one of the most important decisions you may make in your representation of your client is determining whether they qualify for *IFP* status, which permits the waiver of all court costs and fees – roughly $285 for a name change in Allegheny County, which is a substantial amount of money for many of our clients. This is your decision because, under the Pennsylvania Rules of Civil Procedure, if an indigent client is represented by *pro bono* counsel, the court will defer to counsel's special one-page representation claiming *IFP* status for their client – called an "attorney's praecipe" – rather than require the detailed *IFP* motion that non-represented petitioners must submit, which are subject to denial. By filing an attorney's praecipe, you are attesting as an officer of the court that your client is, in fact, indigent. Responsibility like this requires careful analysis before taking action.

Allegheny County's Neighborhood Legal Services Association ("NLSA"), which exclusively serves indigent clients, uses an income threshold of 125% of the Federal Poverty Guidelines to qualify for their legal services. Use this as a general rule, though not a set ceiling, for the Name Change Project.[24] The annual Federal Poverty Guidelines are available at https://aspe.hhs.gov/poverty-guidelines (*see* Appendix E). Simply find the guideline that

[24] For example, the Allegheny County Bar Foundation uses 250% of the Federal Poverty Guidelines in determining whether clients qualify for *IFP*.

corresponds with the size of your client's household (usually just 1 person: themself), and multiply that amount by 1.25 to find the NLSA threshold. Under the 2018 Federal Poverty Guidelines, the multiplied amount for a 1-person household is $15,175.

Other factors, however, may inform your decision-making, such as your client's living expenses, medical expenses, other debts, etc. You should consult the *In Forma Pauperis* Verified Statement that non-represented petitioners must submit for the income and expense items required with that filing (*see* Appendix E). We recommend having the client complete and sign the *In Forma Pauperis* Verified Statement because it will assist you in making your determination of whether your client qualifies for *IFP* status, and it is a best practice to have it in your records.

If you determine that your client qualifies for *IFP* status, you should complete an attorney's praecipe, available at Appendix E. The Pennsylvania Rule regarding *IFP* states that "[a] party who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis," Pa. R. Civ. P. 240(b), and that "[i]f the party is represented by an attorney, the prothonotary shall allow the party to proceed in forma pauperis upon the filing of a praecipe which contains a certification by the attorney that he or she is providing free legal service to the party and believes the party is unable to pay the costs." Pa. R. Civ. P. 240(d)(1).[25] The attorney's praecipe must meet the form provided at Pa. R. Civ. P. 240(i), *see* Pa. R. Civ. P. 240(d)(2), and that form is provided herein at Appendix E.

Finally, *IFP* status covers only court costs, not the costs of publication in two newspapers in Allegheny County, which totals $228. Some firms and companies have chosen to cover the publication costs of their transgender name change clients who qualify for *IFP* status. Other firms and companies have chosen to cover all costs of their transgender name change clients

[25] *Available at* http://www.pacode.com/secure/data/231/chapter200/s240.html.

(even if they do not qualify for *IFP* status) if they would otherwise be unable to afford the cost of a name change. If your client qualifies for *IFP* status and your firm or company elects not to cover publication costs, then you will need to explain to your indigent client that they will need to cover publication costs even though their court fees are waived. Clients are usually understanding, though they may need some extra time to secure the necessary funds. Occasionally, the Pittsburgh-based Garden of Peace Project[26] has money available for transgender name change petitioners, and you might advise your client to inquire with that organization. Also, Dr. Stacy Lane, a physician serving Pittsburgh's LGBT community through her clinic, the Central Outreach Wellness Center, may have a fund available for local transgender individuals seeking name changes, and can be contacted at drstacylane@centraloutreach.com. Finally, after the 2016 election, a large number of funds were established to help trans people pay for name and gender marker changes. Individuals who do not qualify for *IFP* may be able to receive assistance through these funds; however, TLDEF does not endorse any particular fund or distributing organization.

XII. FILING THE NAME CHANGE PETITION

Before filing the petition, be sure to create PDFs of the signed documents (the Name Change Petition and, if applicable, the *IFP* attorney's praecipe, motion to waive the publication requirement or motion to seal the record and waive the publication requirement, and verified statement in support of the motion to waive the publication requirement or the motion to seal the record and waive the publication requirement) for your records. It is also helpful to bring an extra copy of the cover page of each document for the clerk to time-stamp, which can then be added to your PDFs of the petitions. Otherwise, you may have to wait upwards of a week to see your filing appear on the online docket, https://dcr.alleghenycounty.us/.

[26] http://www.gardenofpeaceproject.org.

The Name Change Petition is filed at the Allegheny County Department of Court Records, Civil Division Cashier's desk, located in the Civil/Family Division office on the first floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219. While most firms have designated staff members who handle court filings, you may wish to file your first petition yourself to familiarize yourself with the City-County Building. Upon entering the building, you proceed through a metal detector and a bag x-ray machine, but there is no identification check (unlike at the Federal Courthouse). The Civil/Family Division office is located at the back of the building on the left-hand side. (Note that the Department of Court Records Wills/Orphans' Court Division is located directly after security.) When you enter the Civil/Family Division office, you will see a line for the Floor Personnel desk straight ahead. You should not wait in this line, but instead proceed to the Cashier's desk, which is located at the back of the office, around the corner to the right.

Pursuant to Allegheny County Local Civil Rule 505(3)(b), you must give the Cashier clerk <u>two</u> copies of the verified Name Change Petition (including the requisite proposed orders), as well as one completed fingerprint card, the filing fee[27] if your client is not proceeding *IFP*, and the following three **pre-stamped** envelopes:

1) 8 ½ by 11 envelope[28] addressed to
PA State Police
Central Repository
1800 Elmerton Avenue
Harrisburg, PA 17110

2) letter-sized envelope addressed to
Department of Court Records – Civil Division
First Floor City-County Building
414 Grant Street

[27] Currently $160.25, see http://www.alleghenycounty.us/court-records/civil/new-case-filings.aspx (Petitions, Miscellaneous). The filing fee must be paid by cash, law firm check, or money order – no personal checks or credit cards are accepted.

[28] Any envelope larger than 8 ½ by 11 is sufficient.

Pittsburgh, PA 15219
ATTENTION: Second Deputy

3) letter-size envelope addressed to the attorney for the filing party (*i.e.*, you).

These envelopes are used in the fingerprint search process, described below. After the Cashier clerk ensures satisfaction of the L.Cv.R. 505(3)(b) requirements, he or she will then enter data from the Name Change Petition into a computer and assign a case number. Be sure to write this number down for your records – a good place is on your extra time-stamped copy of the cover page – before leaving the office.

If you believe that your client qualifies to proceed *IFP*, you must also give the Cashier clerk one copy of an attorney's praecipe. The Cashier clerk might simply stamp and return the attorney's praecipe to you – if this occurs, request that the attorney's praecipe be included on the docket (it will need to be shown to court personnel later in the name change process to receive free services).

If you determine that it is appropriate to file a motion to waive the publication requirement (but *not* seal the record) or file a motion to seal the record and waive the publication requirement (discussed below at Part XV.B), you should submit such motion and the other name change documents to the Special Name Change Judge as discussed below at Part XV.B(3).

XIII. FINGERPRINT SEARCH

After filing the Name Change Petition, you and your client must wait for the fingerprint card to be processed by the Pennsylvania State Police headquarters in Harrisburg. Pursuant to the name change statute, the State Police receive "a duplicate copy of the application for change of name and a set of the person's fingerprints." 54 Pa. C.S.A. § 702(b)(1). (Hence the requirement above for a large envelope addressed to Harrisburg.) The State Police will then "use the fingerprints to determine if the person is subject to 18 Pa. C.S. Ch. 91 (relating to criminal

history record information)." *Id.* at (b)(2). If your client has a criminal history, it is not an automatic disqualification for a name change – the State Police simply "note the name change on the person's criminal history record information." *Id.* at (b)(3)(i).[29] In our limited experience with clients with criminal records, the Motions Judge or the Special Name Change Judge at the final hearing does not even mention it. If no criminal history is found, then the fingerprints are destroyed. *See id.* at (b)(3)(ii).

After running the fingerprint search, the State Police "certify to the court what action has been taken." 54 Pa. C.S.A. § 702(b)(4). This is performed by way of a letter sent to the Department of Court Records using the letter-sized envelope described above. The Department of Court Records then uses the second letter-sized envelope to inform you, as counsel, of the result. By statute, the State Police have 60 days from their receipt of the fingerprint card and copy of the Name Change Petition to complete the fingerprint search and notify the court of the result. *See id.* In our experience, you may receive the result in 2 to 4 weeks. Examples of the State Police certification and the Department of Court Records notice to counsel – for clients with and without criminal records – are available at Appendix C. If you check the online docket, you may see the State Police results there before you receive the Department of Court Records letter – if this happens, it is fine to proceed to the next step before receiving the letter.

XIV. SCHEDULING THE HEARING[30]

A. Motions Court

The notice letter from the Department of Court Records will tell you exactly what to do next: sign your client's file out and take it to the Motions Clerk. This is when you will schedule

[29] Those with felony convictions on their record, however, may be prohibited from obtaining a name change. *See* 54 Pa. C.S.A. § 702(c).

[30] This step is only applicable if publication has not been waived before the Special Name Change Judge (i.e., if publication has not been waived of if publication was waived in General Motions court). If proceeding before the Special Name Change Judge, see "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below.

the date of the final name change hearing, so be sure to consult your and your client's calendars beforehand, noting when you may have conflicts in the coming weeks.

As the Department of Court Records, Civil Division notice letter should say, you retrieve your client's file by returning to the clerk's office and visiting the "Paper Counter." The Paper Counter is the desk on the left when you enter the office. You must fill out a card for the paper clerk to find your file, and enter your contact information into the log book. A board at the Paper Counter states where Motions Court is being held (usually Room 817 or 703) and the judge handling motions that day.

Motions Court is typically in session every day at 9:30 a.m. and 1:30 p.m.[31] Court procedures require that the attorney of record be present to schedule the hearing. Try to visit Motions Court at a down time, when the Motions Clerk is not inundated with a courtroom full of parties. Or stand in line to speak with the Motions Clerk a few minutes before a session begins. When you give the file to the Motions Clerk and say that you'd like to schedule a hearing for a name change, be sure to inform the clerk of any unusual items in your petition, such as the request for a waiver of the publication requirement or an *IFP* client's request for several free certified copies of the final order. The Motions Clerk will work with you to find an appropriate time for the final hearing, will write the details in the first of the two proposed orders that you originally included in the Name Change Petition, and then will take the file back to the Motions Judge for signature. Sometimes counsel does not see or interact with the Motions Judge at this time, but you should be prepared to be called to the podium to present the motion or to chambers to discuss any unusual items in the petition if they exist.

[31] But check the Court's General Motions calendar, https://www.alleghenycourts.us/docupost/civil_motions_calendar.aspx, to confirm that a special schedule is not in effect for a certain date.

The Pennsylvania statute states that "[t]he hearing shall be held not less than one month nor more than three months after the petition is filed." 54 Pa. C.S.A. § 701(a.1)(3)(i). "Filed" is a vague term – it could mean when you first submit the Name Change Petition to the Department of Court Records, Civil Division, or when you present the petition to the Motions Clerk. In our experience, this timing provision is not a significant hurdle, and the Motions Clerk will schedule the hearing whenever convenient for you and your client. Be sure, however, to leave enough time for you to complete the publication and judgment search requirements (detailed below) before appearing for the final name change hearing.[32]

B. Special Name Change Judge

The above instruction only applies if you are proceeding in Motions Court (i.e., you have not waived the publication requirement or sealed the record and waived the publication requirement). If you are proceeding before the Special Name Change Judge (i.e., you have waived publication or sealed the record), there is no need to schedule the final hearing using the Order Scheduling Hearing on Name Change. Rather, you and your client can attend a final name change hearing before the Special Name Change Judge.[33]

XV. PUBLICATION REQUIREMENT AND WAIVER

At this time, we encourage all clients to attempt to seal the record and waive the publication before the Special Name Change Judge (even if the client is not concerned about the publication process and/or people obtaining access to their court file).

Unless waived by the court, the next step in the name change process is to publish the details of the upcoming name change hearing in two local newspapers of general circulation. For

[32] In general, you should provide yourself with at least four (4) weeks to complete the publication process and complete all requirement judgment searches.

[33] *See* "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below.

many of our clients, the prospect of having their name change advertised in the newspaper – and, resultingly, online – causes understandable concern. You will need to counsel your client on whether to pursue waiver of the publication requirement. It may help to show your client examples of other name change advertisements, available at Appendix F, so they can see the size of the ads and how they appear on the page.

Physical newspapers are not the only media in which the name change advertisements appear, however. They also appear online, and your client should be advised that the Internet has a long memory. We have searched Google for the names of clients who we assisted several years ago, and their name change advertisements are still found on the web. If your client does not want a record of their name change to be preserved online, you should consider requesting that the court seal the file and waive the publication requirement. This procedure is also discussed below.

A. Publication Requirement

The Pennsylvania statute directs that, "upon filing of the petition, the court shall … by order, direct that notice be given of the filing of the petition and of the date set for the hearing on the petition …." 54 Pa. C.S.A. § 701(a.1)(3)(ii). The statute further directs that the petitioner must file the notice "in two newspapers of general circulation in the county where the petitioner resides or a county contiguous to that county. One of the publications may be in the official paper for the publication of legal notices in the county." 54 Pa. C.S.A. § 701(a.1)(3)(ii)(A). The purpose of the publication requirement is to give notice of the hearing to parties who may wish to lawfully object to the name change.

In Allegheny County, via the Order Scheduling Hearing on Name Change, the court sets the time and date for the hearing, and directs the petitioner to "advertise once in the ***Pittsburgh Legal Journal*** and once in a **newspaper of general circulation in Allegheny County**."

Allegheny County L.Cv.R. Form 505B(i) (emphasis added). Note the slight variance from the statute; by Allegheny County Local Civil Rule, publication is required in the *Pittsburgh Legal Journal* ("*PLJ*") and restricted to newspapers of general circulation *within* the county. In Allegheny County, the publication requirement is fulfilled by publishing in the *PLJ* and the *Pittsburgh Post-Gazette*. (The *Pittsburgh Tribune-Review* is no longer in print in Allegheny County, and thus is not available to fulfill the publication requirement.) We do not recommend attempting to satisfy the publication requirement with any other newspapers.[34]

As stated above, *IFP* clients are not exempt from the costs of publication, because they are not court costs. The current fees for publication are:

- *Pittsburgh Legal Journal*: $104, flat rate[35]
- *Pittsburgh Post-Gazette*: $124, flat rate

To publish in the *Post-Gazette*, contact their Legal Advertising department at 412-263-1440 or legaladvertising@post-gazette.com. The *Post-Gazette* requires a "Change of Name Notice" form, available at http://www.post-gazette.com/legaladvertisingdocs, to be submitted to them. A sample of the *Post-Gazette*'s general "Change of Name Notice" form is available at Appendix F. Billing can occur by invoice after publication.

The easiest way to publish in the *PLJ* is to do so with their new online advertising tool for attorneys, at https://type.pittsburghlegaljournal.org/login. Registration and credit card payment are required. You will "Create a New Notice," select the "Change of Name" template, and enter

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[34] A newspaper of general circulation is one that is "issued daily, or not less than once a week, intended for general distribution and circulation, and sold at fixed prices per copy per week, per month, or per annum, to subscribers and readers without regard to business, trade, profession or class." 45 Pa. C.S.A. § 101(a). You can find a detailed explanation of the statute on the Pennsylvania NewsMedia Association's website at http://panewsmedia.org/legal/legaltopics/definitionnewspaper.

Free papers do not satisfy the statute, and it can be argued that religious or ethnic newspapers may not meet the statutory definition because they are not intended for distribution and circulation to a general audience, but rather to a specific subset of the population.

[35] *See* https://www.pittsburghlegaljournal.org/pdf/Daily_Rate_Card.pdf.

the requested information, including all of your client's "a/k/a" names if applicable. If you have multiple lawyers handling the matter, and want all attorney names to appear in the advertisement, then call the *PLJ* before you make the submission – they should be able to add additional text after the advertisement is sent to them, but you should not incur the $104 fee until you are sure they can assist with adding the additional attorney name.

Alternatively, download the *PLJ*'s Change of Name form[36] and submit a completed form along with payment of $104 to the *PLJ*'s office. If you go in person, the *PLJ* is located in the ACBA offices on the 4th Floor of the Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219. Note that the *PLJ* requires payment up front before publishing any advertisements.

Finally, the *PLJ* has a desk at the Wills/Orphans' Court office in the City-County Building, where name change ads can be placed for that newspaper.

Do not delay in submitting your publication requests. It typically takes a full week from the date an advertisement is submitted until it will appear in the newspaper, and another week for the proof of publication to arrive in the mail to you.

Proof of publication is provided to the court in the form of an Affidavit of Publication from each newspaper. The affidavits are automatically mailed to you as counsel, and typically take a week to arrive following publication. Examples of Affidavits of Publication are available at Appendix F.

B. Waiver

In certain instances, it is appropriate to file either (i) a motion to seal the record and waive the publication requirement or (ii) a motion to waive the publication requirement. This is something that should be discussed with your client at your initial meeting, as stated above.

[36] *See* Appendix F. It is available at https://www.pittsburghlegaljournal.org/pdf/Change_of_Name.pdf.

At this time, we recommend that all name change clients seek to seal the record and waive the publication requirement before the Special Name Change Judge. If you plan to file a motion to seal the record and/or waive the publication requirement, please be sure to follow the procedure outlined in Section 3, below, and please contact Reed Smith attorney Stefan Dann (412-288-4325; sdann@reedsmith.com).

At this time, we also recommend that the petitioner or counsel for the petitioner conduct a search of the Department of Court Records online civil docket (available at https://dcr.alleghenycounty.us/Civil/LoginSearch.aspx) after filing a name change petition under seal to confirm that name change cases filed under seal are in fact not able to found in the online docket. We recently learned that the docket and documents for a number of name change matters filed under seal were available on the Department of Court Records online civil docket and were searchable by both case number and the petitioner's name.

The applicable statute provides that "[i]f the court finds that the notice required … would jeopardize the safety of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court. Upon granting the request to waive any notice requirement, the court shall seal the file." 54 Pa. C.S.A. § 701(a.1)(3)(iii). Practically speaking, although the relevant statutory language states that "the court ***shall*** seal the file" when granting the request to waive publication, 54 Pa. C.S.A. § 701(a.1)(3)(iii) (emphasis added), at least one judge on the Allegheny County Court of Common Pleas has required an additional showing to seal the file even if a publication waiver is granted. For this reason, when moving to seal the file you will need to file a joint motion to seal the record and waive the publication requirement. The procedures to waive the publication requirement and seal the record and waive the publication requirement are both are discussed below.

Prior to filing any name change documents, the motion to waive the publication requirement or the motion to seal the file and waive the publication requirement must be submitted to the Special Name Change Judge's with the Name Change Petition and any other name change documents (i.e., *IFP* praecipe and verified statement in support of the motion to waive the publication requirement or the motion to seal the file and waive the publication requirement).[37]

Note that both motions require a verification or affidavit by the client.[38] For efficiency's sake, you may ask the client to sign the verification or affidavit before you finalize the document, but be sure to confirm any subsequent changes with your client before filing. Further note that both motions require a Verified Statement in support of the motion that must be signed by the client. Again, for efficiency's sake, you may ask the client to sign the Verified Statement before you finalize the document, but be sure to confirm any subsequent changes with your client before filing.

1. Seal and Waiver

If you determine that it is appropriate to file a motion to seal the file and waive the publication requirement pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii), then the Name Change Petition must state that the client desires ***both*** a waiver of the notice requirement ***and*** a sealing of the file. 54 Pa. C.S.A. § 701(a.1)(2)(v) ("The petition must set forth . . . [i]f the petitioner requests the court proceed under paragraph (3)(iii) [describing waiver]."). This can be done with a simple statement included under paragraph 6 of the Name Change Petition, reason for name change, for example: "I request pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii) that this Court seal the file and waive the notice requirement of 54 Pa. C.S.A. § 701(a.1)(3)(ii) because I fear that a

[37] *See* "New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge", below.

[38] The main difference between a verification and an affidavit is that an affidavit must be notarized.

published notice of this Petition will jeopardize my safety and the safety of my family. I have filed a separate Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement."

In addition to this language in the petition, you must file a separate motion to seal the file and waive the publication requirement, a sample of which is included in Appendix F. The separate motion should state the relevant statutory language from 54 Pa. C.S.A. § 701(a.1)(3)(ii) & (iii) and the reason why the petitioner believes that notice would jeopardize his or her safety or that of his or her child or ward. Although the statutory language is limited to considering "the safety of the person seeking the name change or his or her child or ward," we also have successfully obtained a seal and waiver by showing that a client had reason to believe that a close family member's health would be negatively affected were they to learn of the petitioner's name change or transgender identity.

The petitioner may point to past discrimination, violence, harassment, or abuse based on his or her transgender identity, but it is not necessarily required. In our experience, some judges (including the current Special Name Change Judge) have been willing to waive the notice requirement and seal the file based on objective evidence that transgender individuals generally are vulnerable to high rates of violence, harassment, and abuse. In addition, we have had success indicating that the client may experience discrimination based on his or her transgender identity in housing and employment in the future before the current Special Name Change Judge. To support the fact that transgender individuals are subject to high rates of violence and abuse, we have relied on (and attached to the motion) the following studies: (i) Rebecca L. Stotzer, *Violence against transgender people: A review of United States data,* Aggression and Violent

Behavior 14 (2009) 170-79[39]; and (ii) the Executive Summary of the 2015 U.S. Transgender Survey,[40] released on December 8, 2016, which is the largest survey ever devoted to the lives and experiences of trans people, with almost 28,000 respondents.

If you determine that it is appropriate to file a motion to seal the record and waive the publication requirement, you will need to provide the court with your motion (in addition to the documents and envelopes described above) and an envelope marked "TO BE FILED UNDER SEAL" on the top and bottom (this language should also be highlighted), which will hold all of the documents filed on the docket. If the Special Name Change Judge grants your motion to seal the file and waive the publication requirement, you will need to take the file to the Cashier clerk, provide the Cashier clerk with the order signed by the Special Name Change Judge and obtain a date-stamped copy for your records. You will also need to go to the Paper Counter to ensure that the Department of Court Records seals the file.

2. Waiver Only

If you determine that it is appropriate to file a motion to waive the publication requirement pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii), ***but not seal the file***, you can use the sample motion contained in Appendix F.

If you determine that it is appropriate to move for waiver of publication, then the Name Change Petition should state that the client desires a waiver of the publication requirement (but not that the client desires to have the file sealed). We recommend including the following language at Paragraph 6 of the Name Change Petition: "I request pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii) that this Court waive the notice requirement of 54 § 701(a.1)(3)(ii) because I fear that a published notice of this Petition will jeopardize my safety and the safety of my family. I

[39] See Appendix F for a copy of this study, which is available at http://www.researchgate.net/publication/222055542_Violence_against_transgender_people_A_review_of_United_States_data/file/3deec52578acf33ed7.pdf.

[40] *See* http://www.ustranssurvey.org/report.

have filed a separate Motion to Waive the Publication Requirement." Correspondingly, the separate motion to waive the publication requirement should state that the client is moving only to waive publication (but not to seal the file).

3. New Procedure to Waive Publication or Seal the Record and Waive Publication before the Special Name Change Judge

In 2017, a new name change procedure was instituted for any name change petitioner seeking to waive the publication requirement or seal the record and waive the publication requirement. If a petitioner is seeking to waive the publication requirement or seal the record and waive the publication requirement, they will no longer proceed in Motions Court. Rather, the new procedure directs name change petitioners seeking to waive the publication requirement or seal the record and waive the publication requirement to the Special Name Change Judge (currently Judge Christine Ward). Once a month, Judge Ward will hold a name change ceremony for qualifying petitioners, which family and friends can attend. This monthly hearing is intended to be more celebratory and intimate than is typically experienced in Motions Court. (The procedure detailed below contains accommodations for those who cannot make the monthly ceremony.)

If any name change petitioner determines that it is appropriate to submit a motion to waive the publication requirement or seal the record and waive the publication requirement in the Allegheny County Court of Common Pleas pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii), then counsel or the petitioner should follow the below procedure.

Counsel or the petitioner must place the following in the box on the counter of the secretary to the Special Name Change Judge (currently Judge Christine Ward, Room 819 City-County Building):

1. Completed and signed Verified Name Change Petition (including 1 copy of the petition, the fingerprint card, and the stamped and addressed envelopes), in compliance with 54 Pa. C.S.A. § 701(a.1)(2) and Local Civil Rule 505(3); and

2. Motion to Waive the Publication Requirement or Motion to Seal the Record and Waive the Publication Requirement (the "Motion"), a Verified Statement in support of the Motion (a sample of which is included in Appendix F), and a Proposed Order.

The Special Name Change Judge will review the Motion and other documentation, and will either grant or deny the Motion. If the Motion is granted, the Special Name Change Judge will sign an order granting the waiver of the publication requirement and/or directing the Department of Court Records, Civil Division to seal the record and/or waive the publication requirement. If the order directs that the record shall be sealed, the order will permit only the petitioner, petitioner's counsel, the Special Name Change Judge, the Special Name Change Judge's Clerk, and the Clerk of the Motions Court to view and to sign out the record. After the Special Name Change Judge has granted the Motion, counsel or the petitioner will be contacted and be directed to retrieve the Verified Name Change Petition, Motion, Verified Statement, and signed order from the Special Name Change Judge's secretary.

If the Motion is denied, the Special Name Change Judge will sign an order stating the reason(s) for the denial, and permitting counsel or the petitioner to attempt to correct the deficiencies and re-file the Motion. Alternatively counsel or the petitioner may file the signed order and the Verified Name Change Petition with the Department of Court Records, Civil Division and proceed in Motions Court with the name change procedures described in Local Civil Rule 505 (in which case the procedures below will no longer apply to the petitioner).

If the Motion is granted, counsel or the petitioner should proceed by filing the Verified Name Change Petition, Motion and Verified Statement, and signed order with the Department of Court Records, notifying the clerk of the order to seal the record (if applicable). When filing the Verified Name Change Petition with the Department of Court Records, Civil Division, the petitioner will pay the filing fee or submit the necessary papers for *IFP* status. As always, counsel or the petitioner should note the case number that is assigned to the case file. It will be needed later in the process.

After counsel or the petitioner receive notice that the fingerprinting process has been completed, unless the petitioner has a prior conviction of a felony, the petitioner will not schedule a final hearing in Motions Court. Instead, the petitioner may attend any upcoming final name change hearing with the Special Name Change Judge in the Special Name Change Judge's courtroom. The petitioner or their counsel should call the Special Name Change Judge's secretary (currently (412)-350-5793) to register for an upcoming final hearing session, the date and time of which can be provided by the secretary. The Special Name Change Judge generally conducts a name change hearing on the last Friday of each month at 1:30 P.M. Please note this is subject to change due to holidays and the Special Name Change Judge's calendar.

Prior to attending the hearing, counsel or the petitioner shall obtain a judgment search from all counties in which the petitioner has resided during the last five (5) years. The written results of the judgment search(es) shall be presented to the Special Name Change Judge at the hearing.[41]

On the day of the name change hearing, the petitioner or their counsel must sign out the case file from the Paper Counter at the Department of Court Records, Civil Division (photo identification is required if the record is sealed), and bring the case file to the hearing with the

[41] *See* "Judgment Search", below.

Special Name Change Judge. If the petitioner's or their counsel's request to sign out the case file is denied by the Department of Court Records, then the petitioner may come to the hearing and notify the Special Name Change Judge, who will address the issue.

Pursuant to 54 Pa. C.S.A. § 701(a.1)(5), if the Special Name Change Judge is satisfied that there is no lawful objection to the granting of the petition, then the Court may enter a decree changing the petitioner's name as petitioned. After the decree is entered by the Court, the petitioner may bring the case file to Certified Copies desk in the Department of Court Records, to obtain certified copies of the final decree. The petitioner must pay the published fee for each certified copy, unless otherwise ordered in writing by the Court.

If the petitioner has a prior conviction of a felony but is not barred by 54 Pa. C.S.A. § 702(c) from obtaining a judicial change of name, the petitioner may not proceed with the Special Name Change Judge, but must schedule a time and date for a final hearing in Motions Court and comply with all other requirements of Local Civil Rule 505(3)(c)-(e).

If the petition is submitted on behalf of a minor, and a parent objects to the name change, then the case shall be transferred to the Family Division as stated in Local Civil Rule 505(3)(f).

If counsel or the petitioner cannot attend a final hearing session, counsel or the petitioner may request a special hearing with the Special Name Change Judge, subject to the Special Name Change Judge's availability. A request for a special hearing can be made with the Special Name Change Judge's secretary. The petitioner must provide the Special Name Change Judge's secretary with multiple available dates and times, and the petitioner will be notified whether the Special Name Change Judge can accommodate the request. If the petitioner cannot attend a scheduled final hearing session or a special hearing, then the petitioner may request an in-chambers review of the petition by request to the Special Name Change Judge's secretary, by

providing the secretary with the case number, the petitioner's name, and the written results of the judgment search(es). The Special Name Change Judge or the Special Name Change Judge's clerk will sign out the case file from the Department of Court Records, Civil Division, and the Special Name Change Judge will review the petition. If counsel or the petitioner requested an in-chambers review of the petition, then counsel or the petitioner will be contacted after the Special Name Change Judge has made a decision on the decree. The Special Name Change Judge will return the case file to the Department of Court Records, Civil Division, where counsel or the petitioner may sign out the case file from the Paper Counter to obtain certified copies.

XVI. JUDGMENT SEARCH

Under the Pennsylvania statute, a name change petitioner must present to the court at the final hearing "[a]n official search of the proper offices of the county where petitioner resides and of any other county where petitioner has resided within five years prior to filing the petition showing that there are no judgments, decrees of record or other similar matters against the petitioner." 54 Pa. C.S.A. § 701(a.1)(4)(ii)(B). In Allegheny County, the Order Scheduling Hearing on Name Change likewise states that "[t]he Petitioner shall obtain a judgment search from all counties in which Petitioner has resided during the last five (5) years." Allegheny County L.Cv.R. Form 505B(i).

A. Allegheny County Judgment Search

The judgment search for Allegheny County is initiated by counsel, and conducted by the clerks in the Civil/Family Division office. To make the request, use the stairs by the Cashier's desk to visit the second floor. The clerks near the banks of computers will take your client's information and run the search. If your client is proceeding *IFP*, you should provide a copy of the *IFP* praecipe to the clerk at the time you request the judgment search. Because the judgment search takes some time, we recommend that you request the search 3 days before the final

hearing. The judgment search also must be made within 30 days of the final hearing. The day of the final hearing, retrieve the judgment search results (see Appendix C for an example) from the second-floor clerks and bring the document to the Motions Court clerk or the Special Name Change Judge clerk, as applicable. The second-floor clerks are resistant to allowing the judgment search to be retrieved earlier than the day of the final hearing, but if you have any concern about existing judgments for your client they may be amenable to running a preliminary search for your client's name in the Pennsylvania database.

The judgment search costs $25, and you must present a payment receipt to the second-floor clerks at the time of ordering the judgment search.[42] If your client has *IFP* status, be sure that the attorney's praecipe is on the docket or you give a copy of the document to the second-floor clerks when requesting the judgment search, so that you can prove to the second-floor clerks that your client should not pay for this court cost.

B. Judgment Searches in Other Counties

The second-floor clerks will only search for money judgments in Allegheny County. If your client has resided outside of Allegheny County within the last five years, then you will need to contact the local court clerks in those other counties regarding how to obtain judgment searches in their jurisdictions.

1. Pennsylvania Counties

For other counties in Pennsylvania, contact the Prothonotary's Office of that county's Court of Common Pleas to inquire whether they offer judgment search services. If they do not, then you may need to hire a local law firm or a local abstractor to conduct a lien search and provide you with a confirmation letter. One of our Name Change Project volunteer attorneys provided the following information for some nearby counties:

[42] *See* http://www.alleghenycounty.us/court-records/civil/miscellaneous-filings.aspx (Search).

> For Armstrong County, we were able to get a 1-day password from the County that allowed us to conduct a search using the county's on-line database, for which we then supplied an attorney affidavit. Blair and Somerset Counties do not have general online access. In Blair, a local law firm completed the search at the reduced rate of $35, providing a cover letter that we could provide to the court indicating that no liens were found. In Somerset, a local abstractor completed the search for just $15.[43] Her search incorporated not only the client's full name but similarly spelled names, and included her cover letter containing the results. She indicated that $15 would be her standard search fee for a single individual.

2. Out-of-State Counties

Some states maintain websites to search for judgments within their respective counties.[44] There may be additional costs for these out-of-state judgment searches. Some out-of-state counties will only provide a certification if a judgment exists, and will not issue a certificate regarding the non-existence of judgments against an individual. This has been our experience with New York and Virginia. If this occurs, and if your search reveals no judgments against your client, then you can submit an affidavit or verified statement (to avoid notarization) to the Allegheny County Court of Common Pleas detailing the steps that you took – the clerks with whom you spoke and the websites that you searched – to confirm that there are no existing judgments against your client. A sample affidavit/verified statement is included in Appendix C.

C. Outstanding Judgments

The vast majority of our clients have no judgments on their records. In a rare instance when a client was discovered to have an outstanding judgment at the final hearing, one of our volunteers was nevertheless able to advocate for a successful name change at that hearing. That lawyer asked the judge to enter language into the final Decree for Change of Name ordering that (i) notice of the name change be provided to the judgment creditor, and (ii) a copy of the Decree

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[43] The Somerset abstractor's contact information is Deb DiLoreto, DLD Abstracting, 222 West Garrett Street, Somerset, PA 15501, (814) 445-2432, deb222@comcast.net.

[44] Maryland and Delaware, for example, maintain such websites. *See* Maryland Judiciary Case Search, http://casesearch.courts.state.md.us/inquiry/inquiry-index.jsp; Delaware State CourtConnect, https://courtconnect.courts.delaware.gov/public/ck_public_qry_main.cp_main_idx.

for Change of Name be mailed to the county prothonotary (the judgment was in another Pennsylvania county) so that the judgment could be indexed against the petitioner's new legal name. Specifically, the additional language, handwritten as new paragraphs to the Decree for Change of Name, stated:

> It is further ORDERED that Petitioner, directly or through counsel, shall provide notice to [creditor's name], [optional further description of creditor], holding a judgment against Petitioner in [county], [state]. Such notice shall be provided by overnight courier to [creditor's name].
>
> It is further ORDERED that the Prothonotary of [county], PA, shall index the judgment against Petitioner in favor of [creditor's name] against [CLIENT'S NEW LEGAL NAME].

While contrary to the statutory language ("… showing that there are no judgments … against the petitioner"), this result makes sense given the concern that name change petitions should not be filed to defraud the public (i.e., to avoid creditors). Providing notice of the name change to the creditor and the prothonotary/clerk nullifies the concern of defrauding the public/avoiding creditors.

Please note that this result may vary from judge to judge, and another potential outcome is that the final hearing would be postponed pending resolution of any outstanding judgments.

XVII. THE FINAL HEARING

You will attend the final name change hearing with your client. (If you are not admitted to practice, arrange for a supervising attorney to attend with you.) If you are proceeding in Motions Court, name change hearings are typically scheduled for 9:45 a.m. in Motions Court. If you are proceeding before the Special Name Change Judge, name change hearings are typically scheduled for 1:30 P.M. in the Special Name Change Judge's courtroom. Arrange to meet your client at least 30 minutes before the scheduled hearing to allow time for lateness and passing

through security, as well as checking in with the applicable clerk. Let your client know that, if they have it, business attire is appropriate, but not necessary.

Beforehand, retrieve the judgment search results from the second-floor clerks. If you are proceeding in Motions Court, the motions clerk will already have your client's file, and when you check in you will need to add the judgment search results (including any affidavits or documents regarding out-of-state judgment searches) and the affidavits of publication (if applicable) to the file before it is reviewed by the Motions Judge. If you are proceeding before the Special Name Change Judge, you will need to check our your client's file at the Paper Counter. When you check in you will need to add the judgment search results (including any affidavits or documents regarding out-of-state judgment searches) to the file before it is reviewed by the Special Name Change Judge.

In Allegheny County, the hearing is informal and very brief. You will go to the applicable courtroom at the time set for your hearing and the judge will call "In re [petitioner's name]." You will present yourself to the judge, introduce your client,[45] and summarize your petition, highlighting that the publication (if applicable) and judgment search requirements have been met. The judge may ask a few questions before he or she signs off on the order, but typically not. There is no court reporter – the only record of the proceeding is the final order.

Although we have not experienced any objections to our clients' name changes, the statute provides that "[a]ny person having lawful objection to the change of name may appear and be heard." 54 Pa. C.S.A. § 701(a.1)(4)(i). While "lawful objection" is not defined in the

[45] Rarely, clients have not appeared at their final hearings. Through the attorneys' advocacy, however, the Motions Judges have granted the name changes despite the absences. In the unlikely event that this occurs again, request to go last to give your client time to arrive, and if the client is still not there when you are called, do your best to convey to the judge the importance of the name change to your client and request that the judge grant the petition. One Motions Judge conditioned the final order on the submission of an affidavit explaining why the client (who was ill) was not present for the final hearing.

statute, bear in mind that the "primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations." *In re McIntyre*, 715 A.2d at 402.[46] With respect to minors, non-consenting parents could certainly raise lawful objections to a judicial change of name unrelated to financial debts.

Inspect the order you receive carefully. Ensure that everything is correct and that the name is correctly broken down into first, middle, and last names. If you later notice an error, you will need to make a motion to correct the order.

XVIII. CERTIFIED COPIES OF THE NAME CHANGE ORDER

Immediately after the Decree for Change of Name has been granted by the court, you should obtain certified copies of the name change order from the Department of Court Records, Civil Division. You will take the freshly signed order to the clerk's desk near the emergency exit. The cost is $20 per certified copy.[47] Remember that payment is only by cash, law firm check, or money order – no personal checks or credit cards are accepted. If your client is proceeding *IFP*, then include in the proposed final order a line stating that your client should receive a certain number of free certified copies in light of their *IFP* status, otherwise your client will be required to pay for all certified copies.

Your client will likely need three to five certified copies, depending on how many documents they must change. Most agencies (including Social Security and the DMV) do not keep the certified copy. For birth certificate changes, the certified copy is retained. For passport applications, the certified copy must be submitted, but will eventually be returned. Most non-governmental bodies will accept a photocopy. If your client has further questions about changing their names with these types of services, refer them to TLDEF. Advise your client that

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[46] We recommend bringing three copies of *In re McIntyre* (*see* Appendix B) to the final hearing should the Motions Judge or an objector need to be refreshed on the Pennsylvania Supreme Court's standard.

[47] *See* http://www.alleghenycounty.us/court-records/civil/miscellaneous-filings.aspx (Certified Copy).

if they later need to purchase more certified copies, they can visit the Department of Court Records on their own.

XIX. FINAL STEPS

A. Changing Official Documents

During their intake with TLDEF, clients are provided with information on how to change their names on documents such as their Social Security card, driver's license, birth certificate, etc. TLDEF may also offer guidance on how to change the gender marker/sex designation on federal or PA identification. Please refer clients with such questions back to TLDEF.

B. Feedback To TLDEF

When you have completed the process, please let TLDEF know by contacting AC Dumlao at adumlao@transgenderlegal.org. We are particularly interested in anything unusual that happened, *e.g.*, if the judge denied a request for waiver of publication, if the judge required unusual notifications, and how you handled criminal convictions—did you provide certificates of disposition, and if not, did the judge question the client about the convictions? Receiving reports from attorneys is the only way we can be alerted to problematic practices and gather knowledge to share with others in the Name Change Project.

Thank you for volunteering with the Name Change Project!

XX. APPENDICES

Appendix A: TLDEF Information Gathering Documents

Appendix B: Name Change Statute, Local Civil Rules & Case Law

Appendix C: Sample Name Change Petition and Forms

Appendix D: Birth Certificate and Criminal Record

Appendix E: *In Forma Pauperis*

Appendix F: Publication Examples and Sample Waiver Motions

Appendix G: Name Change News Articles

Appendix A: TLDEF Information Gathering Documents

TLDEF Participant Explanation Letter

Congratulations on your decision to pursue a legal name change, and welcome to Transgender Legal Defense & Education Fund's Name Change Project!

The Name Change Project is run in conjunction with several law firms that are assisting us in this project. TLDEF coordinates the project but does not provide any of the legal services for your name change. We are not your lawyers and no attorney-client relationship exists between you and TLDEF. You will sign a retainer agreement with the law firm to which you are assigned, and that law firm will provide all legal services to you in connection with your name change.

You will not be charged any legal fees for these services. Please be aware that your name change cannot be completed without your active participation. Your obligations as part of this agreement are:

(1) to provide your attorney with complete and accurate information and/or documentation as requested by your attorney; and

(2) to keep all scheduled appointments. Where you cannot make it to a scheduled appointment, it is your obligation to call your attorney in a timely way to reschedule the appointment.

By signing below, you indicate that this information was explained to you by an intake counselor, and that you have read and understand it.

TLDEF Intake Form

Lawyer	
Firm	
Date Assigned to Attorney	
Intake Date	
Preferred First Name(s)	
Preferred Middle Name(s)	
Preferred Last Name(s)	
Legal Name	
Aliases	
What pronouns do you prefer?	
Phone	
E-mail	
Contact Notes	
Age	
Birthdate	
Place of Birth	
Has birth certificate?	
Birth Certificate Number	
Current Address	
Housing Situation	
Lives With	
Citizenship/Immigration Status	
Marital Status	
Do you have any children?	
Have you ever been convicted of a crime?	
Have you ever declared bankruptcy?	
Do you owe anyone any money? Are there any judgments again you?	
Are you currently a party to any legal proceedings?	

Have you previously asked a court to change your name?	
Describe the reason for your name change.	
Do you feel that publication would threaten your safety? If so, are there any specific situations or events that lead you to feel that way?	
Gender Identity	
Race/Ethnicity	
Educational Background (include name of university currently attending, if any)	
Occupation	
Place of Employment	
Can you pay the fees and costs of the name change on your own?	
Do you receive Public Assistance?	
Do you use Medicaid?	
Please list all sources of income.	
Please list what property you own.	

Appendix B: Name Change Statute, Local Civil Rules & Case Law

Pennsylvania Name Change Statute

➞§ 701. Court approval required for change of name

(a) General rule.-- Except as set forth in subsection (b), it shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court in accordance with subsection (a.1).

(a.1) Procedure.--

(1) An individual must file a petition in the court of common pleas of the county in which the individual resides. If a petitioner is married, the petitioner's spouse may join as a party petitioner, in which event, upon compliance with the provisions of this subsection, the spouse shall also be entitled to the benefits of this subsection.

(2) The petition must set forth all of the following:

(i) The intention to change the petitioner's name.

(ii) The reason for the name change.

(iii) The current residence of petitioner.

(iv) Any residence of the petitioner for the five years prior to the date of the petition.

(v) If the petitioner requests the court proceed under paragraph (3)(iii).

(3) Upon filing of the petition, the court shall do all of the following:

(i) Set a date for a hearing on the petition. The hearing shall be held not less than one month nor more than three months after the petition is filed.

(ii) Except as provided in subparagraph (iii), by order, direct that notice be given of the filing of the petition and of the date set for the hearing on the petition and that the notice be treated as follows:

(A) Published in two newspapers of general circulation in the county where the petitioner

resides or a county contiguous to that county. One of the publications may be in the official paper for the publication of legal notices in the county.

(B) Given to any nonpetitioning parent of a child whose name may be affected by the proceedings.

(iii) If the court finds that the notice required in subparagraph (ii) would jeopardize the safety of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court. Upon granting the request to waive any notice requirement, the court shall seal the file. In all cases filed under this paragraph, whether or not the name change petition is granted, there shall be no public access to any court record of the name change petition, proceeding or order, unless the name change is granted but the file is not sealed. The records shall only be opened by order of the court in which the petition was granted based upon a showing of good cause or at the applicant's request.

(4) At the hearing, the following apply:

(i) Any person having lawful objection to the change of name may appear and be heard.

(ii) The petitioner must present to the court all of the following:

(A) Proof of publication of the notice under paragraph (3)(ii) unless petitioner requested the court proceed under paragraph (3)(iii) and the court granted the request.

(B) An official search of the proper offices of the county where petitioner resides and of any other county where petitioner has resided within five years prior to filing the petition showing that there are no judgments, decrees of record or other similar matters against the petitioner. This clause may be satisfied by a certificate given by a corporation authorized by law to make the search under this clause.

(5) The court may enter a decree changing the name as petitioned if the court is satisfied after the hearing that there is no lawful objection to the granting of the petition.

(b) Informal change of name.--Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively. The adoption of such name shall not, however, be in contravention of the prohibitions contained in section 702(c) (relating to change by order of court).

➡§ 702. Change by order of court

(a) General rule.--The court of common pleas of any county may by order change the name of any person resident in the county.

(b) Procedure.--Prior to entry of an order of approval of change of name, all of the following shall apply:

(1) The court must forward to the Pennsylvania State Police a duplicate copy of the application for change of name and a set of the person's fingerprints. The person applying for the change of name is responsible for costs under this paragraph.

(2) The Pennsylvania State Police shall use the fingerprints to determine if the person is subject to 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(3) The Pennsylvania State Police shall:

(i) if the person is subject to 18 Pa.C.S. Ch. 91, note the name change on the person's criminal history record information; or

(ii) if the person is not subject to 18 Pa.C.S. Ch. 91, destroy the fingerprints.

(4) Within 60 days of receipt of the material under paragraph (1), the Pennsylvania State Police shall certify to the court what action has been taken under paragraph (3).

(5) The procedure in this subsection shall not apply to proceedings involving:

(i) An election to resume a prior surname pursuant to section 704 (relating to divorced person may resume prior name).

(ii) Name changes involving minor children in adoption proceedings.

(iii) A name change involving a minor child whose name is being changed pursuant to section 703 (relating to effect on children) or because of the change of name of the child's parent.

(c) Convicted felons.--

(1) The court may order a change of name for a person convicted of a felony, subject to

provisions of paragraph (2), if:

(i) at least two calendar years have elapsed from the date of completion of a person's sentence and that person is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole; or

(ii) the person has been pardoned.

(2) The court may not order a change of name for a person convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

(3) The court shall notify the Office of Attorney General, the Pennsylvania State Police and the office of the district attorney of the county in which the person resides when a change of name for a person convicted of a felony has been ordered. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the central repository as provided for in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

➞§ 703. Effect on children

(a) General rule.--Whenever an order is made under this chapter changing the surname of anyone who is at the time thereof the parent of a minor child or adopted minor child, then under the care of such parent, the new surname of such parent shall, unless otherwise ordered by the court, thereafter be borne likewise by such minor child.

(b) Further change on attaining majority.--Any minor child whose surname has been changed pursuant to subsection (a) upon attaining majority shall also be entitled to the benefits of section 702 (relating to change by order of court).

➞§ 704. Divorcing and divorced person may resume prior name

(a) General rule.--Any person who is a party in a divorce action may, at any time prior to or subsequent to the entry of the divorce decree, resume any prior surname used by him or her by

filing a written notice to such effect in the office of the prothonotary of the county in which the divorce action was filed or the decree of divorce was entered, showing the caption and docket number of the proceeding in divorce.

(b) Foreign decrees.--Where a divorced person has been the subject of a decree of divorce granted in a foreign jurisdiction, a certified copy of such foreign divorce decree may be filed with the prothonotary of the county where the person resides and, thereafter, the notice specified in subsection (a) may be filed with reference to such decree.

➞§ 704.1. Surviving spouse may resume prior name

A surviving spouse may, at any time, resume any prior surname used by him or her by filing a written notice to such effect in the office of the prothonotary of the county where the surviving spouse resides, accompanied by a certificate of death for the decedent. In counties where there is no prothonotary, the notice shall be filed in the office that performs the functions of the office of prothonotary as provided for in the act of August 9, 1955 (P.L. 323, No. 130) [FN1], known as The County Code.

[FN1] 16 P.S. § 101 et seq.

➞§ 705. Penalty for violation of chapter

Any person violating the provisions of this chapter for purpose of avoiding payment of taxes or other debts commits a summary offense.

Relevant Allegheny County Local Civil Rules

Local Civil Rule 505 Change of Name of a Natural Person.

(1) All proceedings for a change of name pursuant to 54. §§ 701-705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

Note: See 23. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) Requirements for Filing a Petition.

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor)(FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Prothonotary:

(i) Petition and one (1) extra copy. If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may describe why under paragraph 6, reason for name change.

(ii) A completed fingerprint card (if applicable – children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police
Central Repository
1800 Elmerton Avenue
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

Prothonotary of Allegheny County
First Floor City-County Building
414 Grant Street
Pittsburgh, PA 15219
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

Note: A current listing of the fees charged by the Prothonotary can be found on the Prothonotary's web site: prothonotary.county.allegheny.pa.us (no www and no com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the Prothonotary's file to the Chief Motions Clerk.

Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge.

(d) The Motions Judge shall schedule the time and date for a hearing.

(e) Where the Petitioner has a prior conviction of a felony but is not barred by 54. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelopes affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

(ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(3) FORMS:

[*OMITTED FROM ATTORNEY HANDBOOK; SEE APPENDIX C FOR SAMPLES*]

Local Civil Rule 205.2(a) Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.

(1) Basic Requirements.

(a) Footnotes shall be single-spaced.

Note: See Pa.R.C.P. 204.1 for other requirements.

(b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the Prothonotary.

(i) A smaller document shall be reproduced, if possible, on eight and one-half inches by eleven inches paper.

(ii) A larger document shall be reduced and reproduced to eight and one-half inches by eleven inches size, provided it will still be legible.

(iii) If it is not possible to obtain a legible photocopy of the document or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, drafter's plans, tracing paper, red pencil marks, colored paper, tape recordings, cassettes, movies, etc., the filing party shall present the document or material to the Prothonotary to be stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

(c) In any case where a reproduced document under subdivision (b) above has been included in the pleadings or where a filing has been made under subdivision (b), and such reproduced document is not legible, an exact recitation of the contents of the document or evidence or, by agreement of the parties, the material sections of the same, shall be typed on white paper, eight and one-half inches by eleven inches in size, in twelve point type with double-spacing and margins of one inch on each side and the top and bottom of the page. This retyped document shall bear a certification of accuracy by counsel for the filing party.

Note: Local Civil Rule 205.2(a) does not affect the provisions of Pa.R.C.P. 1019(i), requiring that copies of certain writings be attached to pleadings.

(2) Proposed Orders of Court.

Every preliminary objection, petition and motion shall include a proposed order of court which shall be the last page of the preliminary objection, petition or motion.

(3) Other Filing Requirements.

(a) Every document shall be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).

(b) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.

(c) "Bluebacks" shall not be used.

Note: It is recommended that the case number be entered at the top or bottom right corner on every page of every filing because of the possibility that pages of a filing may come apart.

Local Civil Rule 205.2(b) Cover Sheet.

(1) (a) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below). If needed, a second page may be attached and numbered “Cover Sheet 2” at the bottom of the page.

(b) The lettering shall be in a font of no smaller than twelve point size or an equivalent, and shall substantially follow the format in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below).

(c) The cover sheet on the document commencing the action (Praecipe or Complaint), shall have a margin at the top of three (3) inches, for the Prothonotary’s stamp.

(2) The information required includes:

(a) (In capital letters from left to right margins)

"IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA"

(b) (In capital letters on left side of center) the complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

(i) The specific DIVISION, i.e., CIVIL, FAMILY, CRIMINAL, or ORPHANS' COURT;

(ii) The docket number;

(iii) The issue number, if assigned and the date the case is listed for trial, if assigned;

(iv) The name of the pleading, in bold face and all capital letters;

(v) For Civil Division cases, the docket code which most accurately characterizes the primary cause of action (see Local Rule 205.2(b)(4) below);

(vi) If the action is filed as a class action, then "CLASS ACTION" shall be set forth on the line following the Civil Division docket code;

(vii) If the action involves real estate, then the address, municipality, ward if applicable, lot and block number shall be set forth;

(viii) The completed statement: "Filed on behalf of _____ (party's name, party's relationship to case)";

(ix) The completed statement: "Counsel of Record: _____ (attorney's name and Pennsylvania Identification Number, firm name, firm number per the list in the Allegheny County Prothonotary's Office, address and telephone number)"; and

(x) In cases in which a party is represented only by out-of-county counsel, the following notice shall appear: "Party Represented by Out-of-County Counsel Only."

Note: This notice is required to alert court personnel to the need to mail a notice of earliest trial date, pursuant to Local Rule 212.1(3). See also FORM 214, Praecipe to Place Case at Issue, paragraph 6, Local Rule 214(1)(b).

(xi) Every pleading, petition and motion must include a Certificate of Service which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made.

(3) **FORM 205.2(b) Cover Sheet**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JOHN DOE,	CIVIL DIVISION
Plaintiff,	GD No. _____
	(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)
vs.	**TITLE OF DOCUMENT**
BIG CORPORATION, INC., and JANE DOE,	Code: (See Local Rule 205.2(b)(4).)
Defendants.	CLASS ACTION (If applicable.)
	Real Estate Involved:
	600 Grant Street, Pittsburgh, PA 15219 (Address, municipality, ward if applicable, lot and block number required in all cases involving real estate.)
	Issue No. _____ (If assigned.) (Required after case is placed at issue. See Local Rule 214(1).)
	Date on GD Trial List _____ (Required after case appears on a published trial list for GD cases.)
	Filed on behalf of Plaintiff, JOHN DOE
	Counsel of Record for this Party:
	Henry Smith, Esquire Pennsylvania I.D. #12345 Smith & Jones Firm I.D. #5678 667 Fort Pitt Boulevard, Suite 121 Pittsburgh, Pennsylvania 15219-3456 412-281-1234 412-281-5678 (fax) (Optional. See Pa.R.C.P. 440(a)(1)(ii).) smtt@acba.org (Optional. See Pa.R.C.P. 205.4(g)(2).)
	JURY TRIAL DEMANDED (Optional. See Pa.R.C.P. 1007.1.)

[New page] CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **[Title of Document]** has been served upon all other parties at the address(es) below via _____, this _____ day of _____, 20_.

[Name and address of counsel]

[signature]_____

(4) **Civil Division Docket Codes.**

Code 001 - Trespass-Motor Vehicle
Code 002 - Trespass-Other Traffic
Code 003 - Trespass-Against Property Owner
Code 004 - Trespass-Products Liability
Code 005 - Trespass-F.E.L.A.
Code 006 - Trespass-Assault and Battery
Code 007 - Trespass-Medical/Hospital Negligence
Code 008 - Trespass-Defamation
Code 009 - Trespass-Other
Code 010 - Assumpsit
Code 011 - Assumpsit/Trespass
Code 020 - Equity
Code 030 - Appeal from Award of Viewers
Code 040 - Complaint in Ejectment
Code 060 - Mechanics Lien Complaint
Code 070 - Mandamus
Code 080 - Quiet Title
Code 090 - Quo Warranto

Pennsylvania Name Change Case Law

824 A.2d 1207
Superior Court of Pennsylvania.
In re: Nadine Ann MILLER.
Appeal of: Nadine Ann Miller, Appellant.

Submitted Jan. 21, 2003.
Filed May 14, 2003.

Individual petitioned to change her surname to that of her life companion. The Court of Common Pleas, York County, Civil Division, No. 2002-SU-02178-13,Kennedy, J., denied petition. Petitioner appealed. The Superior Court, No. 1209 MDA 2002,Johnson, J., held that denial of petition was abuse of discretion in view of petitioner's satisfaction of statutory requirements and the lack of evidence to support conclusion that requested name change would violate public policy.

Order reversed and case remanded with directions.

Lally-Green, J., concurred in the result.

West Headnotes

[1] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

In matters involving a name change, a court's discretion must be exercised in such a way as to comport with good sense, common decency, and fairness to all concerned and to the public. 54 Pa.C.S.A. §§ 701(a), 702.

[2] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Scope of appellate review in matters involving change of name is limited to whether the evidence is sufficient to support the decision reached by the hearing court; if appellate court finds the evidence sufficient it must affirm, even if based on the same evidence it would have reached a different conclusion. 54 Pa.C.S.A. §§ 701(a), 702.

[3] Courts 106 242(3)

106 Courts
106VI Courts of Appellate Jurisdiction
106VI(B) Courts of Particular States
106k242 Pennsylvania
106k242(3) k. Superior Court in General. Most Cited Cases

Formal purpose of Superior Court, as intermediate appellate court, is to maintain and effectuate the decisional law of the Pennsylvania Supreme Court as faithfully as possible.

[4] Judges 227 24

227 Judges
227III Rights, Powers, Duties, and Liabilities
227k24 k. Judicial Powers and Functions in General. Most Cited Cases

Judges have no monopoly on wisdom, no heightened discernment into the public mind, and no right to impose personal views or values on the citizenry of Commonwealth.

[5] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Trial court's denial of individual's petition to change her surname to that of her life companion was abuse of discretion; individual satisfied all statutory requirements, and there was no evidence of record supporting court's conclusion that the name change would violate public policy. 54 Pa.C.S.A. §§ 701(a),

702.

***1208** Audrey E. Woloshin, York, for appellant.

BEFORE: JOHNSON, LALLY-GREEN, and POPOVICH, JJ.

OPINION BY JOHNSON, J.:

[1] ¶ 1 We are asked to determine whether a court may deny an individual's petition to change her name to that of her life companion on the basis of the trial court's individual perception that the change offends the law and public policy. We are guided by our Supreme Court's admonition that, in matters involving a name change, a court's discretion must be exercised "in such a way as to comport with good sense, common decency and fairness to all concerned and to the public." *Petition of Falcucci*, 355 Pa. 588, 592, 50 A.2d 200, 202 (1947). We find that the petitioner has satisfied all statutory requirements, and there appears no evidence of record supporting the court's conclusion that the name change would violate public policy. Consequently, we conclude that the trial court abused its discretion in denying the petition. Accordingly, we reverse the order denying relief and remand with directions that the trial court grant the petition.

¶ 2 On April 30, 2002, Nadine Ann Miller (Petitioner) filed a Petition for Change of Name pursuant to 54. §§ 701(a), 702. The petition sought to secure a name change from Nadine Ann Miller to Nadine Ann Gingerich, in order that Petitioner might obtain the surname of her life companion. The petition averred that the change of name as requested was not made for the purpose of defrauding creditors or others. Attached to the petition was the Federal Bureau of Investigation Form FD-258 (Rev.12-29-82) containing Petitioner's fingerprints along with other identifying information.

¶ 3 Included in the certified record on appeal is the certification of the Pennsylvania State Police Central Repository indicating that Petitioner's fingerprint cards had been searched and that Petitioner is not subject to 18 Pa.C.S. Chapter 91 (relating to criminal history record information). *See* 54. § 702(b)(1), (2), (3) and (4). Also included in the record are: (1) the certification of Petitioner's attorney that there are no outstanding judgments or decrees of record against petitioner for the five years preceding the filing of the petition, and (2) the proofs of publication of the notice of application for name change, which appeared in the York Dispatch on Friday, June 7, 2002, and in the York Legal Record on Thursday, May 16, 2002. *See* Section 6 of the Act of December 16, 1982, P.L. 1309, 1337-38, Act No. 295 (setting forth the procedural requirements for compliance with 54. §§ 701(a), 702).

***1209** ¶ 4 On July 1, 2002, a hearing on the petition was held before the Honorable John S. Kennedy. The only witness was Petitioner. After testifying to her residence addresses over the preceding five years, she stated that she desired to change her last name to Gingerich. In response to counsel's question as to the reason for the request for name change, Petitioner testified: "I'm taking the surname of my lifelong companion." Transcript of Proceedings (T.P.), 7/1/02, at 3. After Petitioner then testified that she did not have any creditors from whom she was trying to hide, the trial court asked how long Petitioner's companion had been her companion. *Id.* Petitioner replied: "Three months. We were- I was separated [from my husband] for five years living in the same house but living separately. I have not been living in that house for approximately four months." *Id.*

¶ 5 After Petitioner's counsel submitted the proofs of publication and the lien search certification, Judge Kennedy issued his ruling denying the petition *ex cathedra*, stating:

> **THE COURT:** All right. I have had this issue in front of me previously, and I did not ask whether Ms. Miller's companion is male or female. Frankly, [it] doesn't make a difference to me, but it has been my policy to deny these name changes because I believe it permits the party to have what would appear to the public to be a marriage when in reality it is not.

> The last one I had- and again I didn't inquire as to gender of her companion because it doesn't make a difference. The last one I had was a woman who came in [and] wanted to change her name to that of her fiance who was male, and I didn't permit it because in my opinion it would have bestowed upon the couple-it would have held them out to society as folks that were legally married, and, accordingly, I denied it for that reason. So I am going to deny this petition for the same reason. You, of course, have 30 days to appeal.

T.P., 7/1/02, at 4. In his Opinion Pursuant to Pa.R.A.P. 1925(a), issued September 25, 2002, Judge Kennedy asserted that he denied the name change "because we felt that it violated public policy and would permit the Petitioner and her 'life long companion' to hold themselves out to the public as a married couple." Opinion, 9/25/02, at 1. The trial court conceded that Petitioner met the procedural requirements of 54. § 702, but concluded that "permitting the name change in this circumstance is against public policy." *Id.* The court went on to declare that it believed that "by permitting this name change we would sanction the creation of a type of domestic relationship that has not been legally recognized in this state." *Id.* at 2.

¶ 6 The record indicates that Petitioner was married, but was filing for divorce at the time of the hearing on the petition. T.P., 7/1/02, at 2. The trial judge, through questioning, established that Petitioner and her husband had been separated "for five years living in the same house but living separately." However, the trial judge did not place any weight on this factor in denying the petition and we, likewise, take no position on whether this factor would militate against the granting of the petition. No lawful objection to the granting of the petition was presented by any party at the hearing on the petition. *See* Section 6(b) of Act No. 295, December 16, 1982, P.L. 1309, 1338; *see also* 54. § 701 Historical and Statutory Note (providing procedural provisions for judicial change of name including right of any person having lawful objection to name change to appear and be heard, and further providing for name change decree where no lawful objection is advanced and ***1210** proofs of publication and official searches have been certified).

¶ 7 The record establishes that all procedural requirements for a judicial name change have been met. We turn now to a review of the standards that must guide our resolution of this case. Our Supreme Court has instructed that the established standard of review for cases involving petitions for change of name is whether or not there was an abuse of discretion. *In re Zachary Thomas Andrew Grimes*, 530 Pa. 388, 390 n. 1, 609 A.2d 158, 159 n. 1 (1992) (citing *Petition of Falcucci*, 355 Pa. at 591, 50 A.2d at 202). That Court has also provided us with an understanding of what constitutes an abuse of discretion, as follows:

> An abuse of discretion exists when the trial court has rendered a judgment that is manifestly unreasonable, arbitrary, or capricious, has failed to apply the law, or was motivated by partiality, prejudice, bias, or ill will. A finding by an appellate court that it would have reached a different result than the trial court does not constitute a finding of an abuse of discretion. Where the record adequately supports the trial court's reasons and factual basis, the court did not abuse its discretion.

Harman v. Borah, 562 Pa. 455, 469, 756 A.2d 1116, 1123 (2000) (citing *Coker v. S.M. Flickinger Co., Inc.*, 533 Pa. 441, 447, 625 A.2d 1181, 1184-85 (1993) and *Morrison v. Commonwealth, Dept. of Public Welfare*, 538 Pa. 122, 133, 646 A.2d 565, 571 (1994)). On matters involving petitions for a change of name, the Supreme Court has often cited the guiding principle first enunciated in *Falcucci*, where it declared:

> Whenever a court has discretion in any matter (as it has in the matter of a change of name) it will exercise that discretion in such a way as to comport with good sense, common decency, and fairness to all concerned and to the public.

Petition of Falcucci, 355 Pa. at 592, 50 A.2d at 202, (cited and restated in *In the Matter of Robert Henry McIntyre (In Re McIntyre),* 552 Pa. 324, 328, 715 A.2d 400, 402 (1998); *Grimes,* 530 Pa. at 392, 609 A.2d at 160).

[2] ¶ 8 This Court has also looked to *Falcucci* and has been governed by the same principle in reviewing matters involving change of name. *See In re Harris,* 707 A.2d 225, 227 (Pa.Super.1997); *In re Petition of Christjohn,* 286 Pa.Super. 112, 428 A.2d 597, 598 (1981). Our scope of review is limited to the question of whether the evidence is sufficient to support the decision reached by the hearing court. *Christjohn,* 428 A.2d at 599. If we find the evidence sufficient we must affirm, even if based on the same evidence we would have reached a different conclusion. *See id.*

¶ 9 "The court of common pleas of any county may by order change the name of any person resident in the county." 54. § 702(a). The act providing for a judicial change of name does not contain criteria limiting the court's discretion upon a name change petition. However, a person who violates the provisions of the statute "for purpose of avoiding payment of taxes or other debts" may be found guilty of a summary offense. *See* 54. § 705. Without court approval, "a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively." 54. § 701(b). Our Supreme Court has reviewed the statute and the procedures thereunder and concluded that they "indicate a liberal policy regarding change of name requests." *Grimes,* 530 Pa. at 392, 609 A.2d at 160. The *Grimes* court observed that "[t]he necessity for judicial involvement [in name change cases] centers on governmental concerns that persons***1211** not alter their identity to avoid financial obligations." *Id.* More recently, and while citing *Grimes,* then-Justice Stephen A. Zappala declared that "the primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations." *In re McIntyre,* 552 Pa. at 328, 715 A.2d at 402.

¶ 10 How do these standards inform our review of the denial of the petition in the case now before us? The grounds that the trial court set forth as justification for the denial of the petition had nothing to do with avoidance of financial obligations. Judge Kennedy first declared that he had denied an earlier petition on the basis that granting the petition would have "bestowed upon the couple- it would have held them out to society as folks that were legally married, and, accordingly, I denied it for that reason." T.P., 7/1/02, at 4. Judge Kennedy indicated that he was denying the petition on this appeal "for the same reason." *Id.*

¶ 11 We find instructive our Supreme Court's analysis in *In re McIntyre.* There, a fifty-three year old male transsexual had held himself out as a woman in all respects with the exception of his employment as a maintenance worker for a municipal parking authority. *See In re McIntyre,* 552 Pa. at 326, 715 A.2d at 401. He was generally known as Katherine Marie McIntyre, the name under which he leased his apartment, maintained various bank accounts and credit cards and was enrolled in membership in local organizations. *See id.* He petitioned to change his name from Robert Henry McIntyre to Katherine Marie McIntyre, testifying that his employer would not recognize him as a female until it received legal recognition of his name change. *See id.* at 327, 715 A.2d at 401. Of equal importance, he argued that a pre-requisite to sex-reassignment surgery required the patient to undergo living for a full year in all aspects of his life in the gender he desires. *See id.* at 326, 715 A.2d at 401.

¶ 12 The trial court denied the petition, holding that it would not grant legal recognition of his name change until he underwent sex-reassignment surgery, finding that granting the name change was premature and would be deceptive to the public and his co-workers. *See id.* at 327, 715 A.2d at 401-02. On appeal, this Court affirmed that denial on the basis of the trial court's opinion. In reversing this Court and in granting the petition, our Supreme Court noted that the petitioner was judgment free and was not seeking

a name change to avoid any financial obligations. *See id.* at 328-329, 715 A.2d at 402-403. The Court stated:

> The fact that [petitioner] is a transsexual seeking a feminine name should not affect the disposition of his request.
>
> The Superior Court of New Jersey espoused a similar view in *The Matter of William Eck*, 245 N.J.Super. 220, 584 A.2d 859 (1991)....
>
> Likewise, we find that there is no public interest being protected by the denial of Appellant's name change petition. The details surrounding Appellant's quest for sex-reassignment surgery are not a matter of governmental concern. As the name change statute and the procedures thereunder indicate a liberal policy regarding change of name requests, *In re: Grimes*, 530 Pa. 388, 609 A.2d 158 (1992), we see no reason to impose restrictions which the legislature has not.

In re McIntyre, 552 Pa. at 328-29, 330, 715 A.2d at 402-03.

¶ 13 In the same manner that our Supreme Court found wisdom in the reasoning of the most distinguished Superior Court of New Jersey, Appellate Division, we have been equally guided by a more ***1212** recent pronouncement by a panel of that court. In a case raising the identical issue we here must resolve, the Appellate Division held that the denial of a request for a change of name to include the last name of petitioner's same-sex partner was "a misapplication of judicial discretion." *In re Application for Change of Name by Bacharach (In re Bacharach)*, 344 N.J.Super. 126, 136, 780 A.2d 579, 585 (2001). There, as here, an order was entered fixing a date for a hearing on the name change request. *See id.* at 129, 780 A.2d at 580. Publication was made and copies of the order were sent to both the County Prosecutor and the New Jersey Attorney General. *See id.* As in the case now before this Court, a criminal background check disclosed no criminal record, and no objection to the name change was received from the County Prosecutor, the Attorney General, or from any member of the general public. *See id.*

¶ 14 The hearing judge expressed concern that approval of the name change would give the appearance of approval of a same-sex marriage. *See id.* The Appellate Division quotes the hearing judge as opining (in content similar to that now before us):

> The point is that this Court is particularly concerned with an impression or an appearance. If I grant such a petitioner-a petition, rather, to the outside world, which in this case would be the immediate neighborhood or their social contact, their work related, their church, other places of worship, people in the apartment, where they go shopping and so forth, bank accounts, social security, credit cards and so forth, because if it becomes-if I grant it, it would be legal and then we would have a union of some sort between the two, representing to all people that there's some sort of a union here; there's some sort of a marriage here; there's some sort of a civil contract to represent to these people in general that they're together. And that is not legal as of today.

Id. at 129, 780 A.2d at 580. The New Jersey court observed that the hearing judge had denied the name change based on that court's perception of the law and public policy of New Jersey against recognition of same-sex marriage. *See id.* In rejecting the trial court's decision, the Appellate Division observed that "[I]t is well settled that an adult can legally and properly change his or her name at will and without need of judicial approval simply by using the desired name in ordinary life so long as the adopted name is not used for a criminal or fraudulent purpose." *Id.* at 130, 780 A.2d at 582. The law is the same in this Commonwealth. *See* 54. § 701(b) (intended as codification of existing law); *Matter of Montenegro*, 365 Pa.Super. 98, 528 A.2d 1381, 1383 (1987).

¶ 15 The *Bacharach* court noted that there had been few reported cases in which a court had denied

a requested name change. *See id.* at 132, 780 A.2d at 583. It cited to an earlier case in which it had reversed a hearing judge's denial of a married woman's application to resume use of her maiden name, in spite of no objections having been filed and no evidence of any fraudulent intent. *See id.* at 132, 780 A.2d at 583 (citing *In re Bonnie Lee Daniels Lawrence (Application of Lawrence),* 128 N.J.Super. 312, 319 A.2d 793 (Cty.Ct.1974) rev'd 133 N.J.Super. 408, 337 A.2d 49 (App.Div.1975)). There, the trial judge gave as his reason for denying the petition, "This court has great concern for the stability of the family and the marriage." *Application of Lawrence,* 128 N.J.Super. at 327, 319 A.2d at 801. In reversing, the *Bacharach* court held, in effect, that a name change request should not be denied "simply because a judge disputes the wisdom of the request or disagrees with the reason for the change based on his or her personal views or ***1213** philosophy." *Bacharach,* 344 N.J.Super. at 132, 780 A.2d at 583 (citing *Application of Lawrence,* 133 N.J.Super. at 413-14, 337 A.2d at 52).

[3] ¶ 16 The highest court in our sister state of Ohio has examined the same issue we now review, under similar law, and has reached the same result as our esteemed colleagues on the New Jersey Appellate Division court. *See In re Bicknell,* 96 Ohio St.3d 76, 771 N.E.2d 846 (2002). There, two women filed individual applications seeking to have their surnames changed to "Rylen", a combination of letters from both of their last names. *See id.* at 76, 771 N.E.2d at 847. A magistrate first denied both applications, writing: "To grant their petitions would be contrary to the public good, contrary to encoded public policy, and contrary to natural law." *Id.* The probate court next denied the applications on different grounds, concluding, "It is not reasonable and proper to change the surnames of cohabiting couples, because to do so would be to give an aura of propriety and official sanction to their cohabitation and would undermine public policy of this state which promotes legal marriages and withholds official sanction from non-marital cohabitation." *Id.* The Ohio Court of Appeals affirmed the probate court's denial, holding, "We find that there is support for the trial court's determination that Ohio law favors solemnized marriages and that cohabitation contravenes this policy. Accordingly, the trial court did not abuse its discretion by finding that court sanctioning of the use of the same surname by two unmarried cohabitants is against Ohio's public policy promoting marriage." *Id.* The Supreme Court of Ohio granted *certiorari* and reversed. The *Bicknell* court considered the New Jersey position pronounced in *In re Bacharach,* along with this Commonwealth's position set forth in *In re McIntyre. Id.* at 77-78, 771 N.E.2d at 848-849. In finding that the cohabiting, unmarried partners' name change requests were reasonable and proper under the statute governing name changes, the Ohio court declared:

> In the case at bar, appellants' only stated purpose for changing their names is to carry the same surname to demonstrate their level of commitment to each other and to the children that they planned to have. Both acknowledge that same-sex marriages are illegal in Ohio, and it is not their intention to have this court validate a same-sex union by virtue of granting the name-change applications. Any discussion, then, on the sanctity of marriage, the well-being of society, or the state's endorsement of non[-]marital cohabitation is wholly inappropriate and without any basis in law or fact.

Id. at 78, 771 N.E.2d at 849. In citing to our own Supreme Court's decision in *In re McIntyre,* the *Bicknell* court quoted our Court in declaring: "As the name change statute and the procedures thereunder indicate a liberal policy regarding change of name requests, ... we see no reason to impose restrictions which the legislature has not." *Id.* (quoting *In re McIntyre,* 552 Pa. at 330, 715 A.2d at 403). This Court remains mindful of our intermediate appellate role that requires that we follow the instructions of our State Supreme Court. "The formal purpose of the Superior Court is to maintain and effectuate the decisional law of [the Pennsylvania Supreme Court] as faithfully as possible." *Commonwealth v. Dugger,* 506 Pa. 537, 545, 486 A.2d 382, 386 (1985); *accord Shearer v. Naftzinger,* 714 A.2d 421, 427

(Pa.Super.1998); *Commonwealth v. Busch,* 713 A.2d 97, 100 (Pa.Super.1998); *Commonwealth v. Brown,* 447 Pa.Super. 454, 669 A.2d 984, 988 (1995) (*en banc*).

[4] ¶ 17 Based upon the teachings of our State Supreme Court the exercise of discretion to deny a change of name runs ***1214** contrary to the common law and statutory policy in favor of granting such relief. *See In re McIntyre, supra* (reversing denial of name change petition brought by pre-operative transsexual male); *Petition of Falcucci, supra* (affirming decree granting change of name against objection and appeal of member of the Philadelphia Bar bearing same surname). We, as judges, have no monopoly on wisdom, no heightened discernment into the public mind and no right to impose personal views or values on the citizenry of this Commonwealth. *See Bacharach,* 344 N.J.Super. at 134, 780 A.2d at 584. If we look to the actions of our legislature and the decisions of our Supreme Court, we discern no basis for declining a name change that would enable an applicant to adopt the surname of the applicant's partner.

¶ 18 Shakespeare recognized the care with which we must approach a person's desire to change or modify their name where the playwright presents Iago addressing the Moor of Venice with the caution: "Good name in man and woman, dear my lord, is the immediate jewel of their souls." *Tragedy of Othello,* Act III, scene iii, 155. Where a court denies an application for adoption of a name change without anything on the record to support such denial, we rob the applicant of that which in no way enriches, or protects, the public and makes the applicant poor indeed.

¶ 19 In denying the application for name change in this matter, the trial court concluded that approval "would have held them out to society as folks that were legally married." T.P., 7/1/02, at 4. There is no evidence on the record to support the decision of the trial court. In its Rule 1925 Opinion, the trial court was persuaded by the decision reached by our sister intermediate appellate court in *Devlin v. City of Philadelphia,* 809 A.2d 980 (Pa.Cmwlth.2002). That decision is inapposite and not helpful in deciding the issue here presented. In *Devlin,* the Commonwealth Court considered whether the City of Philadelphia had exceeded its powers, granted by certain acts of the General Assembly, in enacting three municipal ordinances providing for the status of "life partnership" between members of the same sex with respect to certain health benefits and exemption from realty transfer taxes. *See Devlin,* 809 A.2d at 981-83. The court held that the City's action in creating and regulating Life Partnerships as a marital status and new type of domestic relationship was beyond the City's power as a municipal corporation. *See id.* at 990-992. The court further held that the General Assembly had preempted the field of the marital relationship between two people in Pennsylvania. *See id.* The *Devlin* court did not have before it, nor did it consider, the narrow issue here presented, whether an application for a change of name to assume the surname of a life partner is prohibited under either the public policy of this Commonwealth or the Judicial Name Change Act, 54. §§ 701-705. We do not believe the *Devlin* decision is relevant on the issue now before this Court.

[5] ¶ 20 Finding nothing to support the trial court's single reason for denial, and given the strong, liberal policy regarding change of name requests, we can only conclude that the trial court has misapplied its judicial discretion. *See In re McIntyre, supra; Petition of Falcucci, supra; In re Harris, supra.* The petitioner is entitled to have her application favorably received. We will reverse the order denying the petition and remand the matter for entry of an order granting the relief sought by petitioner.

***1215** ¶ 21 Order entered July 25, 2002 **REVERSED**. Case **REMANDED WITH DIRECTIONS**.

¶ 22 Judge LALLY-GREEN Concurred in the Result.

552 Pa. 324; 715 A.2d 400
Supreme Court of Pennsylvania.
In the Matter of Robert Henry McINTYRE.
Appeal of Robert Henry McINTYRE.

Submitted June 27, 1997.
Decided July 21, 1998.

Pre-operative male transsexual petitioned to change name to feminine name. The Court of Common Pleas, Dauphin County, No. 3808 S 1995,Richard A. Lewis, J., denied petition. Transsexual appealed. The Superior Court affirmed. Transsexual appealed. The Supreme Court, Zappala, J., held that transsexual was entitled to change name.

Order reversed and petition granted.

Nigro, J., concurred and filed opinion.

West Headnotes

[1] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Trial court has wide discretion in ruling upon a petition to change name and should exercise its discretion in a way as to comport with good sense, common decency, and fairness to all concerned and to the public. 54 Pa.C.S.A. §§ 701-705.

[2] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Petitions for change of name may be denied upon lawful objection or if the petitioner seeks a name change in order to defraud the public. 54 Pa.C.S.A. §§ 701-705.

[3] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations. 54 Pa.C.S.A. §§ 701-705.

[4] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Pre-operative male transsexual was entitled to change name to feminine name; transsexual was judgment free, transsexual was not seeking name change to avoid any financial obligations or commit fraud, and there was no public interest being protected by denial of name change petition. 54 Pa.C.S.A. §§ 701-705.

****401*325** Luther E. Milspaw, Jr., and Helen Eichenwald Laux, for McIntyre.

Before FLAHERTY, C.J., and ZAPPALA, CAPPY, CASTILLE, NIGRO and NEWMAN, JJ.

OPINION

***326** ZAPPALA, Justice.

We granted allocatur to determine whether the trial court abused its discretion by denying Appellant's petition to change name. For the following reasons, we reverse.

Appellant, a fifty-three year old male, is a pre-operative transsexual who is undergoing hormonal therapy and psychotherapy in anticipation of sex-reassignment surgery. He has been struggling with personal gender identity issues since the age of ten. Appellant is the father of two adult sons and has been divorced since 1983.

In 1991, Appellant began dressing as a woman and held himself out to the community as a woman in all respects with the exception of his employment as a maintenance worker for the Harrisburg Parking Authority. He is generally known as Katherine Marie McIntyre, the name under which he leases his apartment, maintains various bank accounts and credit cards and is enrolled in membership in local organizations.

On August 25, 1995, Appellant filed a petition to change name from Robert Henry McIntyre to Katherine Marie McIntyre pursuant to 54. §§ 701-705.[FN1] A hearing was held where Appellant presented testimony establishing that a pre-requisite to sex-reassignment surgery is that the patient undergo the "real-life test" whereby he lives for a minimum of one year in all aspects of his life in the gender he desires to ***327** be. Appellant argued that he is unable to satisfy this requirement because his employer will not recognize him as a female until it receives legal recognition of his name change.

FN1. Sections 701 and 702 provide as follows:

> **§ 701. Court approval required for change of name**
>
> (a) General rule.-It shall be unlawful for any person to assume a different name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court as provided by this chapter.
>
> (b) Informal change of name.-Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively.
>
> **§ 702. Change by order of court**
>
> The court of common pleas of any county may by order change the name of any person resident in the county.
>
> Sections 703 (Effect on children), 704 (Divorced person may resume prior name) and 705 (Penalty for violation of chapter) are not relevant to the instant case.

The common pleas court denied the petition primarily on the ground that Appellant failed to present testimony or documentation of the statutory requirement that he be free of judgments.[FN2] *See* Act of December 16, 1982, P.L. 1309, No. 295, § 6(b).[FN3] Appellant filed for reconsideration and submitted proof that he was, in fact, judgment free.

FN2. There was no objection to the petition for name change.

FN3. This section provides that "... the petitioner ... shall present to the court ... proof ... showing that there are no judgments or decrees of record or any other matter of like character against said petitioner...."

The common pleas court granted reconsideration but again denied the petition holding ****402** that it would not grant legal recognition of Appellant's name change until he undergoes sex-reassignment surgery. It found that granting the name change was premature and would be deceptive to the public and to Appellant's co-workers. It relied on prior common pleas court decisions where a similar result was reached. *In re: Dowdrick,* 4 Pa. D & C.3d 681 (1978) (granting feminine name change petition of pre-operative transsexual male does not comport with good sense, common decency and fairness to all concerned and the public); *In re: Richardson,* 23 Pa. D & C.3d 199 (1982) (same). The Superior Court affirmed on the basis of the common pleas court's opinion.[FN4]

FN4. Judge Olszewski filed a concurring memorandum wherein he agreed with the

denial of the name change petition and noted that the social issue may be best resolved through legislative action.

Appellant contends that the trial court abused its discretion in denying his petition for name change absent a factual basis for doing so. He asserts that there was no objection to the petition, that the name requested is ordinary and that he is not attempting to avoid financial obligations or commit fraud. He further contends that the trial court's refusal to grant the name change until the sex-reassignment surgery was completed was an arbitrary determination. We agree.[FN5]

FN5. The Superior Court recently addressed the issue of whether a pre-operative transsexual may legally change his name to reflect the opposite sex in *In re: Brian Harris*, 707 A.2d 225 (1997), but a majority of the panel did not agree on the resolution. Judge Olszewski found that the petitioner must establish that he is permanently committed to living as a member of the opposite sex before the name change petition is granted.)

Judge Popovich filed a concurring statement wherein he found that the petitioner's commitment to living as a woman was irrelevant to the determination of whether his petition to change name should be granted. He asserted that the court inquiry ends after it is determined that the petitioner has complied with the statutory requirements and that the petitioner has no fraudulent intentions in changing his name.

In his dissenting statement, Judge (now Justice) Saylor opined that a transsexual's name change petition should not be granted until sex reassignment surgery was completed.

[1][2] ***328** The trial court has wide discretion in ruling upon a petition to change name and should exercise its discretion in a way as to comport with good sense, common decency and fairness to all concerned and to the public. *Falcucci Name Change*, 355 Pa. 588, 50 A.2d 200 (1947). Petitions for change of name may be denied upon lawful objection or if the petitioner seeks a name change in order to defraud the public. *Id.*

[3] We must keep in mind, however, that the primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations. *Commonwealth v. Goodman*, 544 Pa. 339, 676 A.2d 234 (1996); see also *In re: Grimes*, 530 Pa. 388, 609 A.2d 158 (1992) (necessity for judicial involvement in name change petition centers on governmental concerns that individuals not alter their identity to avoid financial obligations). The penalty provision of the name change statute applies only to persons violating the act for the purpose of avoiding payment of taxes or other debts. 54. § 705.

[4] Here, it was undisputed that Appellant was judgment free and was not seeking a name change to avoid any financial obligations or commit fraud. [FN6] The fact that he is ****403** a transsexual ***329** seeking a feminine name should not affect the disposition of his request.

FN6. In *Falcucci Name Change*, we observed that

if some medical practitioner petitioned for leave to change his name to that of an eminent and successful medical practitioner in the former's vicinity the court would properly deny the petition on the ground that a fraud on the public was intended. The same would be true if some member of the legal profession or some actor or a practitioner of some other profession would seek judicial authority to assume the name of an other person who gained renown in the petitioner's profession. When a petitioner for a change

> of name is a competitor of a highly successful person whose name he wishes to assume there is reasonable ground for suspicion that his motive in seeking a change of name is an unworthy one, and a due regard for both the public interest and for the person whose name is coveted would constrain a court to deny his petition. A court would also properly refuse a request for a change in name if petitioner asked for the privilege of assuming a name that was bizarre or unduly lengthy or which would be difficult to pronounce or would have a ridiculous offensive connotation.
>
> 355 Pa. at 592-593, 50 A.2d at 202. Appellant's request is not analogous to these circumstances where the public would be affected by the petitioner's choice of name.

The Superior Court of New Jersey espoused a similar view in *The Matter of William Eck,* 245 N.J.Super. 220, 584 A.2d 859 (1991). The petitioner in *Eck* was a transsexual who sought to change his name from William to Lisa. The lower court denied the request, concluding that it was inherently fraudulent for a male to assume an obviously female name for the purpose of representing himself to society as a female.

The Superior Court of New Jersey reversed, holding that

> [a]bsent fraud or other improper purpose a person has a right to a name change whether he or she has undergone or intends to undergo a sex change through surgery, has received hormonal injections to induce physical change, is a transvestite, or simply wants to change from a traditional "male" first name to one traditionally "female," or vice versa. Many first names are gender interchangeable ... and judges should be chary about interfering with a person's choice of a first name.
>
> Finally, we perceive that the judge was concerned about a male assuming a female identity in mannerism and dress. That is an accomplished fact in this case, a matter which is ***330** of no concern to the judiciary, and which has no bearing upon the outcome of a simple name change application.
>
> *Id.* at 223, 584 A.2d at 860-861.

Likewise, we find that there is no public interest being protected by the denial of Appellant's name change petition. The details surrounding Appellant's quest for sex-reassignment surgery are not a matter of governmental concern. As the name change statute and the procedures thereunder indicate a liberal policy regarding change of name requests, *In re: Grimes,* 530 Pa. 388, 609 A.2d 158 (1992), we see no reason to impose restrictions which the legislature has not.

Accordingly, because Appellant has satisfied the statutory requirements, the trial court abused its discretion in denying his name change petition. The Order is reversed and the petition is granted.

SAYLOR, J., did not participate in the consideration or decision of this case.

NIGRO, J., files a Concurring Opinion.

NIGRO, Justice, concurring.

I agree with the Majority that *Commonwealth v. Goodman,* 544 Pa. 339, 676 A.2d 234 (1996), is applicable to this case to the extent that it stands for the proposition that the primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations. I write separately, however, to emphasize that deterrence against financial fraud may be the primary, but is not the only, purpose behind the Name Change Statute. Rather, there are other types of fraud, besides financial, that the Name Change Statute seeks to prevent.

Courts may face any number of situations, not financial in nature, where an individual is motivated

to formally adopt a different name for improper reasons. For example, if evidence discloses that an individual is seeking to change his or her name in order to receive preference as a candidate on a ***331** university or employment application, the Statute would clearly compel the courts to deny that individual's name change petition.

However, under the circumstances of this case, I agree with the Majority that the record does not reflect that Appellant is seeking to change his name in order to perpetrate any type of fraud, financial or otherwise. Accordingly, I agree with the Majority's conclusion that Appellant's name change petition should be granted.

707 A.2d 225
Superior Court of Pennsylvania.
In re Brian HARRIS, a/k/a Lisa Harris, Appellant.

Argued Sept. 10, 1997.
Filed Dec. 11, 1997.

Transsexual petitioned for name change from "Brian" to "Lisa." The Court of Common Pleas, Cambria County, Civil Division, No. 1996-1512,Long, J., denied petition, and petitioner appealed. The Superior Court, No. 00729 Pittsburgh 1997, Olszewski, J., held that legal name change would benefit petitioner and the public at large, and, thus, should have been granted.

Reversed.

Popovich, J., filed a concurring statement.

Saylor, J., filed a dissenting statement.

West Headnotes

[1] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

After determining that name change petitioner has complied with necessary statutory prerequisites, trial court must hold a hearing after which it may, at its discretion, grant or deny petition for name change. 54 Pa.C.S.A. § 701 et seq.

[2] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

In making its determination on a petition for name change, trial court must act in such a way as to comport with good sense, common decency and fairness to all concerned and to the public.

[3] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Legal name change of transsexual petitioner from "Brian" to "Lisa" would benefit both petitioner and public at large and, thus, should have been granted; petitioner had demonstrated his permanent and unassailable decision to live his life as a woman, including undergoing hormone therapy, having breast implants and facial reconstructive surgeries, and 22-year commitment to living as a woman, and name change would prevent daily confusion and public confrontations with petitioner.

[4] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Transsexual petitioning for name change is required to demonstrate that he or she is permanently committed to living as a member of opposite sex.

[5] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

While proof of reassignment surgery would undoubtedly fulfill requirement that petitioner to demonstrate that he or she is permanently committed to living as a member of the opposite sex, absence of such surgery does not automatically doom to failure transsexual's petition for name change.

[6] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

Totality of each case's attendant circumstances must be evaluated in order to discern whether transsexual petitioning for name change is irretrievably committed to living as a person of opposite gender.

[7] Names 269 20

269 Names
269k20 k. Change. Most Cited Cases

In cases in which a petitioner is seeking a change of name commensurate with a change of gender, each petition must be evaluated on a case-by-case basis to determine whether allowance of name change would comport with good sense and fairness to all concerned.

***225** Mary Schellhammer, Johnstown, for appellant.

Before POPOVICH, SAYLOR and OLSZEWSKI, JJ.

***226** OLSZEWSKI, Judge:

As Tammy Wynette so aptly observed, sometimes it's hard to be a woman. This is especially true in the instant matter, which calls this Court to decide the case of Brian Harris, a thirty-nine-year-old man who, for the past twenty-two years, has lived as a woman. During this time, petitioner has consistently dressed and appeared in public as a female and has assumed the name "Lisa." In addition to his years of intensive psychological counseling, petitioner has undergone a number of medical procedures designed to make himself appear more feminine.[FN1] Specifically, petitioner receives routine estrogen hormone therapy and has had permanent reconstructive facial surgeries as well as breast implants. Although petitioner desires to have the sex reassignment surgery which involves the removal of the male genitalia and the construction of female genitalia, financial constraints have thus far made reassignment unavailable.

FN1. Although there was testimony presented at the hearing in the instant matter that petitioner's hormonal makeup is more female than male, we will use masculine pronouns when referring to petitioner until such time that the name change is legally operative.

On April 30, 1996, petitioner filed an unopposed petition for name change in accordance with the statutory requirements of 54 Pa.C.S.A. § 701 *et seq.* Pursuant to this petition, a hearing was held on September 16, 1996, before the Honorable Gerard Long of the Court of Common Pleas of Cambria County. The first witness to testify was Dr. Constance Saunders, petitioner's counselor of twenty years. Dr. Saunders testified that, in her expert medical opinion, petitioner's desire to live as a woman was permanent and unassailable. In support of this opinion, Dr. Saunders relied upon petitioner's long history of living as a woman and the extensive surgical measures he had undergone in order to present himself more convincingly as a female. Additionally, Dr. Saunders testified that petitioner's hormonal makeup was naturally more female than male.

When asked whether the name change would benefit petitioner, Dr. Saunders testified that, both professionally and personally, the name change would be beneficial. Because of petitioner's outwardly feminine appearance, Dr. Saunders testified, he oftentimes encounters problems when required to present official identification. That is, the disparity between petitioner's female appearance and the male name on his license leads to confrontations and allegations of deceit. In fact, Dr. Saunders regularly accompanies petitioner to appointments in order to vouch that petitioner is, in fact, a man. Personally, Dr. Saunders testified that allowance of the name change would provide petitioner with a degree of dignity that is presently lacking in his life and, additionally, would afford an affirmance of petitioner's belief that he is genetically and hormonally more female than male.

Following Dr. Saunders testimony, petitioner briefly testified. In essence, petitioner stated that his desire to have his name legally changed was twofold. First, petitioner stated that he has used the name "Lisa" socially for over twenty years and that his gender identification is completely female. Additionally, petitioner swore that he desired additional surgeries, including reassignment, but that at present the costs of such procedures were prohibitive. Secondly, petitioner stated that the change of name would result in less confusion for those people requesting official identification from him in addition to eliminating the personal embarrassment that petitioner feels when he is forced to adamantly and repeatedly aver that he is a man.

At the close of testimony, the court reserved its decision. By order dated September 19, 1996, the court denied the petition for change of name. Petitioner filed a notice of appeal on October 4, 1996. At the same time, petitioner filed a motion for reconsideration. On March 27, 1997, the court *en banc* denied the motion for reconsideration. In support of its September 19, 1996 order, the court *en banc* noted that, while no appellate court in Pennsylvania has previously addressed the issue of under what circumstances a transsexual may legally change his or her name, three of our courts of common pleas have spoken to the issue.

***227** [1][2] We now consider petitioner's appeal of the September 19, 1996 order. Preliminarily, we note that our Supreme Court long ago articulated the general standard to be applied to petitions requesting name changes. After determining that the petitioner has complied with the necessary statutory prerequisites, the court must hold a hearing after which the court may, at its discretion, grant or deny the petition. In making its determination, the court must act in such a way as to "comport with good sense, common decency and fairness to all concerned and to the public." *Petition of Falcucci,* 355 Pa. 588, 592, 50 A.2d 200, 202 (1947).

This standard has been applied with varying results by the three courts of common pleas which have addressed the instant issue. *In re Dickinson,* 4 D & C3d 678 (1978), involved the petition of a post-operative transsexual who wished to have her name legally changed from "Robert" to "Roberta." After two years of living as a female and receiving hormonal and psychological therapy, the petitioner underwent reassignment surgery. Following the surgery, the petitioner requested the legal name change. Holding that allowing the name change would "give legal effect to a *fait accompli*," the court granted the petition. *Id.* at 680 (citing *M.T. v. J.T.,* 140 N.J.Super. 77, 90, 355 A.2d 204, 211 (1976)).

Conversely, *In Re Dowdrick,* 4 D & C3d 681 (1978), and *In Re Richardson,* 23 D & C3d 199 (1982), both involved the petitions of pre-operative transsexuals who, aside from receiving hormone and physiological treatments, had not undergone any permanent surgeries designed to alter the petitioners' appearances.[FN2] Holding that "there is no guarantee that petitioner will have the surgical corrective sex change," the *Dowdrick* and *Richardson* courts denied the petitioners' name change requests. *Dowdrick,* 4 D & C3d at 684.[FN3]

FN2. As will be demonstrated in greater detail later in this opinion, *Dowdrick* and *Richardson* are factually distinguishable from the instant matter and, thus, of little persuasive value.

FN3. In denying the name change petition, the *Richardson* court stated as follows:

> The point, however, as we see it is that we are being asked to lend the dignity of the court and the sanctity of the law to this freakish rechristining. To place a female name on a male is to combine incompatibles, and to do so legally is to pervert the judicial process, which is supposed to act in a rational manner.

Richardson, 23 D & C3d at 201. In light of the above language, one must question whether, rather than applying the *Falcucci*

> standard, the *Richardson* court did not allow its personal beliefs and predilections to guide its decision.

After reviewing the above caselaw, the court in the instant matter held that "absent reassignment surgery it would not comport with common sense, common decency and fairness to all concerned, especially the public, to allow a change of name at this juncture." Slip-op, 3/27/97 at 4. In essence, the court interpreted the caselaw from its sister courts as creating a bright-line test for determining when a transsexual may successfully petition for a name change.

[3] The trial court's own interpretation is fundamentally flawed, however, for this petitioner has undergone permanent reconstructive surgeries whose only possible benefit is to advance his stated desire to become a woman in all respects. Accordingly, we believe the trial court's reading to be unnecessarily narrow and decline to adopt it.

[4][5][6][7] Instead, we believe that the better-reasoned approach is to require such a petitioner to demonstrate that he or she is permanently committed to living as a member of the opposite sex. While proof of reassignment surgery would undoubtedly fulfill this criteria, the absence of such surgery does not automatically doom a petition to failure. Rather, the totality of each case's attendant circumstances must be evaluated in order to discern whether the petitioner is irretrievably committed to living as a person of the opposite gender. Therefore, we hold that, in cases in which a petitioner is seeking a change of name commensurate with a change of gender, each petition must be evaluated on a case-by-case basis to determine whether allowance of the name change would comport with good sense and fairness to all concerned.

***228** In the instant matter, we are confronted with a factual scenario which is distinguishable from the three cases related above. It is true that petitioner has not undergone reassignment surgery; yet this fact alone cannot make this case analogous to *Dowdrick* and *Richardson*, for the instant petitioner has gone to much greater lengths than the *Dowdrick* and *Richardson* petitioners to permanently alter his gender and physical appearance. To-wit, in addition to hormone therapy, petitioner has had breast implants and facial reconstructive surgeries. These are irreversible and convince this Court that petitioner sincerely desires to live as a woman.

The standard that we enunciate today finds support in the decisions of our neighboring jurisdictions. In the name change petition *In re Anonymous*, 155 Misc.2d 241, 587 N.Y.S.2d 548 (1992), the New York City Civil Court refused to change a pre-operative transsexual's name where the petitioner failed to present competent medical and psychiatric evidence of a commitment to living as a member of the opposite sex. The Civil Court, however, granted the name change when the same petitioner, still pre-operative, submitted appropriate medical and psychiatric affidavits upon reapplication. *In re Rivera*, 165 Misc.2d 307, 627 N.Y.S.2d 241 (1995).

New Jersey has adopted a standard even more permissive. In its opinion of *In re Eck*, 245 N.J.Super. 220, 223, 584 A.2d 859, 860-61 (1991), the New Jersey Superior Court, Appellate Division held:

> Absent fraud or other improper purpose a person has a right to a name change whether he or she has undergone or intends to undergo a sex change through surgery, has received hormonal injections to induce physical change, is a transvestite, or simply wants to change from a traditional "male" first name to one traditionally "female," or vice versa.

While we, like the courts of New York, require competent evidence of the petitioner's commitment to the new gender, we agree with the New Jersey Superior Court's holding that a transsexual's right to a name change does not depend upon the completion of any specific surgical process.

After careful review, we find that the facts of the instant matter plainly reveal that petitioner has made a permanent and unassailable decision to live his life as a woman. As such, the concerns of the *Dowdrick* and *Richardson* courts are not presently applicable; for should the instant petitioner discontinue his hormone therapy, the fact remains that his surgeries have permanently altered his physical appearance from that of a man to that of a woman. Additionally, we find petitioner's twenty-two-year commitment to living as a woman to be highly persuasive evidence that the petition to change his name was not made capriciously or without regard to future developments.

Moreover, we must disagree with the trial court's determination that permitting a name change at this juncture would be unfair to the general public. The uncontroverted evidence adduced at the hearing proved that a legal name change would actually prevent the daily confusion and public confrontations which presently plague petitioner's dealings with the public.

While saddled with a male name and a female visage, petitioner must constantly convince the public that his name is "Brian." Should petitioner be allowed to change his name to "Lisa," however, the general public's outward perception of petitioner would be reaffirmed by petitioner's legal name. Thus, rather then perpetrating a fraud upon the public, the name change would eliminate what many presently believe to be a fraud; that is, that petitioner is a man.

In sum, we find that petitioner has amply demonstrated that he intends to live his life as a woman. For twenty-two years, petitioner's visage has been such that, but for those times when he must present official identification, he convincingly passes among the general public as a woman. As such, we find that a legal name change would benefit both petitioner and the public at large and, in accordance with good sense and fairness to all concerned, should have been granted.

Order reversed; case remanded with instructions for the court to grant the petition seeking a legal name change from "Brian ***229** Harris" to "Lisa Harris"; jurisdiction relinquished.

Concurring statement by POPOVICH, J.
Dissenting statement by SAYLOR, J.

POPOVICH, Judge, concurring:

While I join in the result offered by the majority, I write separately to express my own reasons for granting appellant's petition for a legal name change from "Brian Harris" to "Lisa Harris." The majority determined that appellant has a right to a name change because appellant made a permanent and invariable commitment to live his life as a woman. However, I am convinced that this determination is not necessary in order to avail appellant of his right to change his name.

In *Commonwealth v. Goodman*, 544 Pa. 339, 676 A.2d 234 (1996), our supreme court set forth the legislative history of Pennsylvania's Judicial Change of Name statute, 54. § 701, as follows:

> The primary purpose of the Judicial Change of Name Statute ... is to prohibit fraud by those trying to avoid financial obligations. This intent is reflected in the penalty provision of the statute, which applies only to 'person[s] violating the provision of this chapter for the purpose of avoiding payment of taxes or other debts.'

Goodman, supra, 676 A.2d at 236; *See* 54. §§ 701, 705. Further, the supreme court stated that the Judicial Change of Name statute is entirely procedural in nature and provides methods by which an individual may change his name on a permanent basis. *Goodman, supra.*

This court must determine whether a petitioner has complied with the statutory requirements and to ensure that the person has no *fraudulent intentions* in changing his name. This is where the inquiry ends. Herein, appellant filed an unopposed petition for change of name in accordance with the statutory requirements of 54 Pa.C.S.A. § 701 *et seq.* There is no evidence to suggest that appellant was attempting

to change his name to avoid any financial obligation. In light of the statutory language and the legislature's intent, I believe that appellant's petition should be granted without probing into appellant's sex or his desire to express himself in the manner of his choosing.

In reaching this conclusion, I find the reasoning in *In re Eck,* 245 N.J.Super. 220, 584 A.2d 859 (1991), very persuasive. A change of name statute "is to be construed consistently with and not in derogation of the common law." *Eck, supra.* At common law, an individual is free at any time to adopt and use any name, if such name is used consistently, nonfraudulently and exclusively. *In the Matter of Montenegro,* 365 Pa.Super. 98, 528 A.2d 1381 (1987); 54 Pa.C.S.A. § 701(b). "Absent fraud or other improper purpose a person has a right to a name change whether he or she has undergone or intends to undergo a sex change ... or simply wants to change from a traditional "male" first name to one traditionally "female"[.]" *Eck, supra.*

Moreover, if parents have an absolute right to choose to name their male child an obvious "female" name at birth, it is illogical that an adult does not have the same right to change his name in the future if he so desires, whatever the name shall be, provided that the person does not seek the change for fraudulent purposes.

SAYLOR, Judge, dissenting:

A trial court has wide discretion in deciding whether to grant or refuse a petition for change of name. *Petition of Falcucci,* 355 Pa. 588, 50 A.2d 200 (1947). Because I do not discern any abuse of such discretion by the en banc trial court in the present matter, I respectfully dissent.

Although it is true that a person may at any time informally adopt and use any name, provided that such name is used consistently, nonfraudulently and exclusively, *see* 54 Pa.C.S.A. § 701(b), if a person wishes to formally change his or her name, court approval must be obtained pursuant to 54 Pa.C.S.A. § 701(a). Because such petitions for a formal change of name implicate the judicial process in sanctioning the petitioner's choice of name, I believe that the trial court properly considered not only the literal requirements of the name change statute but also public policy interests.

***230** Here, petitioner is a pre-operative transsexual. Although petitioner receives routine hormone therapy, has undergone permanent facial reconstructive surgery, and has had breast implants, the fact remains that he has not yet had gender reassignment surgery, which involves the removal of the male genitalia and the construction of female genitalia. Therefore, although he possesses some of the outward physical characteristics of a female, his physical transformation to the opposite gender is not yet complete. To permit him to adopt an obviously female name would be to perpetuate a fiction, since the fact remains that petitioner is anatomically a male until he undergoes reassignment surgery. Only after such procedure would petitioner be a female, physically as well as psychologically. *See, Matter of Anonymous,* 57 Misc.2d 813, 293 N.Y.S.2d 834 (1968) (court granted name change from male name to female name where petitioner was a male-to-female transsexual who had already undergone sex reassignment surgery and was both anatomically and psychologically female "in fact"). To judicially sanction a pre-operative male transsexual's adoption of an obviously female name would grant legal recognition to a physiological fiction.

Accordingly, I would affirm the trial court's denial of the petition for legal change of name.

Appendix C: Sample Name Change Petition and Forms

Sample Allegheny County Name Change Petition

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

VERIFIED PETITION FOR A NAME CHANGE

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf
of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

VERIFIED PETITION FOR A NAME CHANGE

AND NOW comes the Petitioner, [First Middle Last], by Petitioner's attorney, [Attorney Name] and [Firm Name], and upon being duly sworn, respectfully represents and shows this Court:

That the Petitioner is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania. My residence address is _____ _____.

The Petitioner has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for ____ year(s) immediately prior to filing this Petition. The Petitioner was born on _____, in _____ County, _____, United States of America. [**Optional:** Attached hereto as Exhibit A is a true and correct copy of the Petitioner's birth certificate.]

The Petitioner's present name is [First Middle Last].

The Petitioner [is/is not] married.

The Petitioner has _____ [if 0, then "no"] children.

The Petitioner has resided at the following address(es) over the last five (5) years:

i. _____ ([Month Year] – [Month Year]);

ii. _____ ([Month Year] – [Month Year]);

iii. _____ ([Month Year] – [Month Year]);

iv. _____ ([Month Year] – [Month Year]);

v. _____ ([Month Year] – [Month Year]);

vi. _____ ([Month Year] – [Month Year]);

vii. _____ ([Month Year] – [Month Year]);

and

viii. _____ ([Month Year] – [Month Year]).

The Petitioner requests this change of name because the Petitioner is a [man/woman] and would like the Petitioner's name to be consistent with the Petitioner's identity and appearance.

[(Waiver Without Seal) The Petitioner requests pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii) that this Court waive the notice requirement of 54 Pa. C.S.A. § 701(a.1)(3)(ii) because the Petitioner fears that a published notice of this Petition will jeopardize the Petitioner's safety and the safety of the Petitioner's family. The Petitioner has filed a separate Motion to Waive the Publication Requirement.**]**

[(Seal And Waiver) The Petitioner requests pursuant to 54 Pa. C.S.A. § 701(a.1)(3)(iii) that this Court seal the file and waive the notice requirement of 54 Pa. C.S.A. § 701(a.1)(3)(ii) because the Petitioner fears that a published notice of this Petition will jeopardize the Petitioner's safety and the safety of the Petitioner's family. The Petitioner has filed a separate Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement.**]**

The proposed change in the Petitioner's name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

This Petition is not filed to defraud creditors.

Wherefore, the Petitioner, intending to change Petitioner's name, requests that by an Order of this Court, made and entered herein, the Petitioner's name be changed to and decreed to be [Full Preferred Name].

Respectfully submitted,

[FIRM NAME]

By: _____

[Attorney Name] (PA I.D. # [Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

Counsel for the Petitioner
[First Middle Last]

Dated: _____

VERIFICATION

I, [First Middle Last], verify that the statements made in the foregoing Verified Petition For a Name Change are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____ _____

[First Middle Last]

Exhibit A

[Note: Birth Certificate goes here]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20___, upon hearing of the within motion of [Attorney Name] and [Firm Name], attorney for the Petitioner above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20___ at _____ before the Motions Judge. The Petitioner shall obtain a judgment search from all counties in which Petitioner has resided during the last five (5) years. [**Delete if Moving to Waive Publication:** It is further Ordered, that the Petitioner shall advertise once in the *Pittsburgh Legal Journal*, and once in a newspaper of general circulation in Allegheny County.]

BY THE COURT,

_____, J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

DECREE FOR CHANGE OF NAME

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of [Attorney Name] and [Firm Name], attorney for the Petitioner above named, with [**Delete if Waiving Publication:** proof of publication and] proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner, and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name of the Petitioner is, from and after this date, changed to [FULL PREFERRED NAME].

[**If Client is *IFP*:** It is further ORDERED, in light of the Petitioner's *In Forma Pauperis* status, that the Department of Court Records shall provide the Petitioner with five (5) Certified Copies of this Order at no cost.]

BY THE COURT,

_____, J.

Pennsylvania State Police Fingerprint Results Letter

SP 4-198 (11-99)

PENNSYLVANIA STATE POLICE
CENTRAL REPOSITORY
1800 ELMERTON AVENUE
HARRISBURG, PA 17110
717-783-3762

DATE: [redacted]

PROTHONOTARY
ALLEGHENY CO COURTHOUSE
FIRST FLOOR CITY COUNTY BLDG
414 GRANT STREET
PITTSBURGH PA 15219

RE: SID:
NAME: [redacted]
SOC:
COURT DOCKET #: [redacted]

In accordance with the Name Change Act of 1998, the fingerprint cards of the above named individual, who has applied for a name change, has been searched in the files of the Pennsylvania State Police, Criminal Records and Identification Division Central Repository, and:

(X) This person is not subject to 18 PA C.S. Chapter 91, and the fingerprints have been destroyed.

( ) This person is subject to 18 PA C.S. Chapter 91, and the name change has been noted on the person's criminal history record information.

( ) A criminal record was revealed containing felony convictions. IN ACCORDANCE WITH THE NAME CHANGE ACT, THE COURT SHALL NOTIFY THE PENNSYLVANIA STATE POLICE WHEN A NAME CHANGE FOR A PERSON CONVICTED OF A FELONY HAS BEEN ORDERED. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the Central Repository as provided for in 18 PA C.S., Chapter 91 (relating to criminal history record information).

( ) This person has been convicted of felony violation(s) for which the court may not order a change of name.

( ) A criminal record was revealed that might prohibit a name change. Because the subsection(s) of the affected conviction(s) has not been provided to us, we are unable to determine whether a name change can or cannot be made. Please provide the subsection(s) of the following crime(s):_____

_____

if available.

You are also advised that the above response is based on comparison of fingerprints and associated requester-furnished information against a name index and fingerprints contained in the files of the Pennsylvania State Police Central Repository - only - and does not preclude the existence of other criminal records which may be obtained in the repositories of other local, state, or federal criminal justice agencies.

If we may be of any further assistance to you concerning this matter, please contact us at the above address or telephone number.

Filed
2013 NOV 1 PM 12:00
Criminal Division

Sincerely,

Director, Criminal Records
and Identification Division

Allegheny County Clerk's Letter re Fingerprint Results

(No Criminal Record)

COUNTY OF ALLEGHENY

RICH FITZGERALD
CHIEF EXECUTIVE

DEPARTMENT OF COURT RECORDS
CIVIL DIVISION

1ST FLOOR CITY-COUNTY BUILDING · 414 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-4200 · FAX (412) 350-5260
WWW.ALLEGHENYCOUNTY.US

KATE BARKMAN
DIRECTOR

ERIC FEDER
DEPUTY DIRECTOR

MICHAEL MCGEEVER
DIVISION MANAGER

To: Kyle R. Bahr, Esquire
[redacted]

SUBJECT: [redacted]

DATE: [redacted]

In regards to the above subject matter, we have received verification from the PA State Police that the person seeking name change is not subject to 18 PA C.S., chapter 91, and the fingerprints have been destroyed.

You are required to come into the Department of Court Records located at 414 Grant Street, Pittsburgh, PA 15219 and pick up your file. You can retrieve your file at the paper counter. You must sign the file out and take it with you to the General Motions Judge to present your petition to the Motion's Clerk.

Department of Court Records
Civil Division

Kimberly Zombeck

Kimberly Zombeck

Allegheny County Clerk's Letter re Fingerprint Results

(Non-Disqualifying Felony Record)

COUNTY OF ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

TO: [redacted] Esquire

SUBJECT: [redacted]

DATE: [redacted]

In regards to the above subject matter, we have received verification from the PA State Police that the person seeking the name change has a criminal history record. A criminal record was revealed containing felony convictions. In accordance with the name change act, the Court shall notify the Pennsylvania State Police when a name change for a person convicted of a felony has been ordered. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the Central Repository as provided for in 18 PA C.S., chapter 91, (relating to criminal history record information).

You are required to come into the Department of Court Records located at 414 Grant Street, Pittsburgh, PA 15219 and pick up your file. You can retrieve your file at the paper counter. You must sign the file out and take it with you to the General Motions Judge to present your petition to the Motion's Clerk.

Department of Court Records
Civil Division

Kimberly Zombeck

Allegheny County Clerk's Letter re Judgment Search Results

COUNTY OF ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

STATEMENT OF SEARCH AND DISCLAIMER OF LIABILITY BY THE DEPARTMENT OF COURT RECORDS ALLEGHENY COUNTY, PENNSYLVANIA

The Clerk has searched the records in the General Judgment Index in the Department of Court Records, Civil/Family Division and there are no judgments remaining open and unsatisfied for the past five years against

[redacted]

CAVEAT:

This statement of search and disclaimer is NO SUBSTITUTE FOR TITLE INSURANCE against liens or encumbrances, which exist against the real or personal property of the above named individual or individuals. If the protection of the title insurance is needed or desired it MUST BE PURCHASED FROM AN INDIVIDUAL OR COMPANY AUTHORIZED TO WRITE TITLE INSURANCE UNDER THE LAW OF PENNSYLVANIA.

The Department of Court Records has no such legal authority to write title insurance and this statement of search and disclaimer is provided only to comply with the provisions of the **Judicial Change of Name Act, 54 Pa.C.S.A. § 101, note [6] (b)**. The Director of the Department of Court Records expressly disclaims any liability for any error or omission in the search of the above named individual or individuals for judgments or other encumbrances against his, her, their or its real or personal property.

Kate Barkman

Director, Department of Court Records

[redacted]
Date

Elizabeth McKinney

Clerk

KATE BARKMAN, DIRECTOR
DEPARTMENT OF COURT RECORDS, CIVIL/FAMILY DIVISION
CITY-COUNTY BUILDING • 414 GRANT STREET • FIRST FLOOR • PITTSBURGH, PA 15219
PHONE (412) 350-4200 • FAX (412) 350-5260 • CIVIL@ALLEGHENYCOUNTY.US

Sample Verified Statement for Out-Of-State Judgment Search

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

VERIFIED STATEMENT OF ATTORNEY [ATTORNEY'S NAME] REGARDING [COUNTY NAME] COUNTY, [STATE] JUDGMENT SEARCH FOR PETITIONER

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

VERIFIED STATEMENT OF ATTORNEY [ATTORNEY'S NAME] REGARDING [COUNTY NAME] COUNTY, [STATE] JUDGMENT SEARCH FOR PETITIONER

I, [Attorney's Name], declare as follows: [*Note, use separate statements for each county.*]

1. I serve as *pro bono* counsel for the Petitioner, [First Middle Last], who is seeking a change of name to [Full Preferred Name].

2. The Verified Petition for a Name Change of [First Middle Last], filed on [Filing Date], indicates that, in addition to Petitioner's current residence in Allegheny County, Pennsylvania, Petitioner has resided at [list relevant address(es) in county to which this Verified Statement applies, and include the county name], within the past five years.

3. **My search for outstanding money judgments against Petitioner in [County Name] County, [State] revealed none.**

4. On [Date], I [describe steps taken to find no judgments outstanding, e.g., "I contacted via telephone the Prothonotary of the Court of Common Pleas of _____ County, Pennsylvania, at (___) ___-____ and was informed that the county does not issue documentation indicating that no outstanding judgment was found against an individual. The Prothonotary's office directed me to …." or "The clerk conducted a judgment search in the county's electronic docket and found no outstanding judgments against Petitioner …."] [*Note, try to use names of clerks with whom you spoke where possible.*] [*Also note, a non-lawyer can make these inquiries*

at a lawyer's direction, but this should be specified in the description, and the lawyer is ultimately responsible for the results.]

5. [Add any additional paragraphs as needed to describe steps taken.]

6. The facts set forth herein are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (unsworn falsification to authorities).

Respectfully submitted,

[FIRM NAME]

By: _____

[Attorney Name] (PA I.D. # [Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

Counsel for the Petitioner
[First Middle Last]

Dated: _____

Appendix D: Birth Certificate and Criminal Record

Ordering Your Pennsylvania Birth Certificate

Allegheny County does not require that a birth certificate be filed with the Name Change Petition, but we recommend that one be attached to your Name Change Petition. If you do not have a copy, you will need to order one. Ordering one before you meet with your attorney will speed up the process, but if you cannot afford it, wait until you have been assigned an attorney.

Obtaining a Pennsylvania state birth certificate:

See: http://www.portal.state.pa.us/portal/server.pt/community/birth_certificates/14121

The fee for obtaining a certified copy of a Pennsylvania birth certificate is $20.00. Payment can be made by check or money order made payable to Vital Records.

Birth certificates can be ordered online, requested by mail, or ordered in person. Typical processing time for online and mail-in requests is approximately 10 to 15 business days from receipt of the request. In-person requests are processed in two business days. For this reason, we recommend making your request in person.

In-person requests can be made at:

Pittsburgh:
Division of Vital Records
411 7th Avenue, Suite 360
Pittsburgh, PA 15219
412-565-5113

Office Hours: Monday through Friday, 8:00 a.m. until 4:00 p.m., excluding state holidays.

Allegheny County Warrant Office

If a client believes they may have a warrant in Allegheny County, they can visit the following office for more information:

Allegheny County
Allegheny County Warrant Office
436 Grant Street
Room 111
Pittsburgh, PA 15219
412-350-4714

This office is responsible for Criminal, Family, and Foreign-Warrant Investigations. Information is not provided by phone. The client must visit the office in person.

Appendix E: *In Forma Pauperis*

Allegheny County *In Forma Pauperis* Verified Statement

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

CIVIL DIVISION

G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

IN FORMA PAUPERIS VERIFIED STATEMENT

1. I am the Petitioner in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending this action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of this matter.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip Code: _____

(b) EMPLOYMENT

If you are presently employed complete the following:

Employer: _____ Phone: _____

Address: _____ Employee ID: _____

City: _____ State _____ Zip Code: _____

Monthly salary or wages: _____ Type of Work: _____

If you are presently unemployed, please complete the following:

Date last worked: _____ Monthly salary or wages: $ _____

Type of work _____

(c) OTHER INCOME WITHIN THE PAST TWELVE (12) MONTHS (list amounts and explain)

Business or profession: $ _____

Other self-employment $ _____

Interest earned: $ _____

Dividends: $ _____

Pension and annuities: $ _____

Social Security benefits: $ _____

Support payments: $ _____

Disability payments $ _____

Unemployment compensation and supplemental benefits:

$ _____

Workmen's compensation $ _____

Public Assistance: $ _____

Other (explain): $ _____

(d) OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT

(Wife's/Husband's) Name: _____

Employer: _____ Phone: _____

Address: _____ Employee ID _____

City: _____ State: _____ Zip Code _____

Monthly salary or wages: _____ Type of Work _____

Contributions from children: $ _____

Contributions from parents: $ _____

Other contributions (explain): $ _____

(e) PROPERTY OWNED

Cash: $ _____ Checking Account: $ _____

Savings Account: $ _____ Certificates of Deposit (CD's): $ _____

Stock Bonds: $ N/A Real Estate (including house): $ _____

Motor vehicle(s): Make: _____ Model: _____ Year: _____

Purchase Price: $ _____ Amount owed: $ _____

Make: _____ Model: _____ Year: _____

Purchase Price $ _____ Amount owed: $ _____

Other (explain): _____

(f) DEBTS AND OBLIGATIONS

Mortgage: $ _____ Rent: $ _____ Loans: $ _____

Other (explain): _____

(g) PERSONS DEPENDENT UPON YOU FOR SUPPORT

Wife's/Husband's Name: _____

Children, if any: Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

Other persons: Name: _____ Relationship: _____

Name: _____ Relationship: _____

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S., paragraph 4904, relating to unsworn falsification to authorities.

DATE: _____ PETITIONER: _____

2017 Federal Poverty Guidelines

2018 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
For families/households with more than 8 persons, add $4,320 for each additional person.	
1	$12,140
2	$16,460
3	$20,780
4	$25,100
5	$29,420
6	$33,740
7	$38,060
8	$42,380

Sample Attorney's Praecipe to Proceed *In Forma Pauperis*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.],

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

PRAECIPE TO PROCEED IN FORMA PAUPERIS

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

CIVIL DIVISION

G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Prothonotary:

Kindly allow [First Middle Last], Petitioner, to proceed in forma pauperis.

I, [Attorney Name] and [Firm Name], attorney for the party proceeding in forma pauperis, certify that I believe the Petitioner is unable to pay the costs and that I am providing free legal service to the Petitioner.

Respectfully submitted,

[FIRM NAME]

By: _____
[Attorney Name] (PA I.D. # [Number])
[FIRM NAME]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
T: [Phone Number]
F: [Fax Number]
[Attorney Email]

Counsel for the Petitioner
[First Middle Last]

Dated: [Month Day, Year]

Appendix F: Publication Examples and Sample Waiver Motions

***Pittsburgh Legal Journal* Change of Name Form**

PITTSBURGH LEGAL JOURNAL

400 KOPPERS BUILDING, PITTSBURGH, PA 15219 (412) 261-6255
Designated Newspaper in Allegheny County for the Publication of Court and Legal Notices
Published Every Business Day

CHANGE OF NAME

Charge to _____

_____

In the Court of Common Pleas of Allegheny County, Pennsylvania: No. _____ Term, 20 _____

In re petition of _____

_____

_____

_____ for change of name to

_____

_____

To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the _____ day of _____, 20_____, at _____ M., as the time and the Motions Room, City-County Building, Pittsburgh, Pennsylvania, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

_____ Attorney for Petitioner

Address _____

Phone (_____) _____

***Pittsburgh Legal Journal* Name Change Ad Example**

Advertisement

Department of Court Records

Wills and Orphans' Court Division Allegheny County, Pennsylvania. Frick Building, Fl. 17

The following fiduciaries have filed their accounts in the Office of the Clerk of the Orphans' Court Division. The accounts will be presented to the Orphans' Court Division of the Court of Common Pleas of Allegheny County, Pennsylvania, for confirmation nisi at

9:30 a.m. Monday October 7, 2013

Audit Notice

All parties interested are hereby notified that an audit list will be prepared and the list will be called on **Monday, October 21, 2013 at 10:00 a.m.** and continue thereafter each day (Saturday and Sunday excepted) until completed.

08-4271; Alaounis, Theodore; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone, Jeanne Marquette**

86-1653; Alcock, Edna May a/k/a Alcock, Edna M.; Acct: PNC Bank, N.A., Guardian; Acct-atty: **Nora Gieg Chacha**

07-3621; Antonelli, Evelyn; Acct: Greg J. Antonelli and Daniel Antonelli, Co-Exrs.; Acct-atty: **Rebecca A. Auld**

12-4364; Black, Anna Laura; Acct: Sheila DiPerna, Extrx.; Acct-atty: **Keith H. West**

13-1970; Bokil, Parag B.; Acct: Rajashree P. Bokil, Admr.; Acct-atty: **Richard L. Milesky, Jr.**

11-7021; Bossio, Carmeline R.; Acct: Robert R. Bossio, Exr.; Acct-atty: **Carolyn Spicer Russ**

92-0692; Braunstein, Arnold; Acct: Irwin R. Wedner, Successor Guardian; Acct-atty: **Irwin R. Wedner**

90-8494; Brunner, Linda; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

11-1087; Bryer, Elsie A.; Acct: Charles Bryer, Exr.; Acct-atty: **Falco A. Muscante**

69-1109; Cancilla, Joseph G.; Acct: PNC Bank, N.A., Trustee; Acct-atty: **R. Michael Daniel**

07-4618; Casoel, Jr., Clarence; Acct: Kimberly Casoel, Admrx.; Acct-atty: **Joseph Cafaro, Jr.**

97-4580; Citra, Evelyn T.; Acct: Lisa Citra Giles, Guardian; Acct-atty: **Gregory A. Evashavik and Melissa A. Brandt**

09-0782; Clark, Hazel; Acct: Shirley L. Cummings and Lillian McPeak, Co-Exrxs.; Acct-atty: **Glenn P. Cummings**

92-2047; Constandy, Vasoleko H.; Acct: Jack G. Armstrong, Fiduciary; Acct-atty: **K. Sidney Newman**

13-1468; Crossey, Jr., Anthony R.; Acct: Megan Sochar, Admrx.; Acct-atty: **Mary Pauleuse Murray**

07-4670; Drummond, William; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

08-4524; Ducay, Richard; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

04-1294; Duncan, MD, James R.; Acct: PNC Bank, N.A., Trustee; Acct-atty: **Kenneth Lewis**

12-3337; Gibson, Gloria; Acct: Francis P. Corbett, Admr.; Acct-atty: **Daniel M. Flynn**

11-7294; Goubeaud, Shirley J. a/k/a Goubeaud, Shirley; Acct: Christopher J. Baynon, Exr.; Acct-atty: **Dennis A. Uram**

12-5587; Gray, George A.; Acct: Donna Rudick, Exrx.; Acct-atty: **Michael W. Nalli**

08-1729; Griggs, Elizabeth; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

12-2853; Hass, Judith E.; Acct: Kenneth C. Hass, Exr.; Acct-atty: **John M. Hartzell, Jr.**

10-3996; Jones, Bernice; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

10-0895; Keller, Catherine D. a/k/a Keller, Catherine a/k/a Keller, Catherine "Kitty" (Fulton); Acct: Somerset Trust Company, Exr.; Acct-atty: **James R. Cascio**

09-6363; Krasovil, William T. a/k/a Krasovil, W.T.; Acct: Sharon Durst, Exrx.; Acct-atty: **Daniel L. Sauset**

12-3954; Kurhan, Katherine a/k/a Kurhan, Kate; Acct: Dolores Schultz, Admrx.; Acct-atty: **Joseph S. Bielecki**

11-1728; Lucas, Bertram; Acct: Maurice E. Lucas, Admr.; Acct-atty: **Todd A. Fuller and Robin A. Rarie**

12-2368; Mock, Betty C. a/k/a Mock, Betty E. a/k/a Mock, Betty; Acct: Kathleen J. Mock, Exrx.; Acct-atty: **George C. Blissman, Jr.**

10-4749; Nairn, Mary Grace a/k/a Nairn, Sue; Acct: Wendela Busenbaugh, Exrx.; Acct-atty: **Roxanne Sakoian Eichler**

10-5996; Nath, John; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

87-4436; Oberbein, Katherine Knapp; Acct: PNC Bank, N.A., Lawrence W. Knapp, III and William B. Knapp, Trustees; Acct-atty: **Kenneth E. Lewis**

91-5865; Palmer, Mary T.; Acct: Robert L. Dine, Guardian; Acct-atty: **H. Valentine Holtz, II**

11-4523; Perkins, Joseph J.; Acct: Barbara A. Mahaffey, Exrx.; Acct-atty: **Christine Mathews Long**

12-6457; Puskarich, Irene F. a/k/a Puskarich, Irene; Acct: Cynthia Puskarich Anderson, Exrx.; Acct-atty: **Frank W. Jones**

51-5193; Remmel, William H.; Acct: PNC Bank, N.A., Trustee; Acct-atty: **John F. Meck**

12-4009; Richardson, Catherine; Acct: Martha Kwalwasser, Guardian; Acct-atty: **George Handlesman**

66-3644; Riley, Herbert Nelson; Acct: PNC Bank, N.A., Trustee; Acct-atty: **Wendy Demon Heleen**

04-3602; Rocco, Mary; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

03-4852; Sapp, Louis; Acct: Cynthia L. Goetzman, Exrx.; Acct-atty: **John R. Orie, Jr.**

09-7912; Sebastian, Edward H.; Acct: Madonna M. Sebastian, Admrx.; Acct-atty: **David M. Charles**

12-1974; Sewak, Bernard; Acct: Karen L. Quilantang, Exrx.; Acct-atty: **Kenneth Elsner**

05-1665; Swaney, Michelle; Acct: Maureen Coyne, Guardian; Acct-atty: **James Cirilano**

08-3044; Waldorf, Lillian M.; Acct: Rogis J. Waldorf, Exr.; Acct-atty: **Lynette A. Costa**

12-4033; Warren, Joseph E.; Acct: Sean C. Warren and Sheila A. Anderson, Co-Exrs.; Acct-atty: **Mindi M. Albert**

12-6423; Wiegand, Ruth Jacqueline; Acct: Sharon E. Hutchinson, Exrx.; Acct-atty: **John R. Cook**

10-3068; Yank, William; Acct: Ursuline Senior Services, Guardian; Acct-atty: **George J. Peirone and Jeanne Marquette**

Deeds of Trust

96-4083; Brooks, J. Judson; Acct: Smithfield Trust Co., Trustee; Acct-atty: **Charles J. Avalli**

13-4547; Duncan, Edith T.; Acct: PNC Bank, N.A., Trustee; Acct-atty: **Kenneth Lewis**

13-4548; Duncan, MD, James R.; Acct: PNC Bank, N.A., Trustee; Acct-atty: **Kenneth Lewis**

13-5077; McGinley, Abby; Acct: Smithfield Trust Co., Trustee; Acct-atty: **Edward S. McKenna**

LEGAL ADS

Legal notices that are published in the Pittsburgh Legal Journal are done so pursuant to Title 45 Pa. Code 101 et seq. and various local court rules. The Pittsburgh Legal Journal does not edit any legal advertisement for substance or content, only for format of the publication.

Estate Notice

Letters have been granted on the estate of each of the following decedents to the personal representative named, who requests all persons having claims against the estate of the decedent to make known the same in writing to him or his attorney, and all persons indebted to the decedent to make payment to him without delay:

Alexander, Mary D., deceased, of Bridgeville, PA. No. 05366 of 2013. Bernadette Beaver, Extrx., 6999 West Country Club Drive North, No. 126, Sarasota, FL 34243 or to Richard J. Amrhein, Esq., Peacock Keller & Ecker, LLP, 70 E. Beau St., Washington, PA 15301.

13-06976 Sep 25; Oct 2, 9, 2013

Cozuna, Dorothy I., deceased, of Pittsburgh, PA. No. 3399 of 2013. Charles J. Cozuna, Admr., 3804 Sunview Drive, Pittsburgh, PA 15227 or to Deborah S. Conflenti, Esq., Conflenti & Associates, 373 Vanadium Rd., Pittsburgh, PA 15243.

13-06977 Sep 25; Oct 2, 9, 2013

Delmas, James F., deceased, of Sturgeon, PA. No. 5475 of 2013. Patricia Carole and Deborah Wardzier, Co-Extrxs., c/o Michele McPeak Cromer, Esq., Caiterra, Tarrant & Nicholas, P.C., 519 Court Pl., Pittsburgh, PA 15219.

13-06978 Sep 25; Oct 2, 9, 2013

Devlin, Mary Ann, deceased, of McKees Rocks, PA. No. 05328 of 2013. Rose M. Hall, Extrx., 717 School Street, McKees Rocks, PA 15136.

13-06979 Sep 25; Oct 2, 9, 2013

Fields, Troy A., deceased, of Pittsburgh, PA. No. 5242 of 2013. Michele N. Anderson, Extrx., 830 Allison Avenue, Washington, PA 15301.

13-06980 Sep 25; Oct 2, 9, 2013

Hemstock, Raymond J., deceased, of Monroeville, PA. No. 05641 of 2013. Barry J. Kopko, Exr., c/o Joseph S. Bielecki, Esq., 1200 Sarah St., Pittsburgh, PA 15203.

13-06981 Sep 25; Oct 2, 9, 2013

Krul, Marion E., deceased, of Monroeville, PA. No. 05643 of 2013. Lisa Zelich, Extrx., c/o C. Arthur West, III, Esq., West & Associates, P.C., 1050 Saxonburg Blvd., Glenshaw, PA 15116.

13-06982 Sep 25; Oct 2, 9, 2013

Lebovitz, Jerome J., deceased, of Pittsburgh, PA. No. 05508 of 2013. Lowell H. Lebovitz, Exr., 1233 Manor Drive, Pittsburgh, PA 15241 or to Timothy B. Thurman, Esq., Citron Alex & Ziomis PC, Allegheny Bldg., 429 Forbes Ave., Ste. 1010, Pittsburgh, PA 15219-1647.

13-06983 Sep 25; Oct 2, 9, 2013

Sharo, Robert K., deceased, of Bethel Park, PA. No. 05535 of 2013. Kenneth A. Sharo, Admr., c/o Edward A. Shenderovich, Esq., Shenderovich, Shenderovich & Fishman, Law & Finance Bldg., 429 4th Ave., Ste. 1600, Pittsburgh, PA 15219.

13-06984 Sep 25; Oct 2, 9, 2013

Socha, Ann, deceased, of Pittsburgh, PA. No. 05547 of 2013. Kathryn A. Dyke, Admrx., 6 Ohio Street, McKees Rocks, PA 15136 or to Scott E. Rasher, Esq., Daniel & Rasher, 999 West View Park Dr., Pittsburgh, PA 15229.

13-06985 Sep 25; Oct 2, 9, 2013

Baker, Anne a/k/a Anne E. Baker, deceased, of Oakmont, PA. No. 05467 of 2013. Kevin H. Baker, Admr., c/o Thomas J. O'Neill, Esq., 1660 Broadway Avenue, Pittsburgh, PA 15216.

13-06779 Sep 18, 25; Oct 2, 2013

Crum, Hilda E., deceased, of Upper St. Clair Township, PA. No. 7508 of 2013. Ronald C. Crum, Co-Exr., 1115 Clifton Road, Bethel Park, PA 15102, Anthony E. Crum, Co-Exr., 3107 Robinson Run Road, McDonald, PA 15057 and Jeffrey J. Crum, Co-Exr., 140 Marion Drive, McMurray, PA 15317 or to James J. Bowman, Esq., McKinley, Bowman and Bowman, 429 Washington Ave., Ste. 1, Bridgeville, PA 15017.

13-06780 Sep 18, 25; Oct 2, 2013

Klein, Autumn M., deceased, of Pittsburgh, PA. No. 04934 of 2013. Lois C. Klein, Admrx., c/o John P. Ciamordi, Esq., Ciamordi & Associates, The Grant Bldg., 310 Grant St., Ste. 700, Pittsburgh, PA 15219.

13-06782 Sep 18, 25; Oct 2, 2013

Lasick, Walter Michael a/k/a Walter M. Lasick a/k/a Walter M. Lasick, Jr., deceased, of Castle Shannon Borough, PA. No. 5507 of 2013. Geraldine J. Lasick, Extrx., c/o Kathryn Eck Coff, Esq., Kathryn Eck Coff, P.C., 3325 Saw Mill Run Blvd., Ste. 200, Pittsburgh, PA 15227.

13-06783 Sep 18, 25; Oct 2, 2013

McCallum, Roosevelt, deceased, of Penn Hills, PA. No. 05462 of 2013. Mary Parker, Extrx., c/o Thomas J. O'Neill, Esq., 1660 Broadway Avenue, Pittsburgh, PA 15216.

13-06784 Sep 18, 25; Oct 2, 2013

O'Shea, Maureen L., deceased, of Pittsburgh, PA. No. 05021 of 2013. Melissa DeMark, Extrx., 643 Edward Drive, Carnegie, PA 15106 or to Leonard A. Costa, Jr., Esq., 97 Noble Ave., Pittsburgh, PA 15205.

13-06785 Sep 18, 25; Oct 2, 2013

Rosato, Betty Jane, deceased, of Pittsburgh, PA. No. 5495 of 2013. Cheryl L. Rosato, Extrx., c/o Michael A. Wallach, Esq., Grant Bldg., 310 Grant St., Ste. 2317, Pittsburgh, PA 15219.

13-06786 Sep 18, 25; Oct 2, 2013

Rusnak, Jennie, deceased, of Edgeworth, PA. No. 4798 of 2013. Janet L. Rusnak, Extrx., 438 Lore Road, Sewickley, PA 15143 or to Richard K. Brandt, Esq., Richard K. Brandt Law Office LLC, P.O. Box 62, 517 Locust Pl., Sewickley, PA 15143.

13-06787 Sep 18, 25; Oct 2, 2013

Siberak, Thomas W., deceased, of Ross Township, PA. No. 1787 of 2013. Thomas L. Siberak, Exr., 110 Drood Lane, Pittsburgh, PA 15237 or to Robert F. Wagner, Esq., 531 Red Oak Dr., Pittsburgh, PA 15238.

13-06788 Sep 18, 25; Oct 2, 2013

Alston, Rhoda, deceased, of Pittsburgh, PA. No. 06612 of 2012. Angela Drewery, Extrx., 3528 Ottman Street, Pittsburgh, PA 15204 or to Todd A. Fuller, Esq., Brenlove & Fuller, LLC, 401 Washington Ave., Bridgeville, PA 15017.

13-06631 Sep 11, 18, 25, 2013

Cerrone, Amelia C., deceased, of Pittsburgh, PA. No. 05334 of 2013. David B. Cerrone, Esq., Exr., 564 Forbes Avenue, Suite 1300, Pittsburgh, PA 15219 or to John Eric Rumbaugh, Esq., Rumbaugh & Nicola, Old Trail Professional Bldg., 10526 Old Trail Rd., Ste. 1, North Huntingdon, PA 15642.

13-06632 Sep 11, 18, 25, 2013

Clark, Matilda, deceased, of Upper St. Clair, PA. No. 07686 of 2011. Dolores Bonifacz, Extrx., 640 Fifth Street, #112, Oakmont, PA 15139 or to Jonathan C. Rabyak, Esq., Campbell & Levine, LLC, Grant Bldg., 310 Grant St., Ste. 1700, Pittsburgh, PA 15219.

13-06633 Sep 11, 18, 25, 2013

Clark, Eloise R., deceased, of Allison Park, PA. No. 05060 of 2013. Karen J. Laral and Elizabeth L. Schaefer, Co-Admrxs., c/o 110 Pine Rock Lane, Valencia, PA 16059 or to Stephen L. Barsotti, Esq., Barsotti Law Offices, P.O. Box 356, Imperial, PA 15127.

13-06634 Sep 11, 18, 25, 2013

Clark, Marcella Ida, deceased, of Pittsburgh, PA. No. 05173 of 2013. John R. Clark, Exr., c/o William E. Cochrane, Esq., Cooper, Owen & Renner, PC, Benedum Trees Bldg., 223 4th Ave., Ste. 1600, Pittsburgh, PA 15222.

13-06635 Sep 11, 18, 25, 2013

DiEmidio, Josephine a/k/a Josephine E. DiEmidio, deceased, of Plum Boro, PA. No. 04402 of 2013. William J. DiEmidio, Admr., c/o James E. Kopelman, Esq., Charles J. Jacques, III or Cory Jacques Sirl, Jacques & Jacques, P.C., 2125 Freeport Rd., Natrona Heights, PA 15065.

13-06636 Sep 11, 18, 25, 2013

Duffy, Helen M., deceased, of Brentwood, PA. No. 5341 of 2013. Mark J. Duffy, Exr., 1724 Fallowfield Avenue, Pittsburgh, PA 15216 or to Thomas J. O'Neill, Esq., 1660 Broadway Avenue, Pittsburgh, PA 15216.

13-06637 Sep 11, 18, 25, 2013

Kostrik, Eleanor J. a/k/a Eleanor Kostrik, deceased, of Borough of Avalon, PA. No. 5262 of 2013. Thomas E. Kostrik, Exr., 114 Birkham Road, Pittsburgh, PA 15212 or to Richard J. Freyvogel, Jr., Esq., 1704 Law & Finance Bldg., 429 Fourth Ave., Pittsburgh, PA 15219.

13-06638 Sep 11, 18, 25, 2013

Maksimovic, Slavoljub D. a/k/a Slavoljub Maksimovic, deceased, of South Park Township, PA. No. 5210 of 2013. Helen D. Maksimovic, Extrx., 550 Hidden Ridge Court, #202, South Park, PA 15129 or to Richard J. Freyvogel, Jr., Esq., 1704 Law & Finance Bldg., 429 Fourth Ave., Pittsburgh, PA 15219.

13-06639 Sep 11, 18, 25, 2013

Myers, Alice W., deceased, of Mt. Lebanon, PA. No. 05329 of 2013. Katherine M. Luther, Extrx., 1939 Ramada Drive, Houston, TX 77062 or to Andrew G. Sykes, Esq., Sykes Elder Law, LLC, 615 Washington Rd., Ste. 304, Pittsburgh, PA 15228.

13-06640 Sep 11, 18, 25, 2013

Palmieri, JoAnn, deceased, of South Fayette Township, PA. No. 05330 of 2013. Anthony F. Palmieri, Admr., 48 Oakmont Court, Bridgeville, PA 15017 or to Todd A. Fuller, Esq., Brenlove & Fuller, LLC, 401 Washington Ave., Bridgeville, PA 15017.

13-06641 Sep 11, 18, 25, 2013

Rowe, Dorothy a/k/a Dorothy A. Rowe, deceased, of Robinson Twp., PA. No. 4055 of 2013. John S. Rowe, Exr., 4 DeVassie Road, McKees Rocks, PA 15136 or to Dennis W. Trohaugh, Esq., 5305 Steubenville Pike, McKees Rocks, PA 15136.

13-06642 Sep 11, 18, 25, 2013

Schultz, Margaret Mary a/k/a Margaret M. Schultz, deceased, of Bethel Park, PA. No. 05337 of 2013. James C. Schultz, Exr., 3134 Willett Road, Brentwood, PA 15227 or to Thomas J. O'Neill, Esq., 1660 Broadway Avenue, Pittsburgh, PA 15216.

13-06643 Sep 11, 18, 25, 2013

Stringert, Evelyn R., deceased, of Sewickley, PA. No. 05218 of 2013. Kathy L. Hess, Extrx., 255 Linda Vista Road, Sewickley, PA 15143 or to Wayne V. DeLuca, Esq., Eddy, DeLuca, Crawina & Townsend, Manor Bldg. Penthouse, 564 Forbes Ave., Pittsburgh, PA 15219.

13-06644 Sep 11, 18, 25, 2013

Wiley, Josephine H., deceased, of Verona, PA. No. 03790 of 2013. BNY Mellon National Association, Exr., Attention: Connie L. Wollenschlaeger, One Mellon Center, Suite 3815, Pittsburgh, PA 15258-0001 or to Walter E. Lamtis, Esq., K&L Gates LLP, K&L Gates Center, 210 Sixth Ave., #1100, Pittsburgh, PA 15222.

13-06645 Sep 11, 18, 25, 2013

Articles of Incorporation Business Corporation

Sean J. Carmody, Esq., Fatbery, Carmody & Cing, Deutschtown Center, 801 Vinial St., 3rd Fl., Pittsburgh, PA 15212. Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is Allstar Restoration Group, Inc.

13-06973 Sep 25, 2013

Change of Name

In the Court of Common Pleas of Allegheny County, Pennsylvania: GD-13-015744. In re: Petition of Brandy Dominique Zambrano, for change of name to Cia Alexis Unglo. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed Wednesday, October 23, 2013, at 9:45 a.m. as the time and the Motions Room, City-County Bldg., Pittsburgh, PA 15219, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for. Casey F. Mullen, The Frick Bldg., 437 Grant St., Ste. 416, Pittsburgh, PA 15219, Ph: 412-471-2140, Attorney for Petitioner.

13-06974 Sep 25, 2013

Notice

Borough of Rankin vs. Sheila A. Winstead, Docket No. GD-02-015178, Court of Common Pleas of Allegheny County, PA.

Notice is given that the above was named as defendant in a civil action by plaintiff to recover 1997-2002 real estate taxes & trash lien for property located at 205 Rankin Boulevard, Rankin, PA, Lot & Block No. 236-K-052. A Writ of Scire Facias for $2,042.54 was filed. You are notified to plead to the Writ on or before 20 days from the date of this publication or a judgment may be entered.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by Plaintiff. You may lose money, property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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The Allegheny County Bar Association
Koppers Building
436 Seventh Ave., 3rd Fl.
Pittsburgh, PA 15219
412-261-5555

Portnoff Law Associates, Ltd., Esq., P.O. Box 391, Norristown, PA 19404-0391, 866-211-9466.

13-06650 Sep 18, 25; Oct 2, 2013

Notice of Hearing on Petition to Confirm Consent to Adoption and Terminate Parental Rights

In Re: Adoption of Samantha Renee Carter, a minor. No. TPR 079 of 2013 in the Orphans' Court Division of the Court of Common Pleas of Allegheny County, Pennsylvania.

To: Patrick Sommers Carter, alleged father of Samantha Renee Carter, a minor, born on October 1, 2005, in Allegheny County, PA. A Petition has been filed asking the Court to put an end to all rights you have to your child, Samantha Renee Carter. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Family Court Bldg., 550 Fifth Ave., Pittsburgh, PA 15219, on Friday, October 25, 2013 at 8:30 a.m., prevailing time, before the Honorable Dwayne D. Woodruff. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, telephone the office set forth below to find out where you can get legal help.

Lawyer Referral Service
The Allegheny County Bar Association
Koppers Building
436 Seventh Ave., 3rd Fl.
Pittsburgh, PA 15219
412-261-5555

Andrew F. Szefi, County Solicitor. Alexandra Gruskos, Children, Youth & Families, Ft. Pitt Commons Bldg., 445 Ft. Pitt Blvd., Ste. 101, Pittsburgh, PA 15219, Ph: 412-350-7398, Attorneys for Petitioner.

13-06975 Sep 25; Oct 2, 9, 2013

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***Pittsburgh Post-Gazette* Change of Name Form**

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CHANGE OF NAME NOTICE

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IN The Court of Common Pleas of Allegheny County, Pennsylvania:

No. GD_____,

In re petition of _____

_____

for change of name to _____

_____

To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the ____day of _____, 20_____, at 9:45 a.m., as the time and the Motions Room, City-County Building, Pittsburgh, PA, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

{Do/Do Not} Include the attorney information in the notice.

Thank you for advertising with the Pittsburgh Post-Gazette.

***Pittsburgh Post-Gazette* Name Change Ad Example**

SPORTS

France's odds better for World Cup draw

From wire dispatches

FIFA gave France better odds of avoiding Brazil and Argentina with a new procedure for the World Cup soccer draw.

As the lowest-ranked of nine seeded European qualifiers, France was expected to go in the Africa-dominated pot — meaning it could not be placed in the same group as a top-seeded European team.

But instead of following its format from 2006, FIFA decided Tuesday that all nine European teams enter an open ballot to decide which can be drawn alongside the five African teams, plus Chile and Ecuador, in Pot 2. France is one of still three big South American teams, but now it also has the chance of drawing seeded Switzerland or Belgium.

More soccer

Three World Cup stadiums in Brazil will not be completed in time for FIFA's end of December deadline. The governing body said the stadiums in Sao Paulo, Curitiba and Cuiaba will not be ready because of construction delays. The stadiums in Curitiba and Cuiaba are expected to be ready in February, four months before the World Cup. FIFA said it doesn't know a true line for completion of the venue in Sao Paulo, where a crane collapse last week killed two workers and damaged part of the stadium.

Also, FIFA said it won't switch early kickoff times in tropical cities despite concern by the international players union.

• Major League Soccer hopes to place expansion teams in Miami and Atlanta. That would give the league 23 teams, one short of the league's goal to reach by 2020.

Skiing

The U.S. Ski Team said Lindsey Vonn was cleared to begin World Cup downhill training. Vonn is expected to start today in the first of official training session at Lake Louise, Alberta, where she has won 34 races, including three each of the past two years.

Olympics

Larry Probst, chairman of the U.S. Olympic Committee, said "it is our intention to bid" for the 2024 Olympics if a member of either is awarded — the strongest indication yet that the United States will put forth a bid by the end of next year. A small group from the USOC has been visiting potential host cities, including Boston, Dallas, Los Angeles, Philadelphia, San Diego, San Francisco and Washington.

Auto racing

Tony Stewart smoked the field in a fan vote and will grace the cover of the "NASCAR '14" video game. "NASCAR '14" is scheduled for release in early 2014 for PlayStation 3 and Xbox 360.

• Swan Racing will expand to two teams in 2014 and field cars for **Parker Kligerman** and **Cole Whitt**. New owner **Brandon Davis** used multiple drivers in his first full season of ownership, beginning with **Michael Waltrip** in the Daytona 500.

• **Nico Hulkenberg** of Germany said he is returning to Force India One-team Force India for the 2014 season. He is leaving Sauber after one year.

Pro basketball

For the second year in a row, the WNBA draft lottery will be televised live. The league will have the lottery Dec. 16 on ESPN.

morning briefing

NBA ROUNDUP

Pistons take down Heat

Miami's 10-game win streak ends with Wade sitting

By The Associated Press

Kyle Singler scored 18 points to lead seven Detroit players in double figures, Andre Drummond had 18 rebounds and the Pistons beat the Miami Heat, 107-97, Tuesday night at AmericanAirlines Arena in Miami to snap the NBA champions' 10-game winning streak.

Greg Monroe and Rodney Stuckey each scored 16 for Detroit, which got 15 points from Josh Smith and Brandon Jennings. The Pistons led by 16 before Miami got within three points in the fourth, but never trailed in the game's final 47 minutes.

Jennings sealed it with just over two minutes left, stealing the ball from LeBron James and setting up Monroe for an easy score.

James and Michael Beasley each scored 20 for Miami. The Heat played without guard Dwyane Wade, sitting for the fourth time this season to rest a sore knee.

Miami shot a season-low 44 percent.

Miami was down 11 when James re-entered the game with 7:33 left. Within 10 seconds, the lead was down to seven. Beasley scored while getting fouled, missed the free throw, and had the rebound tipped in by Chris Anderson to get Miami to 89-82.

A dunk by James got Miami to 91-88 with 6:06 left, but the Pistons scored the next five and held on from there. Drummond and Kentavious Caldwell-Pope finished with 14 points.

Chris Bosh scored 14 and Ray Allen added 13 for Miami. Drummond had more rebounds than any three Heat players combined, and the Pistons held a 45-34 edge on the boards.

The lone run not early.

James asked rest of the game with 5:48 left in the opening quarter, 39 seconds before he picked up his second foul. The Heat had once narrowed a 9-point deficit to less than a point (across) in the first period, missed 12 of its first 16 shots and was down by 11 points before the game was 11 minutes old. And it wasn't like the Pistons were all that hot, either — they shot 40 percent in the quarter.

When the second quarter started, the Pistons were sizzling.

Drummond had four points in an 8-0 spurt to start the second, one that gave Detroit an 18-point lead with 9:38 left in the half.

Lynne Sladky/Associated Press

The Detroit Pistons' Josh Smith goes up to dunk in front of the Miami Heat's Ray Allen in the second half Tuesday in Miami. The Pistons won, 107-97.

Other games

■ **Celtics 109, Bucks 100:** Jordan Crawford scored 25 points, Jeff Green added 18 and lead Boston avoided a third loss to struggling Milwaukee this season.

■ **Nuggets 111, Nets 87:** Stanley Meagos had 17 points and a career-high 20 rebounds in another superb effort by the Denver bench, and the visiting Nuggets raced by Brooklyn for their seventh consecutive victory.

Notes

■ The disappointing Brooklyn Nets shook up their coaching staff, reassigning top assistant **Lawrence Frank** to a non-bench role. Coach **Jason Kidd** said Frank will not be on practices or games, and that he will be writing daily reports. He said the two had "different philosophies." ... The New Orleans Pelicans said **Anthony Davis** is expected to be out four to six weeks because of his broken left hand. ... The Chicago Bulls assigned backup point guard **Marquis Teague** of Kentucky to the Iowa Energy of the NBA Development League. A first-round draft pick in 2012, Teague has fallen behind veteran **Mike James** of Duquesne in the rotation.

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Classified continued from Page C-7

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***Pittsburgh Legal Journal* Affidavit of Publication**

Change of Name. Case Number: [redacted] Petitioner: [redacted]

Proof of Publication of Notice in Pittsburgh Legal Journal

Commonwealth of Pennsylvania }
} *SS:*
County of Allegheny, }

Before me, the undersigned notary public, this day, personally appeared Amy Pennell to me known, who being duly sworn according to law, deposes and says the following:

I am an agent of the Pittsburgh Legal Journal. The Pittsburgh Legal Journal is the duly designated legal newspaper for Allegheny County, Pennsylvania and was established on April 23, 1853. It is published at 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Allegheny County, Pennsylvania; and a copy of the printed notice appearing to the right is exactly the same as is printed or published in the issue or issues of said legal newspaper on the following date or dates:

[redacted]

That affiant further states that she is the designated agent of the Allegheny County Bar Association, the owner of said legal newspaper, that she is not interested in the subject matter of the aforesaid notice or advertising, and that all the allegations of the aforesaid statement as to time, place, and character of publication are true.

Signature of Affiant

Subscribed and sworn to before me this [redacted]

Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Margaret Ann Lewis, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Nov. 16, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Change of Name

In the Court of Common Pleas of Allegheny County, Pennsylvania: [redacted] In re: Petition of [redacted] for change of name to [redacted] To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed [redacted], 2014, at 9:45 a.m. as the time and the Motions Room, City-County Bldg., Pittsburgh, PA 15219, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for. Kyle R. Bahr, Reed Smith LLP, 225 Fifth Ave., Ste. 1200, Pittsburgh, PA 15222, Ph: 412-288-4219, Attorney for Petitioner.

13-08569 [redacted]

Kyle R. Bahr
Reed Smith LLP
225 Fifth Ave., Ste. 1200
Pittsburgh, PA 15222

Statement of Advertising Cost

For publishing the notice or advertisement on the above stated dates. . .	$103.00
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PLJ No. 13-08569
PAID

***Pittsburgh Post-Gazette* Affidavit of Publication**

No. GD-13-16104 Term,

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss C. Mohamed, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

21 of January, 2014

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

C Mohamed

PG Publishing Company

Sworn to and subscribed before me this day of:
January 21, 2014

Melanie L. Goodwin

COMMONWEALTH OF PENNSYLVANIA
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Melanie L. Goodwin, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 12, 2014
Member, Pennsylvania Association of Notaries

COPY OF NOTICE OR PUBLICATION

IN The Court of Common Pleas of Allegheny County, Pennsylvania: No. GD 13-16104, In re petition of Ella Weisser Goldstein for change of name to Ella Weisser. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the 12th day of March, 2014, at 9:45 a.m., as the time and the Motions Room, City-County Building, Pittsburgh, PA, as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

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PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforsaid advertising and publication costs and certifies that the same have been fully paid.

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By Maria Lucca

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

Sample Motion to Waive the Publication Requirement

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

MOTION TO WAIVE THE PUBLICATION REQUIREMENT FOR THE VERIFIED PETITION FOR A NAME CHANGE

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf
of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

MOTION TO WAIVE THE PUBLICATION REQUIREMENT
FOR THE VERIFIED PETITION FOR A NAME CHANGE

NOW comes the Petitioner, [First Middle Last], by Petitioner's attorney, [Attorney Name] and [Firm Name], and respectfully moves this Court to order that the publication requirement for the Verified Petition for a Name Change be waived. In support of this Motion, Petitioner states as follows:

Petitioner has filed, along with this Motion, a Verified Petition for a Name Change pursuant to 54 Pa. C.S.A. § 701.

The Pennsylvania name change statute permits waiver of the notice requirement, which states that a court shall "direct that notice be given of the filing of the petition and of the date set for the hearing on the petition" through publication in two newspapers. 54 Pa. C.S.A. § 701(a.1)(3)(ii). The waiver provision states that "[i]f the court finds that the notice required in subparagraph (ii) ***would jeopardize the safety*** of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court." 54 Pa. C.S.A. § 701(a.1)(3)(iii) (emphasis added). A true and correct copy of 54 Pa. C.S.A. § 701 is attached as **Exhibit A**.

As stated in the Verified Petition for a Name Change, Petitioner is transgender and comes to this Court seeking a name change for that reason.

Studies show that transgender individuals, because of their gender identity and expression, face significantly higher rates of discrimination, violence, harassment and abuse than the general population, and that those threats come from people known to transgender individuals as well as from strangers.[48]

Accompanying this Motion is Petitioner's Verified Statement in Support of this Motion, detailing Petitioner's fears that making the record of Petitioner's name change publicly available and requiring publication of notice of their final hearing would jeopardize Petitioner's safety. [Highlight any pertinent facts, if applicable.]

Alarmingly, Internet search websites like Google capture all published name change notices – including a petitioner's current and desired names and case number – and make them permanently available to the public. Not only can a transgender person thus be "outed" with a simple search of any of their names at any time in the future, but with a few easy steps, anyone can identify a transgender person, enter their case number in the Court's records search page (https://dcr.alleghenycounty.us/Civil/LoginSearch.aspx), and learn that transgender person's home address.

Petitioner must come to this Court to legally change their name, and respectfully requests that, given the circumstances described above and in Petitioner's Verified Statement, the Court exercise its power to provide some protection to Petitioner by waiving the publication requirement.

---

[48] *See, e.g.*, Sandy E. James, et al., *Executive Summary of the Report of the 2015 U.S. Transgender Survey* (Nat'l Ctr. for Transgender Equality, Jan. 2017 update), *available at* http://www.transequality.org/sites/default/files/docs/usts/Executive%20Summary%20-%20FINAL%201.6.17.pdf, attached as **Exhibit B**; Nat'l Ctr. for Transgender Equality, *2015 U.S. Transgender Survey: Pennsylvania State Report* (Oct. 2017 update), *available at* http://www.transequality.org/sites/default/files/docs/usts/USTSPAStateReport%281017%29.pdf, attached as **Exhibit C**; Rebecca L. Stotzer, *Violence against transgender people: A review of United States data*, 14 Aggression and Violent Behavior 170-79 (2009), attached as **Exhibit D**.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement, and order that the publication requirement is waived for Petitioner pursuant to 54 Pa. C.S.A. § 701(a.1)(3). A proposed order is attached.

Respectfully submitted,

[FIRM NAME]

By: _____

[Attorney Name] (PA I.D. # [Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

Counsel for the Petitioner
[First Middle Last]

Dated: _____

Exhibit A

Exhibit B

Exhibit C

Exhibit D

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

ORDER

AND NOW, this ____ day of _____, 20___, upon consideration of the Motion to Waive the Publication Requirement for the Verified Petition for a Name Change, it is hereby ORDERED that Petitioner's Motion is GRANTED, and the publication requirement of 54 Pa. C.S.A. § 701(a.1)(3)(ii) is hereby waived.

BY THE COURT,

_____, J.

Sample Verified Statement in Support of Motion to Waive the Publication Requirement

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

VERIFIED STATEMENT OF [FIRST MIDDLE LAST] IN SUPPORT OF MOTION TO WAIVE THE PUBLICATION REQUIREMENT FOR THE VERIFIED PETITION FOR A NAME CHANGE

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf
of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

VERIFIED STATEMENT OF [FIRST MIDDLE LAST] IN SUPPORT OF MOTION TO WAIVE THE PUBLICATION REQUIREMENT FOR THE VERIFIED PETITION FOR A NAME CHANGE

I, [First Middle Last], also known as [Full Preferred Name], declare as follows:

7. I am a transgender [man/woman] seeking a name change so that my name matches my identity and my appearance.

8. I am aware that while the Pennsylvania name change statute requires that notice of a pending name change be published in the newspaper, the statute also provides an exception to this publication requirement and the ability to seal the record from the public.

9. After conferring with my attorney, I have decided to petition this Court to waive the publication requirement for my name change.

10. I am making this request because I fear that making my name change and the reasons for it publicly known will jeopardize my safety.

11. As a transgender [man/woman], I am very aware of the fact that transgender individuals are subject to high rates of discrimination, violence, abuse, and harassment because we are transgender. [Supplement with details, if any.]

12. I have personally experienced discrimination, violence, abuse, and harassment from individuals who know or suspect that I am transgender. [Supplement with details, if any. If none, delete this paragraph.]

13. Members of the transgender community in Pittsburgh have also told me about their experiences with discrimination, violence, abuse, and harassment. [Supplement with details, if any. If none, delete this paragraph.]

14. Because I know that some people – people I know, and strangers – want to hurt me simply because of who I am, I am often [uncomfortable in public/fearful of my safety in public/etc.]. I need to protect myself during the legal name change process with this Court.

15. I fear that having the details of me being transgender available through public records, both in the newspaper and on the Internet, increases the chances of me being identified as a transgender [man/woman] and puts my safety and wellbeing at risk.

16. I respectfully request that the Court help me protect myself while I petition the Court for a legal name change by granting my request to waive the publication requirement.

Remainder of Page Intentionally Left Blank

VERIFICATION

I, [First Middle Last], verify that the statements made in the foregoing Verified Statement of [First Middle Last] in Support of Motion to Waive the Publication Requirement for the Verified Petition for a Name Change are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____

_____
[First Middle Last]

Sample Motion to Seal Petition and Waive Publication Requirement

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

MOTION TO SEAL THE VERIFIED PETITION FOR A NAME CHANGE AND WAIVE THE PUBLICATION REQUIREMENT

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf
of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

MOTION TO SEAL THE VERIFIED PETITION FOR A NAME CHANGE AND WAIVE THE PUBLICATION REQUIREMENT

NOW comes the Petitioner, [First Middle Last], by Petitioner's attorney, [Attorney Name] and [Firm Name], and respectfully moves this Court to order **(i)** that the Verified Petition for a Name Change be filed under seal and **(ii)** that the publication requirement be waived. In support of this Motion, Petitioner states as follows:

Petitioner has filed, along with this Motion, a Verified Petition for a Name Change pursuant to 54 Pa. C.S.A. § 701.

The Pennsylvania name change statute permits waiver of the notice requirement, which states that a court shall "direct that notice be given of the filing of the petition and of the date set for the hearing on the petition" through publication in two newspapers. 54 Pa. C.S.A. § 701(a.1)(3)(ii). The waiver provision states that "[i]f the court finds that the notice required in subparagraph (ii) ***would jeopardize the safety*** of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court" and "***the court shall seal the file***." 54 Pa. C.S.A. § 701(a.1)(3)(iii) (emphasis added). A true and correct copy of 54 Pa. C.S.A. § 701 is attached as **Exhibit A**.

As stated in the Verified Petition for a Name Change, Petitioner is transgender and comes to this Court seeking a name change for that reason.

Studies show that transgender individuals, because of their gender identity and expression, face significantly higher rates of discrimination, violence, harassment and abuse than the general population, and that those threats come from people known to transgender individuals as well as from strangers.[49]

Accompanying this Motion is Petitioner's Verified Statement in Support of this Motion, detailing Petitioner's fears that making the record of Petitioner's name change publicly available and requiring publication of notice of their final hearing would jeopardize Petitioner's safety. [Highlight any pertinent facts, if applicable.]

Alarmingly, Internet search websites like Google capture all published name change notices – including a petitioner's current and desired names and case number – and make them permanently available to the public. Not only can a transgender person thus be "outed" with a simple search of any of their names at any time in the future, but with a few easy steps, anyone can identify a transgender person, enter their case number in the Court's records search page (https://dcr.alleghenycounty.us/Civil/LoginSearch.aspx), and learn that transgender person's home address. Moreover, even without publication, the name search function on the Court's records search page would permit anyone to find a transgender person's home address, unless the record was sealed.

Petitioner must come to this Court to legally change their name, and respectfully requests that, given the circumstances described above and in Petitioner's Verified Statement, the Court

---

[49] *See, e.g.*, Sandy E. James, et al., *Executive Summary of the Report of the 2015 U.S. Transgender Survey* (Nat'l Ctr. for Transgender Equality, Jan. 2017 update), *available at* http://www.transequality.org/sites/default/files/docs/usts/Executive%20Summary%20-%20FINAL%201.6.17.pdf, attached as **Exhibit B**; Nat'l Ctr. for Transgender Equality, *2015 U.S. Transgender Survey: Pennsylvania State Report* (Oct. 2017 update), *available at* http://www.transequality.org/sites/default/files/docs/usts/USTSPAStateReport%281017%29.pdf, attached as **Exhibit C**; Rebecca L. Stotzer, *Violence against transgender people: A review of United States data*, 14 Aggression and Violent Behavior 170-79 (2009), attached as **Exhibit D**.

exercise its power to provide some protection to Petitioner by waiving the publication requirement and sealing the record.

WHEREFORE, Petitioner respectfully requests that this Court **(i)** grant this Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement, **(ii)** order that the record of these proceedings be sealed to all but Petitioner, Petitioner's undersigned counsel, the Special Name Change Judge, the Special Name Change Judge's Clerk, and the Clerk of the Motions Court, and **(iii)** order that the publication requirement is waived for Petitioner pursuant to 54 Pa. C.S.A. § 701(a.1)(3). A proposed order is attached.

Respectfully submitted,

[FIRM NAME]

By: _____

[Attorney Name] (PA I.D. # [Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

Counsel for the Petitioner
[First Middle Last]

Dated: _____

Exhibit A

Exhibit B

Exhibit C

Exhibit D

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

ORDER

AND NOW, this ____ day of _____, 20___, upon consideration of the Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement, it is hereby ORDERED that Petitioner's Motion is GRANTED. It is FURTHER ORDERED that:

The publication requirement of 54 Pa. C.S.A. § 701(a.1)(3)(ii) is hereby waived;

The record of the instant proceeding, which includes all documents filed in this matter, shall be immediately and permanently sealed, in accordance with 54 Pa. C.S.A. § 701(a.1)(3)(iii);

Petitioner's Confidential Petition shall be filed in a sealed envelope on which shall be endorsed the words "HIGHLY CONFIDENTIAL INFORMATION – FILED UNDER SEAL SUBJECT TO COURT ORDER";

The Department of Court Records shall also seal this record from the Internet and shall not place this record on the electronic docket; and

The following individuals shall be permitted to view this record without further order of court (until the issue of a final order approving the name change): (i) the above-named Petitioner, (ii) Petitioner's counsel in this matter, [Attorney Name], Esq., (iii) the Special Name Change Judge, (iv) the Special Name Change Judge's Clerk, and (v) the Clerk of the Motions Court.

BY THE COURT,

_____, J.

Sample Verified Statement in Support of Motion to Seal Petition and Waive Publication Requirement

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF:
[FIRST MIDDLE LAST],
A/K/A [FIRST M.I. LAST],
A/K/A [FIRST LAST],
A/K/A [ETC.]

FOR A NAME CHANGE TO:
[FULL PREFERRED NAME]

CIVIL DIVISION

G.D. No.

VERIFIED STATEMENT OF [FIRST MIDDLE LAST] IN SUPPORT OF MOTION TO SEAL THE VERIFIED PETITION FOR A NAME CHANGE AND WAIVE THE PUBLICATION REQUIREMENT

Code: _____

Filed on behalf of Petitioner

Counsel of Record on Behalf
of This Party:

[Attorney Name] (SBN [Attorney Number])

[FIRM NAME]
Firm No. [XXX]
[Firm Address 1]
[Firm Address 2]
[Firm Address 3]
[Firm City, State Zip]
Telephone: [Phone Number]
Facsimile: [Fax Number]
Email: [Attorney Email]

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE PETITION OF: [FIRST MIDDLE LAST], A/K/A [FIRST M.I. LAST], A/K/A [FIRST LAST], A/K/A [ETC.]	CIVIL DIVISION G.D. No.
FOR A NAME CHANGE TO: [FULL PREFERRED NAME]	

VERIFIED STATEMENT OF [FIRST MIDDLE LAST] IN SUPPORT OF MOTION TO SEAL THE VERIFIED PETITION FOR A NAME CHANGE AND WAIVE THE PUBLICATION REQUIREMENT

I, [First Middle Last], also known as [Full Preferred Name], declare as follows:

17. I am a transgender [man/woman] seeking a name change so that my name matches my identity and my appearance.

18. I am aware that while the Pennsylvania name change statute requires that notice of a pending name change be published in the newspaper, the statute also provides an exception to this publication requirement and the ability to seal the record from the public.

19. After conferring with my attorney, I have decided to petition this Court to waive the publication requirement and seal the record of my name change.

20. I am making this request because I fear that making my name change and the reasons for it publicly known will jeopardize my safety.

21. As a transgender [man/woman], I am very aware of the fact that transgender individuals are subject to high rates of discrimination, violence, abuse, and harassment because we are transgender. [Supplement with details, if any.]

22. I have personally experienced discrimination, violence, abuse, and harassment from individuals who know or suspect that I am transgender. [Supplement with details, if any. If none, delete this paragraph.]

23. Members of the transgender community in Pittsburgh have also told me about their experiences with discrimination, violence, abuse, and harassment. [Supplement with details, if any. If none, delete this paragraph.]

24. Because I know that some people – people I know, and strangers – want to hurt me simply because of who I am, I am often [uncomfortable in public/fearful of my safety in public/etc.]. I need to protect myself during the legal name change process with this Court.

25. I understand that without the record of my name change petition being sealed, my home address is available to anyone searching the Court's electronic docket, and the reason for my name change is stated in my pending name change petition with the Court, which would be available to the public. This makes me fearful for my safety.

26. I fear that having the details of me being transgender available through public records, both in the newspaper and through court records, including my name and address, increases the chances of me being identified as a transgender [man/woman] and puts my safety and wellbeing at risk.

27. I respectfully request that the Court help me protect myself while I petition the Court for a legal name change by granting my request to waive the publication requirement and seal the record.

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VERIFICATION

I, [First Middle Last], verify that the statements made in the foregoing Verified Statement of [First Middle Last] in Support of Motion to Seal the Verified Petition for a Name Change and Waive the Publication Requirement are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____ _____

[First Middle Last]

Rebecca L. Stotzer*, Violence against transgender people: A review of United States data*, Aggression and Violent Behavior 14 (2009) 170-79

Aggression and Violent Behavior 14 (2009) 170–179

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Violence against transgender people: A review of United States data ☆

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ABSTRACT

Transgender people face many challenges in a society that is unforgiving of any system of gender that is not binary. However, there are three primary sources of data in the United States for discerning the rates and types of violence that transgender people face throughout their lives — self-report surveys and needs assessments, hot-line call and social service records, and police reports. Data from each of these sources are discussed in length, as well as some of the methodological issues for these types of data sources. All three sources indicate that violence against transgender people starts early in life, that transgender people are at risk for multiple types and incidences of violence, and that this threat lasts throughout their lives. In addition, transgender people seem to have particularly high risk for sexual violence. Future research considerations, such as improving data collection efforts, are discussed.

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1. Introduction

Transgender people face violence because of their gender nonconformity, and the nature and extent of that violence has been the focus of recent research. Documenting violence is becoming

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increasingly important as policymakers utilize these types of statistics to pass more effective and necessary policies at the local, state, and federal levels to protect people based on their gender identity and gender expression. This report summarizes the scant yet diverse research on violence against transgender people in the United States.

Although definitions of the term transgender itself are contested, 'transgender' is coming to represent an umbrella term under which resides anyone who bends the common societal constructions of gender, including cross-dressers, transsexuals, genderqueer youth, drag queens, and a host of other terms that people use to self identify their gender. This term is "gender neutral" in the sense that it includes both people born as males who express or identify their gender as female (male-to-female transgender, or MTFs), and people born female who express or identify their gender as male (female-to-male, or FTMs). Numerous studies have demonstrated that transgender people experience high levels of violence from strangers and known others alike, and that they often face a lifetime of repeated victimization. The number of gender non-conforming people in the United States is unknown, making estimates of victimization risk uncertain (Stotzer, 2007). In addition, assessing the level, extent, and nature of violence against people with non-conforming gender identities and presentations has been challenging for a variety of social and methodological reasons.

One qualitative study paints a picture of what life is life for transgender people. Wyss (2004) interviewed seven transgender high school students and asked about their experiences at school. This study discusses the "full-contact hallways" that seven gender non-conforming youth encounter in high school. Their descriptions of the physical violence are particularly informative considering the details that the youths describe. Many report that not just other students harassed them, but that people they even considered friends would either help or join with assailants during physical attacks. Two of the students were set on fire in school, one after shop class. There were also constant threats of sexual assault, or coercive sex, or physical assault, both verbal threats and notes left in lockers. The hallways were also the place to be grabbed or fondled by anyone in the school.

Despite the growing anecdotal knowledge that violence is a significant problem in the transgender community, data about this issue are not readily available. There are currently three possible sources for information about the violence and harassment that transgender people experience:

I. Self-report surveys
   Self-report surveys directly ask transgender people about their experiences of victimization, and routinely find a high prevalence of violence. These studies rely on asking transgender people directly about their experiences of victimization, and can include written surveys, face-to-face interviews, and focus groups.
II. Hotline calls and social service reports
   Advocacy groups, such as the National Coalition of Anti-Violence Programs, publish reports of violence and harassment across the country. These estimates of the incidence of violence against transgender people come from tracking hot-line calls and requests for social services. Other organizations track murders through newspaper reports and word-of-mouth reports.
III. Police reports
   Currently, only 10 states include gender identity or gender expression in their hate crime laws. These reports come directly from crimes reported to local and state police.

This report identifies available information about violence against transgender people and other gender non-conforming people. Furthermore, this paper discusses the strengths and weakness of the methods employed in self-report surveys, advocacy group reports, and state reports. Finally, utilizing all three of these sources, the knowledge that is available about the scope and nature of victimization in the transgender community is discussed as it relates to policy implementation and social service provision.

2. Self-report surveys

Early efforts at understanding the needs of gender non-conforming individuals came from public health interest in transsexual prostitutes (i.e. Boles & Elifson, 1994; Elifson, Boles, Posey, Sweat, Darrow, & Elsea, 1993). However, there was rarely emphasis on experiences of violence or harassment due to the conflation of gender-identity issues with sex work and the emerging HIV/AIDS crisis. However, the first substantial attempts at discerning the problems with violence faced by those with non-conforming gender-identity was the "First Natioanl Survey of Transgender Violence" conducted by GenderPAC in 1997 (and further analyzed in Lombardi, Wilchins, Priessing, & Malouf, 2001). This study found high levels of violence from harassment to physical and sexual assaults.

From that start, surveys targeting gender non-conforming people conducted across the United States (and internationally) have occasionally included questions about violence and harassment, with the most recent and most comprehensive survey of trans-people being the Virginia Transgender Health Initiative Survey (VTHIS) (Xavier, Honnold, & Bradford, 2007). Most large scale self-report surveying has been done in either cities or states, and are needs assessments conducted in part by Departments of Health. These surveys are often based on convenience samples composed of people accessing social services, or through social networks and word-of-mouth. More specifically, the most common type of recruitment is through snowball sampling of a convenience sample of transgender people utilizing identified leaders in the transgender community to serve as recruiters, interviewers, and/or survey administrators (Clements-Nolle, Marx, & Katz, 2006; Garofalo, Deleon, Osmer, Doll, & Harper, 2006; Kenagy, 2005; McGowan, 1999; Reback, Simon, Bemis, & Gatson, 2001; Risser et al., 2005; Sugano, Nemoto, & Operario, 2006; Xavier, 2000; Xavier, Bobbin, Singer, Budd, 2005). These convenience samples usually are focused around social service organizations (most often HIV/AIDS clinics or organizations), and bars or other social gathering places for transgender people. However, many studies also targeted specific populations, such as transgender prostitutes doing street work (Valera, Sawyer, & Schiraldi, 2000), or targeting locations, such as sex workers who came in for clinic visits (Cohan et al., 2006). A few others used mixed method designs that employed some mix of face-to-face recruitment, paper surveys and interviews, and/or the use of the internet as a tool for recruiting and surveying (Dang, 2007; FORGE, 2005; Lombardi et al., 2001; Wyss, 2004; Xavier et al., 2007). Topics related to violence commonly addressed three main categories: 1) sexual violence data, 2) physical violence data, and 3) harassment, verbal abuse, and other non-physical violence.

2.1. Sexual violence

> "In my neighborhood, either they want to beat you up or they want a free blow job." Interviewee (Bockting, Robinson, & Rosser, 1998)

One of the best documented types of violence against transgendered people is sexual assault and rape. This is due in part because most studies on transgender people are linked to Departments of Public Health and focus on sexual behavior, such as condom use, unprotected sex, and anal sex, in order to draw connections with HIV/AIDS status and transmission. As a consequence, this means that there are more reports and greater levels of detail about sexual assault and rape than any of the other types of violence experiences by transgendered people.

What becomes clear from surveys of trans-people is that there is a high prevalence of sexual assault and rape starting at a young

age. While all surveys have found evidence that sexual violence is shockingly common, the proportion of transgender people reporting violence varies from survey to survey. As discussed later, these variations in rates probably result from differences in how researchers conducted their surveys, and we cannot draw firm conclusions on the actual likelihood that a transgender person will experience sexual violence. However, the most common finding across surveys and needs assessments is that about 50% of transgendered persons report unwanted sexual activity. Clements-Nolle et al. (2006) surveyed 515 MTFs and FTMs and found that 59% reported a history of forced sex or rape, Garofalo et al. (2006) also found her/his survey of 51 MTF youths that 52% reported unwanted sexual intercourse, and Kenagy (2005b) found that 54% of participants reported that they had been forced to have sex. The report with the highest percentage of people who reported being either directly involved or secondary victims (i.e., witnesses) of sexual violence was the FORGE (2005) report, which had 66% of their 264 respondents in the mid-west state that they had been the victims or witnesses of sexual violence, and 23% had been the victims or witnesses of five or more incidences of sexual violence (Tables 1 and 2).

Kenagy (2005a) also found a significant difference between MTFs and FTMs, with 69% of MTFs reported having been the victims of forced sex, where only 30% of FTMs reported a history of forced sex. However, only one other study directly tested this difference. Contrary to the Kenagy (2005b) study, forced sexual activity was a larger problem for FTMs in the Xavier et al. (2007) sample: 35% of FTMs responded they had been sexually assaulted compared to 23% of MTFs.

Other studies sometimes find lower rates of sexual violence between 10% and 15% (i.e., Xavier, 2003, Witten, 2003, and Lombardi et al., 2001). The report with the highest percentage of people who reported sexual violence is the FORGE report (2005). Results showed that 66% of the 264 mid-western respondents had been the victims or witnesses of sexual violence, and 23% had been the victims or witnesses of five or more incidences of sexual violence.

Not only is sexual violence occurring with a high level of frequency, but this violence starts at an early age. One study found that first rapes often occurred in the early teens, with a median of 14 years old for FTMs and 15 years old for MTFs (Xavier et al., 2007). The FORGE (2005) report found that young gender-nonconforming persons were particularly vulnerable to sexual violence, with the majority of incidents occurring before the age of 12, and that number steadily declining with age. This claim about younger transgender people being more at risk was also found in Wyss' (2004) study on high school-aged transgendered youth. Wyss, through a mix of surveying and interviewing, found that 86% of respondents had experienced some type of sexual violence, often perpetrated by other students, because of their gender identity.

2.1.1. Motivation for sexual violence

These studies also provide insights into the motivation for sexual assaults, generating evidence that perpetrators are motivated by hatred or negative attitudes toward transgender people. It is important to keep in mind that in these questionnaires motivation of the perpetrator is determined by the victim and their perception of their victimization rather than any objective or legal determination of motivation. Although this is a common strategy for determining motivation in crime surveys, this method clearly only addresses perceptions of motivation. In Xavier et al. (2005), 13% of the 248 MTF and FTM participants reported being victims of sexual assault or rape, and that 43% of those victims believed that their victimization was because of the perpetrators' homophobia, while another 35% of victims reported that it was the perpetrators' transphobia that led to the assault. Witten's (2003) participants were asked if they believed they had ever been the victims of a hate crime: 23% were classified by the participant as sexual harassment, 15% as sexual abuse or attempted sexual abuse, and 6% had been raped because of their gender identity. In the Xavier et al. (2007) study of transgender Virginians, over half (57%) of the participants reported they felt the reason for one or more of the incidents of forced sex was due to their transgender status, gender identity, or gender expression, with 71% of MTFs attributing that motive to one or more of the incidents, compared to 40% of FTMs.

2.1.2. Perpetrators of sexual violence

Perhaps one of the most disappointing findings from self-report surveys are the findings that the largest percent of perpetrators of sexual violence are people who are known to the victim, including partners and family members. In a study of primary and casual sex partners, Risser et al. (2005) found that 16% of the 67 participating MTFs reported being forced to have sex by a casual sex partner, and 25% had been forced to have sex by their primary partner. Additional evidence for this trend comes from Xavier et al. (2007), who found that among those who had reported incidents of forced sex, 35% involved a person who lived in the participant's household at the time of the assault. In addition, in a survey of 26 MTF prostitutes in Washington D. C., Valera et al. (2000) found that 35% reported being raped since they entered prostitution. The most common perpetrator of these rapes were customers (60%), someone else (40%), and their pimp (20%).

Additional details about the perpetrators of these crimes comes from Xavier et al. (2007), who found that acquaintances were the most

Table 1
Self-report survey reports of the prevalence of violence against transgender people motivated by their gender identity or gender expression (as reported by victims).

	McGowan (1999)	Reback et al. (2001)	Lombardi et al. (2001)	Witten (2003)	Wyss (2004)	FORGE (2005)	Xavier et al. (2005)	Clements-Nolle et al. (2006)	Xavier et al. (2007)	Dang (2007)
Location	New York	Los Angeles	USA	US and abroad	Not spec.	Mid-west	D.C.	San Francisco	Virginia	USA
Sample										API
MTF	83		84			77	188	392	112	14
FTM	11		81			121	60	123	34	6
Other/not specified		244		174	24	16				52
Sexual assault/rape			13%	15%	86%	28%	[a]10%		[a]15%	
Sexual harassment				23%						
Violence "or crime"	33%		27%				[a]15%			
Physical assault/beaten		47%	20%	39%	86%			36%	[a]28%	49%
Robbed			14%	[b]29%						
Objects thrown at you			17%							
Assaulted w/a weapon			10%							
Followed/stalked			23%	41%						
Harassment			56%	48%						[c]69%
Verbal abuse		80%						83%		

[a] Reflects the fraction of the entire population.
[b] Witten (2003) reported "muggings" specifically, but this statistic was counted into the "robbery" category.
[c] Dang (2007) included 'discrimination or harassment' together.

Table 2
Needs assessments and academic survey reports of the prevalence of general violence against transgender people (no particular motivation associated with victimization).

	McGowan (1999)	Valera et al. (2000)	Xavier (2000)	Witten (2003)	Kenagy (2005a)	Kenagy (2005b)	Kenagy and Bostwick (2005)	FORGE (2005)	Risser et al. (2005)	Xavier et al. (2005)	Cohan et al. (2006)	Garofalo et al. (2006)	Clements-Nolle et al. (2006)	Sugano et al. (2006)	Xavier et al. (2007)
Location	New York	D.C.	D.C.	US and abroad	Philadelphia	Philadelphia	Chicago	Mid-west	Houston	D.C.	San Francisco	Chicago	San Francisco	San Francisco	VA
Sample		Sex workers									Sex workers	Youth		Racial Minorities	
MTF	83	26	180		49	113	78	77	67	188		51	392	332	112
FTM	11		60		32	69	33	121		60			123		34
Intersex			4					16							
Other/not specified				174											
Violence/"crime"			43%							43%	++53.2%				
Physical assault		65%	16%	45%	51%	51%	60%							^^37%/20%	40%
Emotional abuse				67%											
Neglect				26%											
Exploitation				8%											
Assaulted w/a weapon		88%	17%												
Sexual assault/rape	**29%	35%	14%	19%	53%	54%		66.0%	^16/25%			52%	59%		27%
Threatened		88%												^^80%/64%	
Harassment			26%												
Robbed			14%												
Intimidation			18%												
Vandalism			4%												
Blackmail			2%												
Abduction			2%												
Bombing			1%												

Witten (2003) reported "muggings" specifically, but this was collapsed into the "robbery" category.
^Risser et al. (2005) separately reported casual sex partner sexual violence, and primary partner sexual violence (casual partner/primary partner).
**McGowan asked "Have you ever been a victim of domestic violence or rape?", and we are unable to determine what percent is rape vs. other forms of domestic violence.
++Cohan et al. (2006) reported specifically on sex work related violence, without specifying what type of violence.
^^Sugano et al. (2005) separated prevalence by age, during childhood/during adulthood.

common perpetrators of sexual violence (48%), followed by complete strangers (26%), father or stepfather (16%), a former spouse or partner (14%), current spouse or partner (12%), and a brother or sister (12%). According to the FORGE (2005) report, amongst those who had identified the genders of the perpetrators of sexual assaults, 90% of victims said they had at some time been assaulted by a male perpetrator, 30% of victims had been assaulted by a female perpetrator, and 12% had been assaulted by a transgender perpetrator (totals do not add up to 100% because a single victim could have been a victim in one assault by a male perpetrator and in another assault by a female, etc.). In addition, they found that the most common relationship to the victim that the perpetrator had was as a family member (39%), an acquaintance (35%), an intimate partner (29%), a stranger (25%), a date (20%), or an individual in a helping profession such as police or healthcare/social service providers (11%).

2.1.3. Police and other authorities

Within the transgender community it is common knowledge that interacting with authorities invites a certain level of possible victimization, or revictimization for transgendered people. Only two studies directly ask about reporting sexual assault to the police. The Xavier et al. (2007) found that 83% of victims of sexual assaults did not report any of the incidences to the police. The FORGE (2005) report found a similar statistic — that only 9% of victims reported their sexual assaults to police, and that 47.5% did not tell ANYONE about their sexual assault. However, an interesting finding that might elucidate the lack of reporting to authorities was the fact that victims reported that 4.9% of incidences of sexual violence were perpetrated by police, and in 5.9% of cases the perpetrators was a social service or health care provider.

In summary, studies conducted since 1999 have shown that transgender people are the victims of a great deal of sexual violence, specifically sexual assault, attempted sexual assault, rape, and attempted rape. In addition, this violence is often being perpetrated specifically because of their gender identity or expression. Perhaps most painful, in only about a third of cases the perpetrator is a complete stranger, suggesting that a large volume of the sexual victimization of transgender people is at the hands of people they know, and that this victimization begins at an early age.

2.2. Physical violence and abuse

> "I had these three guys that didn't like me and I'm not totally sure why they didn't. But I think a lot of it had to do with my gender expression and my sexuality and just basically who I was. […T]hey beat my ass on my fifteenth birthday [with a leather belt….T]he guy that I was with […] just sat back and watched while they did this to me" Interviewee (Wyss, 2004, p. 716)

In addition to high rates of sexual violence victimization, transgender people also suffer from a high prevalence of physical violence. The study with the highest level of detail about physical assault specifically is the study by Xavier et al. (2007). Among trans-Virginians, 40% reported experiencing physical assaults (since age 13), and the mean age of the first physical assault was at 16 years old. Of those who had reported being victimized, 18% reported one incident, 23% reported two incidents, 30% reported three to five incidents, 17% reported six to 19 incidents, and 12% reported 20 or more incidents of physical violence. This demonstrates that although there is some evidence for the lifetime probability of being victimized is high for transgender people, there is also a heightened risk of being multiply victimized. Of those who reported that they were victims of physical assault, 69% felt that for at least one or more of those incidences, the primary reason for victimization was their gender identity.

Physical violence appears particularly problematic for transgender sex workers. Valera et al. (2000) found that among MTF sex workers in Washington D.C., 65% had been physically assaulted, and that the most common perpetrator was a customer (71%). Weinberg, Shaver, and

Williams (1999) found that among sex workers in the San Francisco Tenderloin, in the last 12 months the mean number of rapes by a client was 0.013 per person, the mean number of times beaten by a client was 0.23, and the mean number of times robbed by a client was 0.52. Cohan et al. (2006) found that among 126 sex workers in San Francisco, 53% had experienced sex work related violence, which was higher and significantly different from the percent of male or female prostitutes who reported violence. Most often, the perpetrator was a customer (43%), though they had experienced violence at the hands of the police (17.5%), and their employer/manager/pimp (9%). In a qualitative study by Nemoto, Operario, Keatley and Villegas (2004), MTF sex workers identified their increased danger of "discovery" from potential clients who did not understand their transgender status. One participant summarized the constant danger by aptly stating "No one's going to kill a gay man if he finds a dick between his legs. No one's gonna kill a gay woman if he finds a pussy. But they will definitely put a knife through a tranny's throat if they see breasts and dick" (p. 729).

2.2.1. Motivation for physical violence

Evidence about hate or bias motivation can also be found in other studies besides the Transgender Virginians study. Just as with sexual violence, perpetrators' motivation for physical violence is most often based on the perceptions of victims, or their interpretation of the reasons behind the crime, or even their labeling of the crime as a "hate crime." When asked about experiences of "anti-transgender violence or hate crime," 33% of participants in McGowan's (1999) study of 94 transgendered people in New York reported being victims. Xavier (2003) (Xavier et al., 2005) reported that 43% of respondents had been the victims of "violence and/or crime," and of those who were victimized, 75% said that they believed at least one of their experiences of violence or crime was related to their gender identity. Clements-Nolle et al. (2006), asked the general question of whether or not participants had experienced "physical gender victimization," and of the 515 participants, 36% reported that they had been victims. Reback et al. (2001) in surveying transgendered people in Los Angeles County found that 47% of the transgender participants reported being victims of physical abuse or were beaten because of their gender identity.

2.2.2. Perpetrators of physical violence

Reback et al. (2001) asked a follow-up question about perpetrators, and found that incidents involved strangers (37%), police (14%), parents (9%), siblings (4%), neighbors (4%), other relatives (3%), and even friends (3%). Witten (2003) also asked about crimes motivated by gender-identity motivated hatred, and found that among other crimes, such as sexual assaults and harassment, participants also reported being the victims of muggings based on hate (29%) and being beaten based on hate (39%).

This breakdown of perpetrators was similar to those found in Xavier et al. (2007), again suggesting that known others are the primary perpetrators of physical violence against transgender people. They also reported data on perpetrators, finding that 31% of physical assault perpetrators were living with the victim at the time of the assault. Again, the complete strangers were the most common perpetrators (47%), followed by acquaintances (27%), 'other' persons (who did not fall into the set categories (27%), fathers or stepfathers (16%), mothers or stepmothers (9%), current spouse/partner, brother/sister, or a former spouse or partner (8%). This suggests that similar to sexual violence, perpetrators of physical violence are often known to the victims.

Kuehnle and Sullivan (2003) also found that 30% of perpetrators were landlord/neighbor/tenants, 20% of the time the perpetrator was a stranger, 20% of perpetrators were "pick-ups," and 10% of the time the crimes were committed by an acquaintance/friend, law enforcement/security personnel, or service providers respectively. In addition, Kuehnle and Sullivan (2003) is one of the few studies that asked about the location of physical violence, and compared "anti-gay" violence against male, female, and transgender victims. Of the 10 transgender victims who reported violence to a social service agency, 50% reported that their victimization occurred in a private residence, 20% of crimes occurred on public transportation, 20% occurred in public accommodations, and 10% occurred in the street or in a public area.

Similar to sexual violence, physical violence is occurring at high rates, happens often, and takes a variety of forms from physical assault to attempted bombings and abductions. In addition, transgender people have high rates of multiple victimization of physical violence, and the perpetrators are often people known to the victim.

2.2.3. Violence in the home

Two studies conducted by Kenagy have asked the question: "Have you ever experienced violence in your home?" This question is broad enough to include incidences of domestic violence as well as attacks from strangers or family without being able to differentiation between them.[1] Although it is unclear what type of violence is occurring in the home in these surveys, it is still an important question when so much violence pervades the lives of transgender people. Kenagy and Bostwick (2005) found that 66% of respondents reported experiencing violence in their home, while Kenagy (2005b) found that 56.3% of participants reported experiencing violence in the home, with a statistically significant difference between MTFs (67.3%) and FTMs (38.7%) ($p<.05$). Similarly, both studies asked about "physical abuse" which is difficult to determine whether it meant abuse in a domestic situation, or physical abuse in a wider lens of physical assault. However, Kenagy and Bostwick (2005) found that 60% of victims reported being physically abused at some pointing their lives, and Kenagy (2005b) reported that 51.3% of participants had reported being physically abused, with a significant difference between MTFs (65.3%) and FTMs (29.0%) ($p<.01$). Although the question is too vague to determine situations of domestic violence vs. other types of crimes in the home, these responses suggest that transgender people are not safe even in their own homes.

2.2.4. Feelings of safety

One unique study asked transgender people about their thoughts and beliefs about their own personal safety and life expectancy. Kenagy and Bostwick (2005) found that 56% of MTFs and FTMs reported that being transgendered made them feel unsafe in public, and 43% reported that being transgendered made them feel uncomfortable in public as well. In addition, there were statistically significant differences between FTMs and MTFs. FTMs (85%) were significantly more likely to say they felt unsafe ($p<.0001$) than MTFs (43%) and uncomfortable (FTMs = 73%, MTFs = 30%, $p<.0001$). Perhaps the most tragic results of this study were in the answers to questions about life expectancy. 40% of all respondents said they expected that their lifespan will be shorter than normal (reasons given were queer-bashing, being killed by police, the effects of hormones, and HIV status).

2.2.5. Police and other authorities

A story similar to that of report sexual assault to the police emerges with physical assault and violence. The VTHIS found that 70% of victims of physical violence did not report any of their assaults to the police. When examining just the most recent incident (which happened an average of 6.6 years prior for FTMs and 11 years prior for MTFs), only 26% reported their assaults to police. Witten (2003) found that of the 89 respondents who had experienced violence, only 22% had made reports to the authorities, and another 4% reported that they 'sometimes' had reported their victimization to police. However, of

[1] For further information specifically about domestic violence among transgender people, some national statistics by the NCAVP are available. However, intimate partner violence is beyond the scope of this paper.

those who had reported, 65% were dissatisfied with their experiences with authorities. Witten also found that 77% had at least told someone about their victimization, even if they did not tell authorities. But of those who had not reported to authorities, 28% said they were afraid of reprisal from the perpetrator, 11% feared abuse by the medical/legal system, 29% felt it would not make a difference if they reported or not, and 8% wanted to protect the perpetrator. Lombardi et al. (2001) found that a 7.7% of respondents also had suffered unjustified arrests, adding another reason there appears to be poor relationships with police and other authorities. As previously stated, Reback et al. (2001) also found that 37% of the perpetrators of verbal abuse were police.

2.3. Harassment, verbal abuse, and other non-physical violence

> "At one point we were getting followed around by men that were talking shit. It's like being a dog and making circles, looking to see who's following you" Interviewee (Felsenthal, 2005, p. 213)

In addition to sexual and physical violence, there is evidence of high rates of more subtle, yet pervasive violence. Xavier (2000) reported that 26% of respondents reported experiencing street harassment, but Lombardi et al.'s (2001) participants reported rates over twice that, at 56%. However, neither of these studies directly asked whether or not participants believed that their victimization was specific to their gender non-conformity. However, Witten (2003) reported that 48% of respondents felt that they had experienced harassment due to their transgender status at some point in their lives. Clements-Nolle et al. (2006) specifically asked whether or not their participants had experienced "verbal gender victimization," and 63% of their respondents answered that they had experienced verbal gender victimization. Dang (2007) found that 69% of transgender Asian Pacific Islanders had reported discrimination based on their gender identity.

There are few reports of specific kinds of violence outside of sexual assault, physical assault, or verbal assaults. However, Witten (2003) found that 67% of those participating in the Transscience Longitudinal Aging Research Study reported having experienced emotional abuse violence, 26% had experienced some type of neglect, and 8% had experienced exploitation. In addition, when asked specifically about crimes based on their gender identity, 23% reported that they had been victims of sexual harassment, and 41% had been followed or stalked. Xavier (2000) also reported that 18% of participants had experienced intimidation in some form, in addition to vandalism (4%), and blackmail or extortion (2%). Finally, Lombardi et al. (2001) reported that 23% of participants had been followed or stalked.

2.3.1. Perpetrators of harassment and verbal abuse

Possibly due to the pervasive nature of harassment and other forms of violence, only one study inquired specifically about the perpetrators of verbal abuse and harassment. When asked in general about verbal abuse, 80% of participants in Reback et al. (2001) reported being victims of verbal abuse because of their gender identity or presentation. However, unlike physical or sexual violence, most respondents reported that a stranger was the perpetrator (71%), but 37% were abused by police, 22% were abused by parents, 22% experienced abuse from neighbors, 17% from siblings, and 16% from friends. Another 14% were verbally abused by relatives outside the immediate family.

3. Hotline calls and social service reports

Throughout the United States there is a network of anti-violence programs under a variety of guises and names that serve their communities in a variety of ways, but emphasize a focus on preventing and punishing violence against lesbian, gay, bisexual, and transgender (LGBT) people. Although these organizations are often located in major metropolises (e.g., Community United Against Violence [CUAV] in San Francisco, Center on Halsted/Horizons Anti-Violence Project in Chicago, Triangle Foundation in Detroit, or the New York City Gay and Lesbian Anti-Violence Program), the individual organizations can receive calls or information from a wide geographic area. For example, in their 2005 report, CUAV in San Francisco reported incidents from 15 counties in California besides San Francisco County (2006). In addition to any local publications or reports that each organization authors yearly, many of these organizations report their data to the National Coalition of Anti-Violence Projects (NCAVP). The NCAVP has been generating a yearly report about hate motivated incidences since at least 1997. Even since the late 1990s this organization has had the foresight to include gender identity in its data collection efforts. Thus, it is one of the few nationally representative samples, even if the data are heavily skewed toward the 10–20 city and state organizations that have reported to NCAVP in the last ten years.

This is not to say that NVACP is the only group collecting data. For example, *It's Time, Illinois! Political Action for the Gender Variant Community* routinely writes reports for Illinois, gathering information from the Chicago Commission on Human Relations a well as reports made directly to their agency. The totals counted by this organization are often different from those reported by the NCAVP. For example, *It's Time Illinois!* (2001) reported only one hate crime in all of Illinois in 1999, but the NVACP reported four in Chicago alone.

The National Coalition of Anti-Violence Programs has found among 20 regions in the United States since 1997 that there were 2133 hate crimes against transgender people. This is an average of 213 hate crimes per year. In addition, the "Remembering Our Dead" Program has tracked 353 murders of transgender people worldwide since the 1970s.

3.1. National Coalition of Anti-Violence Programs (NCAVP)

As can be seen in Table 3, the average number of crimes over the last decade from just these 20 NCAVP chapters alone suggests that there are an average 213 hate crimes with anti-transgender motivation reported to Anti-Violence programs per year in the United States. However, although the NCAVP report has information about perpetrators, locations, extent of injuries, demographic information about victims, types of crime, and a host of other variables, none of this information is separated by type of crime or type of victim. Thus all descriptive information about the crimes against transgender people are combined with information about crimes against lesbians, gay men, and bisexuals. So other than estimating incidence, the NCAVP offers little other data about hate crimes targeting transgender people.

3.2. Tracking transgender murders

> "People have tried to kill me since I was a child" Interviewee (Witten & Eyler, 1999, p. 461)

In addition to tracking through hotline calls and service requests, other organizations have begun collecting information about the murder of transgender people. Organizations such as the Southern Poverty Law Center's *Intelligence Report* collect information based on news accounts, police reports and other sources. Their report claimed that there were 27 murders of transgender people in 2002 and the first nine months of 2003 alone (Moser, 2007). In addition, this report suggests that at the time it was written, of those 27 cases, arrests had been made for only seven cases.

Another source of information about murders of transgender people is a report titled "50 Under 30" from the Gender Public Advocacy Coalition (GPAC). The report related stories of 51 transgender and gender non-conforming individuals under the age of 30 who were murdered in the United States between 1995 and 2005. In collecting

Table 3
NCAVP annual national reports of hate crimes with transgender bias motivation.

NCAVP chapter	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Average per city
Central Coast	0	0	0								0.0
Chicago		0	4	3	1	1	2	2	3	11	3.0
Cleveland	1	3	3	1	0	2	1	0	0		1.2
Colorado	0	4	5	5	12	35	16	5	24	60	16.6
Columbus	6	15	6	6	11	21	26	32	36	44	20.3
Connecticut					6	0					3.0
El Paso	1	11									6.0
Houston	3	3	4	1	2	10	2	0	2	1	2.8
Kansas City								4	5	1	3.3
Los Angeles	17	24	27	23	15	34	15	86	53		32.7
Massachusetts	14	13	2	12	7	7	3	5	0	0	6.3
Michigan/Detroit	2	3	13	6	7	7	5	5	9	8	6.5
Minnesota	0	0	1	10	4	4	8	3	5	12	4.7
New York	0	5	52	58	68	61	73	75	74	81	54.7
Orlando	0	0									0.0
Pennsylvania						3	8	11	3	7	6.4
Providence	0	1	0	0	0						0.2
San Francisco	0	32	56	70	66	96	85	84	50	64	60.3
St. Louis	0	0	0								0.0
Vermont								9	1	8	6.0
Average per year	44	114	173	195	199	281	244	321	265	297	213.3

Blank cells are when there was no information available about a particular location in a given year.
Sources: National Coalition of Anti-Violence Programs (1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007).

information about these murder victims, they also attempted to gather some basic demographic information as well. They found that most victims were people of color (91%), most victims were poor and lived in major cities, most were biologically male but had some variant of a feminine presentation (92%), few murders received media coverage, all the assailants were male and used extreme levels of violence, and most of the murders were not investigated as hate crimes (71%), and most assailants go free. Only 46% had been solved, compared to 69% of other murders (Wilchins & Taylor, 2006). In addition, as of 2006, the "Remembering Our Dead" project, sponsored by Gender Education and Advocacy and authored by Gwendolyn Ann Smith has reported 353 transgender people murdered across the globe since the 1970s.

4. Police reports

The federal government currently does not include gender identity in legislation covering hate crimes — neither in sentence-enhancements nor in mandated tracking of hate crimes in the Uniform Crime Reports. Furthermore, although police agencies record victim data such as race, gender, and location, in the Uniform Crime Reports for crimes *not* motivated by hate, these reports also do not include information about gender identity. Hence, the Uniform Crime Reports published by the FBI offers no information about violence against members of the transgender community.

However, California, Colorado, Connecticut, Hawaii, Maryland, New Mexico, Minnesota, Missouri, Pennsylvania, and Vermont include gender identity in their hate crime laws that cover a variety of criminal acts, though none specify statistical tracking (Human Relations Commission, 2005). When surveying reports from states that include gender identity in their definitions of hate crime, and that publish reports about their data collection, these states provide very little information on hate crimes based on gender identity. Of the 10 states that cover gender identity in their hate crime laws, none reports any gender-identity based hate crimes. At this point, it is unclear whether or not gender identity based hate crimes are being reported to police. Then, if they are being reported, it is possible that these reports are being subsumed in either the sexual orientation or gender based hate crime sections of these yearly summaries.

Data from the police can also occur in unexpected places. Among the other 40 states, one can find sporadic inclusion of gender identity based hate crimes, even among those who do not include gender identity in their hate crime laws. For example, in 2001 Connecticut reported a hate crime against a "transsexual" (listing it under sexual orientation based hate crimes), and New York in 2002 reported one hate crime based on "gender identity expression."

Police reports are one of the most commonly used for estimates of violence. However, in the case of violence against transgender people, reports suffer from a variety of problems that make estimating the total incidence of violence challenging.

4.1. Social surveys and police reporting

> "I got raped at 18 because they wanted to set me straight. I went to the police and the police said to me, 'he who lays with dogs should expect to get fleas,' that's what I got. So from that moment on I knew the police were never gonna help me." Interviewee (Moran & Sharpe, 2002 p. 279)

Evidence of reporting assaults to the police coincides with theoretical pieces that suggest that transgender people are hesitant to report to authorities (Moran & Sharpe, 2002; Moran & Sharpe, 2004). As previously discussed in both the sexual violence and physical violence sections, transgender victims are unlikely to report to police.

Based on this limited evidence, it appears that reporting physical violence to the police is distressingly low. This troubling rate could exist for many reasons, however, two research projects might offer an insight into why reporting rates are so low. Lombardi et al. (2001) found that a 7.7% of respondents also had suffered unjustified arrests, and as previously stated, Reback et al. (2001) also found that 37% of the perpetrators of verbal abuse were police, and 14% of perpetrators of physical assaults were police personnel. Thus, one could infer that authorities such law enforcement may have a low level of trust with transgender victims of violence.

5. Methodological limitations of violence and transgender people

Although these three sources offer a wide variety of information about the violence faced by transgender people, it is important to consider the limitations in each source. Each of these data gathering strategies has numerous methodological issues that are too numerous to discuss reasonably within the scope of this paper. However, there are significant issues shared by all three forms of measurement, and

that are unique to each, that are critical for understanding how these different sources inform us about violence against transgender people.

Foremost among these methodological issues are issues of sampling. Police reports have sampling issues directly related to biases in reporting. Vulnerable populations have notoriously low faith in the police, and often have low crime reporting rates (e.g., Harlow, 2005). Relying on social service records or hotline calls also suffers from sampling issues because of inequality of access and willingness to report. Although one could assume that those people who have access to these types of services dealing with experiences of violence that are trans-sensitive will decrease the reporting bias, there are still those who are unwilling to access them for a variety of other reasons. Finally, self-report surveys often use samples that are easiest to access and the most visible, such as transgender people accessing drug rehabilitation centers, HIV/AIDS services, or who are engaged in sex work. This clearly does not reflect a representative sample of the wide variety of transgender people in the United States and around the world.

In addition to sampling bias, there is another methodological issue shared by all three sources of data. Transgender people suffer a similar problem with categorization that lesbian, gay, and bisexual people do — namely, there is confusion about what defines a transgender person. This confusion is not just among the general population, but even the portions of the population expected to be serving transgender people. For example, when interviewing prosecutors about gender-based hate crimes, McPhail and DiNitto (2005) found that interviewers had to explain the differences between hate crimes based on gender and sexual orientation to many prosecutors.

There are indications that prosecutors are not alone in being unable to effectively do their jobs in regard to transgender people, and government attempts to consolidate a system of measurement to help clarify and standardize this process have failed. After being dropped from initial hate crime laws and early workplace anti-discrimination laws in the 1990s, in 2007 both the House and Senate passed versions of a hate crime law, called the Matthew Shepard Act, that would have mandated the FBI to count transgender hate crimes in the United States as they counted those based on race, ethnicity, sexual orientation, religion, and disability. The bill would have also provided federal resources to jurisdictions that needed help investigating and prosecuting any hate crimes that they felt they were unprepared for, including those based on gender identity. However, because this bill was attached to Defense spending in the Senate version, later attempts to reconcile the language of the House and Senate versions proved unsuccessful, and this bill has effectively died. This means that currently there is no federal system for collecting statistics measuring the violence against transgender people, or laws that clarify the relationship between gender identity and violence. Thus, discrepancies in how transgender people are categorized, how data are tracked and stored, and how it is presented will continue.

Besides sampling issues shared by all three sources, there is also a serious methodological issue in how questions are framed or are being asked or included in data. Police data only include those crimes where a police officer had the foresight to ask about or recognize someone's non-standard gender identity, then report it in official documentation, and to investigate how gender identity might have contributed to a crime. The NCAVP chapters generally use a standard intake form emergency calls and requests for social services, which increases the standardization of their results, but they only report a single number – the total number of victims – without actually reporting or digging deeper into other information in the victim reports. Although self-report surveys tend to have the highest level of data, often due to the fact that their main focus is not violence or victimization, the information is highly simplistic, and questions are often added as an afterthought with little true planning. For example, the most common questions of "have you ever been raped" or "have you ever been the victim of violence" with only "yes" or "no" answers do not offer a lot of insight into violence other than a raw number of people who have been victims of some kind of violence. The reasons that a meta-analysis is not possible from current self-report surveys are because of the wide variety of questions and their generally poor construction, making comparisons across self-report studies nearly impossible.

All three sources also share the problem of offering little in the way of explanation for how or why transgender people are victimized. Although there are many theoretical suggestions (e.g., Felsenthal, 2005) for why transgender people are targeted for high levels of violence and discrimination, little to no data exist or are being reported that offers insight into the reasons. Stotzer (2008) re-analyzed data from five years worth of reports of hate crimes against transgender people made to the Los Angeles County Commission on Human Relations, and found suggestions in the crime details that the reasons for hate crimes against transgender people are far more complex than just possessing non-normative gender-identities. There was evidence of intersections of gender identity, race, class, and education as causes for the crimes of violence against transgender people. However, the self-report surveys to date have asked few questions about violence, and even fewer about crime details that could illuminate causes. Organizations that report their data about violence against transgender people, such as the NCAVP, often have rich data from their intake surveys, but report on just the bare essential descriptive statistics with little statistical complexity. Finally, large-scale police reports often have nothing more than a raw number of crimes reported. Thus, this methodological issue becomes a large barrier to implement effective laws or policies when so little is known about the violence being perpetrated against transgender people.

Although there are more methodological issues that could be discussed at length in regard to measuring violence against transgender people from all three sources, what is clear is that better methods need to be employed to get more accurate data about transgender people. Right now inconsistent methods – including non-representative sampling, inconsistent survey questions, confusion about the category of "transgender", and more – are only allowing hints of the scope of the problem of violence against transgender people. Improvement in methodology would move the field closer to an accurate approximation of the violence transgender people encounter throughout their lives. As this field moves forward, more research can focus on the strengths of transgender people that have allowed the transgender movement to grow throughout the 1990s and 2000s. Identifying the nature and extent of the violence is on the first step in understanding the effect that violence has in the lives of transgender people.

6. Conclusion

When combining all three forms of violence reporting it becomes clear that among transgender people, known others are physically and sexually assaulting transgender people at high rates, and strangers are physically and sexually assaulting transgender people, but also harassing them and causing other types of violence and abuse. These acts of violence are not single incidents, but happen across a lifetime, and often a single individual experiences multiple acts of violence or intolerance on a daily basis. However, although these three sources can offer some information about raw numbers of victims, and some information about types of crimes, the data are extremely limited by methodological concerns that make it impossible to determine causes or determinants of violence. Thus, these sources of information can offer a hazy picture of the problem without the clarity needed to effectively implement changes to law or policy, and even less for determining what are appropriate services for preventing violence or dealing with it effectively when violence does happen.

Not only are transgender people suffering from physical assaults, sexual assaults, and harassment in public places by strangers, but a large portion also suffer these forms of violence in their homes from people that they know. Self-reports have offered the highest level of

details about the prevalence of hate crimes, suggesting that the majority of transgender people will experience violence in their lifetimes, and that risk for violence starts at an early age. Reports from hotline calls and to the police offer an estimate of the high incidence of hate crimes against transgender people as well. However, the problems inherent to police reports — namely the lack of data being collected on bias crimes against transgender people because gender identity is not included in hate crime legislation — make estimating a national incidence rate difficult. Legislation aimed at including gender identity into federal hate crime tracking mandates can help to solve this problem in police reporting.

Policy is often based on "official" sources such as law enforcement crime statistics; however, transgender victims of violence are almost absent from the law enforcement view of crime. Yet, without adequate statistics on the victimization of transgender people, it is unlikely that these issues of violence will move onto law enforcement's agenda. Self-report surveying is starting to bridge that gap, but with severe limitations on methods where convenience sampling of the most vulnerable transgender people does not give a complete view to the needs of transgender people to protect them from, and support them after, experiences of violence. And although the Herculean effort of special interest groups such as the NCAVP are to be admired, these data too are sadly skewed based on victims who are willing to report, and those who live near one of the urban anti-violence projects in the country. Therefore, at this point, although these three methods are painting a beginning to illuminate the public about the violence faced by transgender people, they are not yet adequate to truly understand the nature, severity, consequences, or antecedents of this violence.

What is beginning to emerge from these multiple sources of data are the increased risks of variety of types of violence, though in particular sexual violence, faced by transgender people. This risk starts early in life and continues throughout the lifetime. Transgender people appear to be victimized by strangers and people they know, including their families and loved ones, with equal frequency. In addition, it appears that this violence occurs at home, at work, and in public places. Although transgender people face these heightened risks and horrific instances of violence, the transgender movement is still growing and flourishing. However, in order for effective laws and policies to be enacted, and for effective social service organizations to be implemented, research that addresses the serious methodological failings of these three data sources must be addressed.

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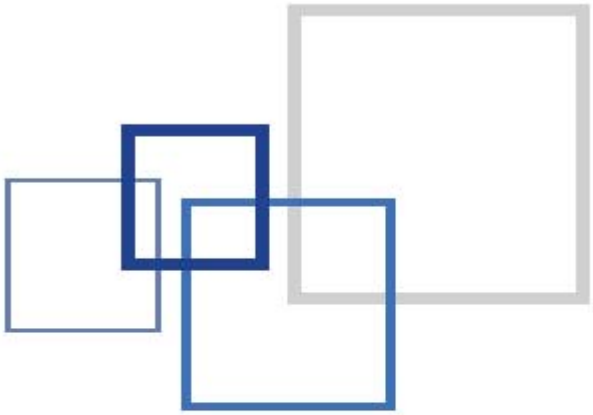


THE REPORT OF THE

2015 U.S. TRANSGENDER SURVEY

EXECUTIVE SUMMARY

December 2016

USTS Executive Summary

The 2015 U.S. Transgender Survey (USTS) is the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents from all fifty states, the District of Columbia, American Samoa, Guam, Puerto Rico, and U.S. military bases overseas. Conducted in the summer of 2015 by the National Center for Transgender Equality, the USTS was an anonymous, online survey for transgender adults (18 and older) in the United States, available in English and Spanish. The USTS serves as a follow-up to the groundbreaking 2008–09 National Transgender Discrimination Survey (NTDS), which helped to shift how the public and policymakers view the lives of transgender people and the challenges they face. The report of the 2015 USTS provides 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 findings reveal disturbing patterns of mistreatment and discrimination and startling disparities between transgender people in the survey and the U.S. population when it comes to the most basic elements of life, such as finding a job, having a place to live, accessing medical care, and enjoying the support of family and community. Survey respondents also experienced harassment and violence at alarmingly high rates. Several themes emerge from the thousands of data points presented in the full survey report.

Pervasive Mistreatment and Violence

Respondents reported high levels of mistreatment, harassment, and violence in every aspect of life. One in ten (10%) of those who were out to their immediate family reported that a family member was violent towards them because they were transgender, and 8% were kicked out of the house because they were transgender.

The majority of respondents who were out or perceived as transgender while in school (K–12) experienced some form of mistreatment, including being verbally harassed (54%), physically attacked (24%), and sexually assaulted (13%) because they were transgender. Further, 17% experienced such severe mistreatment that they left a school as a result.

In the year prior to completing the survey, 30% of respondents who had a job reported being fired, denied a promotion, or experiencing some other form of mistreatment in the workplace due to their gender identity or expression, such as being verbally harassed or physically or sexually assaulted at work.

In the year prior to completing the survey, 46% of respondents were verbally harassed and 9% were physically attacked because of being transgender. During that same time period, 10% of respondents were sexually assaulted, and nearly half (47%) were sexually assaulted at some point in their lifetime.

Severe Economic Hardship and Instability

The findings show large economic disparities between transgender people in the survey and the U.S. population. Nearly one-third (29%) of respondents were living in poverty, compared to 14% in the U.S. population. A major contributor to the high rate of poverty is likely respondents' 15% unemployment rate—three times higher than the unemployment rate in the U.S. population at the time of the survey (5%).

Respondents were also far less likely to own a home, with only 16% of respondents reporting homeownership, compared to 63% of the U.S. population. Even more concerning, nearly one-third (30%) of respondents have experienced homelessness at some point in their lifetime, and 12% reported experiencing homelessness in the year prior to completing the survey because they were transgender.

Harmful Effects on Physical and Mental Health

The findings paint a troubling picture of the impact of stigma and discrimination on the health of many transgender people. A staggering 39% of respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population. Among the starkest findings is that 40% of respondents have attempted suicide in their lifetime—nearly nine times the attempted suicide rate in the U.S. population (4.6%).

Respondents also encountered high levels of mistreatment when seeking health care. In the year prior to completing the survey, one-third (33%) of those who saw a health care provider had at least one negative experience related to being transgender, such as being verbally harassed or refused treatment because of their gender identity. Additionally, nearly one-quarter (23%) of respondents reported that they did not seek the health care they needed in the year prior to completing the survey due to fear of being mistreated as a transgender person, and 33% did not go to a health care provider when needed because they could not afford it.

The Compounding Impact of Other Forms of Discrimination

When respondents' experiences are examined by race and ethnicity, a clear and disturbing pattern is revealed: transgender people of color experience deeper and broader patterns of discrimination than white respondents and the U.S. population. While respondents in the USTS sample overall were more than twice as likely as the U.S. population to be living in poverty, people of color, including Latino/a (43%), American Indian (41%), multiracial (40%), and Black (38%) respondents, were up to three times as likely as the U.S. population (14%) to be living in poverty. The unemployment rate among transgender people of color (20%) was four times higher than the U.S. unemployment rate (5%). People of color also experienced greater health disparities. While 1.4% of all respondents were living with HIV—nearly five times the rate in the U.S. population (0.3%)—the rate among Black respondents (6.7%) was substantially higher, and the rate for Black transgender women was a staggering 19%.

Undocumented respondents were also more likely to face severe economic hardship and violence than other respondents. In the year prior to completing the survey, nearly one-quarter (24%) of undocumented respondents were physically attacked. Additionally, one-half (50%) of undocumented respondents have experienced homelessness in their lifetime, and 68% have faced intimate partner violence.

Respondents with disabilities also faced higher rates of economic instability and mistreatment. Nearly one-quarter (24%) were unemployed, and 45% were living in poverty. Transgender people with disabilities were more likely to be currently experiencing serious psychological distress (59%) and more likely to have attempted suicide in their lifetime (54%). They also reported higher rates of mistreatment by health care providers (42%).

Increased Visibility and Growing Acceptance

Despite the undeniable hardships faced by transgender people, respondents' experiences also show some of the positive impacts of growing visibility and acceptance of transgender people in the United States.

One such indication is that an unprecedented number of transgender people—nearly 28,000—completed the survey, more than four times the number of respondents in the 2008–09 NTDS. This number of transgender people who elevated their voices reflects the historic growth in visibility that the transgender community has seen in recent years. Additionally, this growing visibility has lifted up not only the voices of transgender men and women, but also people who are non-binary, which is a term that is often used to describe

people whose gender identity is not exclusively male or female, including those who identify as no gender, as a gender other than male or female, or as more than one gender. With non-binary people making up over one-third of the sample, the need for advocacy that is inclusive of all identities in the transgender community is clearer than ever.

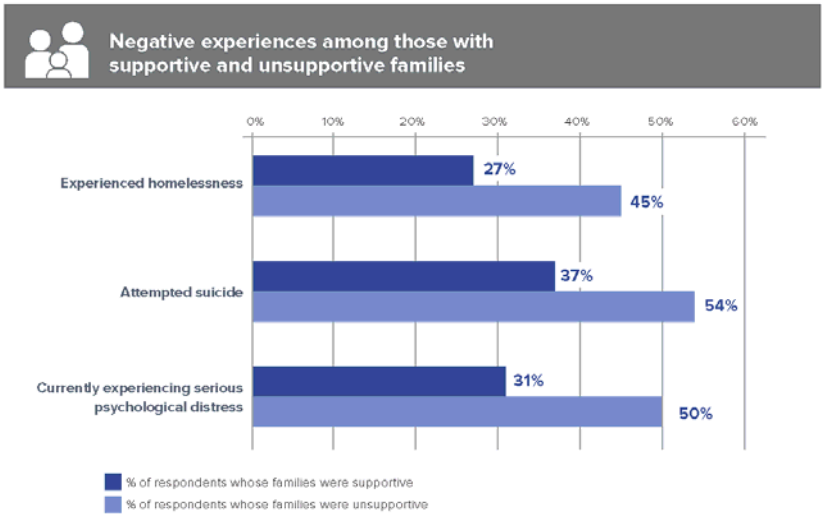
Respondents' experiences also suggest growing acceptance by family members, colleagues, classmates, and other people in their lives. More than half (60%) of respondents who were out to their immediate family reported that their family was supportive of them as a transgender person. More than two-thirds (68%) of those who were out to their coworkers reported that their coworkers were supportive. Of students who were out to their classmates, more than half (56%) reported that their classmates supported them as a transgender person.

Overall, the report provides evidence of hardships and barriers faced by transgender people on a day-to-day basis. It portrays the challenges that transgender people must overcome and the complex systems that they are often forced to navigate in multiple areas of their lives in order to survive and thrive. Given this evidence, governmental and private institutions throughout the United States should address these disparities and ensure that transgender people are able to live fulfilling lives in an inclusive society. This includes eliminating barriers to quality, affordable health care, putting an end to discrimination in schools, the workplace, and other areas of public life, and creating systems of support at the municipal, state, and federal levels that meet the needs of transgender people and reduce the hardships they face. As the national conversation about transgender people continues to evolve, public education efforts to improve understanding and acceptance of transgender people are crucial. The rates of suicide attempts, poverty, unemployment, and violence must serve as an immediate call to action, and their reduction must be a priority. Despite policy improvements over the last several years, it is clear that there is still much work ahead to ensure that transgender people can live without fear of discrimination and violence.

Overview of Key Findings

Family Life and Faith Communities

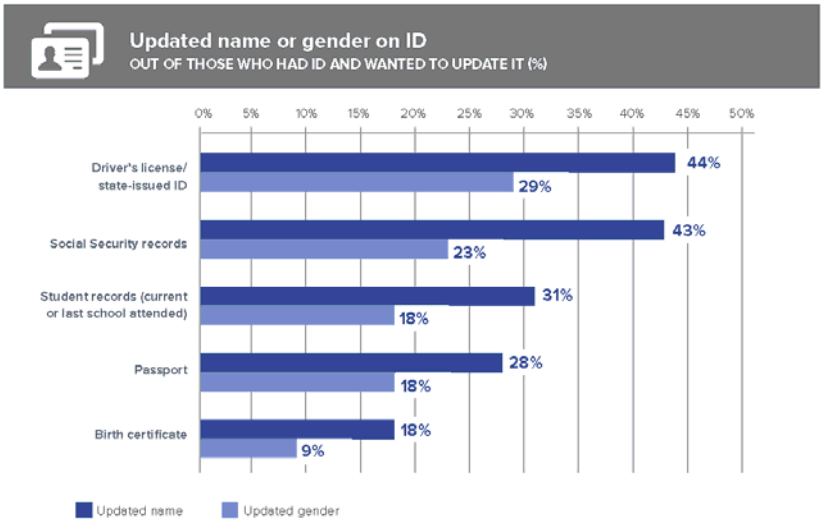
- **A majority of respondents (60%) who were out to the immediate family they grew up with said that their family was generally supportive of their transgender identity**, while 18% said that their family was unsupportive, and 22% said that their family was neither supportive nor unsupportive.
- **Those who said that their immediate families were supportive were less likely to report a variety of negative experiences related to economic stability and health**, such as experiencing homelessness, attempting suicide, or experiencing serious psychological distress.



- **One in ten (10%)** respondents who were out to their immediate family reported that **a family member was violent towards them** because they were transgender.
- **One in twelve (8%)** respondents who were out to their immediate family **were kicked out of the house**, and one in ten (10%) ran away from home.
- **Nineteen percent (19%) of respondents who had ever been part of a spiritual or religious community left due to rejection**. Forty-two percent (42%) of those who left later found a welcoming spiritual or religious community.

Identity Documents

- **Only 11% of respondents reported that *all* of their IDs had the name and gender they preferred, while more than two-thirds (68%) reported that *none* of their IDs had the name and gender they preferred.**



- **The cost of changing ID documents was one of the main barriers respondents faced**, with 35% of those who have not changed their legal name and 32% of those who have not updated the gender on their IDs reporting that it was because they could not afford it.
- Nearly **one-third (32%)** of respondents **who have shown an ID with a name or gender that did not match their gender presentation were verbally harassed, denied benefits or service, asked to leave, or assaulted.**

Health Insurance and Health Care

- **One in four (25%) respondents experienced a problem in the past year with their insurance related to being transgender**, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.
- **More than half (55%) of those who sought coverage for transition-related surgery in the past year were denied**, and 25% of those who sought coverage for hormones in the past year were denied.
- **One-third (33%) of those who saw a health care provider in the past year reported having at least one negative experience related to being transgender**, with higher rates for people of color and people with disabilities. This included being refused treatment, verbally harassed, or physically or sexually assaulted, or having to teach the provider about transgender people in order to get appropriate care.
- In the past year, **23% of respondents did not see a doctor when they needed to because of fear of being mistreated as a transgender person**, and 33% did not see a doctor when needed because they could not afford it.

Psychological Distress and Attempted Suicide

- **Thirty-nine percent (39%) of respondents experienced serious psychological distress** in the month before completing the survey (based on the Kessler 6 Psychological Distress Scale), compared with only 5% of the U.S. population.
- **Forty percent (40%) have attempted suicide *in their lifetime*, nearly nine times the rate in the U.S. population (4.6%).**
- **Seven percent (7%) attempted suicide *in the past year*—nearly twelve times the rate in the U.S. population (0.6%).**

HIV

- Respondents were **living with HIV (1.4%) at nearly five times the rate in the U.S. population (0.3%).**
- **HIV rates were higher among transgender women (3.4%)**, especially transgender women of color. **Nearly one in five (19%) Black transgender women were living with HIV**, and American Indian (4.6%) and Latina (4.4%) women also reported higher rates.

Experiences in Schools

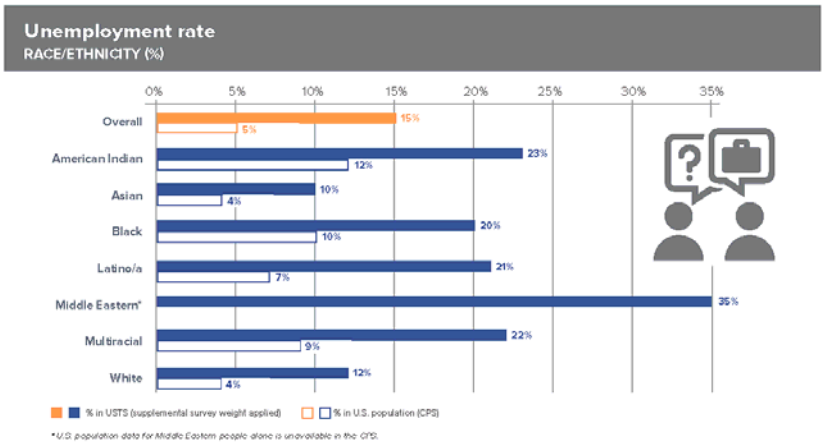
- **More than three-quarters (77%)** of those who were out or perceived as transgender at some point between Kindergarten and Grade 12 (K–12) **experienced some form of mistreatment**, such as being verbally harassed, prohibited from dressing according to their gender identity, disciplined more harshly, or physically or sexually assaulted because people thought they were transgender.
- **Fifty-four percent (54%)** of those who were out or perceived as transgender in K–12 **were verbally harassed, nearly one-quarter (24%) were physically attacked, and 13% were sexually assaulted in K–12 because of being transgender.**
- **Seventeen percent (17%) faced such severe mistreatment as a transgender person that they left a K–12 school.**
- **Nearly one-quarter (24%)** of people who were out or perceived as transgender in college or vocational school **were verbally, physically, or sexually harassed.**

Experiences of people who were out as transgender in K–12 or believed classmates, teachers, or school staff thought they were transgender

EXPERIENCES	% OF THOSE WHO WERE OUT OR PERCEIVED AS TRANSGENDER
Verbally harassed because people thought they were transgender	54%
Not allowed to dress in a way that fit their gender identity or expression	52%
Disciplined for fighting back against bullies	36%
Physically attacked because people thought they were transgender	24%
Believe they were disciplined more harshly because teachers or staff thought they were transgender	20%
Left a school because the mistreatment was so bad	17%
Sexually assaulted because people thought they were transgender	13%
Expelled from school	6%
One or more experiences listed	**77%**

Income and Employment Status

- **The unemployment rate among respondents (15%) was three times higher than the unemployment rate in the U.S. population (5%),** with Middle Eastern, American Indian, multiracial, Latino/a, and Black respondents experiencing higher rates of unemployment.



- **Nearly one-third (29%) were living in poverty, more than twice the rate in the U.S. population (14%).**

Employment and the Workplace

- **One in six (16%)** respondents who have ever been employed—or 13% of all respondents in the sample—**reported losing a job because of their gender identity or expression** in their lifetime.
- **In the past year, 27%** of those who held or applied for a job during that year—19% of all respondents—**reported being fired, denied a promotion, or not being hired for a job they applied for because of their gender identity or expression.**
- **Fifteen percent (15%) of respondents who had a job in the past year were verbally harassed, physically attacked, and/or sexually assaulted** at work because of their gender identity or expression.
- **Nearly one-quarter (23%) of those who had a job in the past year reported other forms of mistreatment** based on their gender identity or expression during that year,

such as being forced to use a restroom that did not match their gender identity, being told to present in the wrong gender in order to keep their job, or having a boss or coworker share private information about their transgender status without their permission.

- **Overall, 30% of respondents who had a job in the past year reported being fired, denied a promotion, or experiencing some other form of mistreatment related to their gender identity or expression.**
- **More than three-quarters (77%)** of respondents who had a job in the past year **took steps to avoid mistreatment in the workplace**, such as hiding or delaying their gender transition or quitting their job.

Housing, Homelessness, and Shelter Access

- **Nearly one-quarter (23%) of respondents experienced some form of housing discrimination in the past year**, such as being evicted from their home or denied a home or apartment because of being transgender.
- **Nearly one-third (30%) of respondents have experienced homelessness at some point in their lives.**
- **In the past year, one in eight (12%) respondents experienced homelessness** because of being transgender.
- **More than one-quarter (26%) of those who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person**. Those who did stay in a shelter reported high levels of mistreatment: **seven out of ten (70%)** respondents who stayed in a shelter in the past year reported some form of mistreatment, including being harassed, sexually or physically assaulted, or kicked out because of being transgender.

Seven out of ten respondents who stayed in a shelter in the past year reported being mistreated because of being transgender.

- Respondents were nearly **four times less likely to own a home (16%) compared to the U.S. population (63%).**

Sex Work and Other Underground Economy Work

- Respondents reported high rates of experience in the underground economy, including sex work, drug sales, and other work that is currently criminalized. **One in five (20%) have participated in the underground economy** for income at some point in their lives—including 12% who have done sex work in exchange for income—and 9% did so in the past year, with higher rates among women of color.
- Respondents who interacted with the police either while doing sex work or while the police mistakenly thought they were doing sex work reported high rates of police harassment, abuse, or mistreatment, with **nearly nine out of ten (86%) reporting being harassed, attacked, sexually assaulted, or mistreated in some other way by police**.
- **Those who have done income-based sex work were also more likely to have experienced violence.** More than three-quarters (77%) have experienced intimate partner violence and 72% have been sexually assaulted, a substantially higher rate than the overall sample. Out of those who were working in the underground economy at the time they took the survey, nearly half (41%) were physically attacked in the past year and over one-third (36%) were sexually assaulted during that year.

Police Interactions and Prisons

- **Respondents experienced high levels of mistreatment and harassment by police.** In the past year, of respondents who interacted with police or law enforcement officers who thought or knew they were transgender, **more than half (58%) experienced some form of mistreatment.** This included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest.
- **Police frequently assumed that respondents—particularly transgender women of color—were sex workers.** In the past year, of those who interacted with law enforcement officers who thought or knew they were transgender, one-third (33%) of Black transgender women and 30% of multiracial women said that an officer assumed they were sex workers.
- **More than half (57%)** of respondents said they would feel **uncomfortable asking the police for help** if they needed it.
- Of those who were arrested in the past year (2%), **nearly one-quarter (22%) believed they were arrested because they were transgender**.

Places of Public Accommodation

- Respondents reported being denied equal treatment or service, verbally harassed, or physically attacked at many places of public accommodation—places that provide services to the public, like retail stores, hotels, and government offices. Out of respondents who visited a place of public accommodation where staff or employees thought or knew they were transgender, **nearly one-third (31%) experienced at least one type of mistreatment in the past year in a place of public accommodation**. This included 14% who were denied equal treatment or service, 24% who were verbally harassed, and 2% who were physically attacked because of being transgender.
- **One in five (20%) respondents did not use at least one type of public accommodation** in the past year because they feared they would be mistreated as a transgender person.

Denied equal treatment or service, verbally harassed, or physically attacked in public accommodations in the past year because of being transgender

LOCATION VISITED	% OF THOSE WHO SAID STAFF KNEW OR THOUGHT THEY WERE TRANSGENDER
Public transportation	34%
Retail store, restaurant, hotel, or theater	31%
Drug or alcohol treatment program	22%
Domestic violence shelter or program or rape crisis center	22%
Gym or health club	18%
Public assistance or government benefit office	17%
Department of Motor Vehicles (DMV)	14%
Nursing home or extended care facility	14%
Court or courthouse	13%
Social Security office	11%
Legal services from an attorney, clinic, or legal professional	6%

Experiences in Restrooms

The survey data was collected before transgender people's restroom use became the subject of increasingly intense and often harmful public scrutiny in the national media and legislatures around the country in 2016. Yet respondents reported facing frequent harassment and barriers when using restrooms at school, work, or in public places.

- **Nearly one in ten (9%) respondents reported that someone denied them access to a restroom in the past year.**
- In the past year, **respondents reported being verbally harassed (12%), physically attacked (1%), or sexually assaulted (1%)** when accessing a restroom.

- **More than half (59%)** of respondents **avoided using a public restroom** in the past year because they were afraid of confrontations or other problems they might experience.
- **Nearly one-third (32%)** of respondents **limited the amount that they ate and drank** to avoid using the restroom in the past year.
- **Eight percent (8%)** reported having a **urinary tract infection, kidney infection, or another kidney-related problem** in the past year as a result of avoiding restrooms.

More than half (59%) of respondents **avoided using a public restroom** in the past year because they were afraid of confrontations or other problems they might experience.

Civic Participation and Party Affiliation

- **More than three-quarters (76%) of U.S. citizens of voting age in the sample reported that they were registered to vote in the November 2014 midterm election**, compared to 65% in the U.S. population.
- **More than half (54%)** of U.S. citizens of voting age **reported that they had voted in the midterm election,** compared to 42% in the U.S. population.
- **Half (50%) of respondents identified as Democrats, 48% identified as Independents, and 2% identified as Republicans**, compared to 27%, 43%, and 27% in the U.S. population, respectively.

Political party affiliation

POLITICAL PARTY	% IN USTS	% IN U.S. POPULATION (GALLUP)
Democrat	50%	27%
Independent	48%	43%
Republican	2%	27%

About the National Center for Transgender Equality

The National Center for Transgender Equality (NCTE) is the nation's leading social justice policy advocacy organization devoted to ending discrimination and violence against transgender people. NCTE was founded in 2003 by transgender activists who recognized the urgent need for policy change to advance transgender equality. NCTE now has an extensive record winning life-saving changes for transgender people. NCTE works by educating the public and by influencing local, state, and federal policymakers to change policies and laws to improve the lives of transgender people. By empowering transgender people and our allies, NCTE creates a strong and clear voice for transgender equality in our nation's capital and around the country.

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The Report of the

2015 U.S. Transgender Survey: Executive Summary

by:

Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anafi

December 2016

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The full report of the 2015 U.S. Transgender Survey is available at www.USTransSurvey.org.

Updated January 2017

THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY

National Center for TRANSGENDER EQUALITY

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Nat'l Ctr. for Transgender Equality, 2015 U.S. Transgender Survey: Pennsylvania State Report (Oct. 2017 update), available at http://www.transequality.org/sites/default/files/docs/usts/USTSPAStateReport%281017%29.pdf

2015 U.S. TRANSGENDER SURVEY

Pennsylvania State Report

The 2015 U.S. Transgender Survey (USTS) is the largest survey examining the experiences of transgender people in the United States, with 27,715 respondents nationwide. The USTS was conducted by the National Center for Transgender Equality in the summer of 2015. Of respondents in the USTS, 1,171 were Pennsylvania residents.[1] This report discusses the experiences of respondents living in Pennsylvania.

Income and Employment Status

- 11% of respondents in Pennsylvania were unemployed.[2]
- 31% were living in poverty.[3]

Employment and the Workplace

- 16% of respondents who have ever been employed reported losing a job in their lifetime because of their gender identity or expression.
- In the past year, 23% of those who held or applied for a job during that year reported being fired, being denied a promotion, or not being hired for a job they applied for because of their gender identity or expression.
- Respondents who had a job in the past year reported being verbally harassed (14%), physically attacked (1%), and sexually assaulted (1%) at work because of their gender identity or expression.
- 18% of those who had a job in the past year reported other forms of mistreatment based on their gender identity or expression during that year, such as being forced to use a restroom that did not match their gender identity, being told to present in the wrong gender in order to keep their job, or having a boss or coworker share private information about their transgender status with others without their permission.

Education

- 77% of those who were out or perceived as transgender at some point between Kindergarten and Grade 12 (K–12) experienced some form of mistreatment, such as being verbally harassed, prohibited from dressing according to their gender identity, disciplined more harshly, or physically or sexually assaulted because people thought they were transgender.
  - 55% of those who were out or perceived as transgender in K–12 were verbally harassed, 26% were physically attacked, and 11% were sexually assaulted in K–12 because of being transgender.
  - 12% faced such severe mistreatment as a transgender person that they left a K–12 school.

- 25% of respondents who were out or perceived as transgender in college or vocational school were verbally, physically, or sexually harassed because of being transgender.

Housing, Homelessness, and Shelter Access

- 21% of respondents experienced some form of housing discrimination in the past year, such as being evicted from their home or denied a home or apartment because of being transgender.
- 29% have experienced homelessness at some point in their lives.
- 10% experienced homelessness in the past year because of being transgender.
- 22% of respondents who experienced homelessness in the past year avoided staying in a shelter because they feared being mistreated as a transgender person.

Public Accommodations

- Respondents reported being denied equal treatment or service, verbally harassed, or physically attacked at many places of public accommodation—places that provide services to the public, like retail stores, hotels, and government offices.
- Of respondents who visited a place of public accommodation where staff or employees thought or knew they were transgender, 31% experienced at least one type of mistreatment in the past year. This included 16% who were denied equal treatment or service, 25% who were verbally harassed, and 2% who were physically attacked because of being transgender.

Restrooms

- 10% of respondents reported that someone denied them access to a restroom in the past year.
- In the past year, respondents reported being verbally harassed (11%) and sexually assaulted (1%) when accessing a restroom.
- 57% of respondents avoided using a public restroom in the past year because they were afraid of confrontations or other problems they might experience.
- 30% of respondents limited the amount that they ate or drank to avoid using the restroom in the past year.

Police Interactions

- Respondents experienced high levels of mistreatment and harassment by police. In the past year, of respondents who interacted with police or other law enforcement officers who thought or knew they were transgender, 51% experienced some form of mistreatment. This included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest.
- 60% of respondents said they would feel uncomfortable asking the police for help if they needed it.

Health

- 24% of respondents experienced a problem in the past year with their insurance related to being transgender, such as being denied coverage for care related to gender transition or being denied coverage for routine care because they were transgender.
- 30% of those who saw a health care provider in the past year reported having at least one negative experience related to being transgender. This included being refused treatment, verbally harassed, or physically or sexually assaulted, or having to teach the provider about transgender people in order to get appropriate care.
- In the past year, 22% of respondents did not see a doctor when they needed to because of fear of being mistreated as a transgender person, and 30% did not see a doctor when needed because they could not afford it.
- 36% of respondents experienced serious psychological distress in the month before completing the survey (based on the Kessler 6 Psychological Distress Scale).[4]
- 12% of respondents reported that a professional, such as a psychologist, counselor, or religious advisor, tried to stop them from being transgender.

Identity Documents

- Only 9% of respondents reported that *all* of their IDs had the name and gender they preferred, while 69% reported that *none* of their IDs had the name and gender they preferred.
- The cost of changing IDs was one of the main barriers respondents faced, with 35% of those who have not changed their legal name and 27% of those who have not updated the gender on their IDs reporting that it was because they could not afford it.
- 30% of respondents who have shown an ID with a name or gender that did not match their gender presentation were verbally harassed, denied benefits or service, asked to leave, or assaulted.

ENDNOTES | PENNSYLVANIA STATE REPORT

1. The number of respondents in Pennsylvania (n=1,171) is an unweighted value. All reported percentages are weighted. For more information on the weighting procedures used to report 2015 U.S. Transgender Survey data, see the full survey report, available at www.USTransSurvey.org.
2. For reference, the U.S. unemployment rate was 5% at the time of the survey, as reported by the Bureau of Labor Statistics. See the full report for more information about this calculation.
3. For reference, the U.S. poverty rate was 12% at the time of the survey. The research team calculated the USTS poverty measure using the official poverty measure, as defined by the U.S. Census Bureau. USTS respondents were designated as living in poverty if their total family income fell under 125% of the official U.S. poverty line. See the full report for more information about this calculation.
4. For reference, 5% of the U.S. population reported experiencing serious psychological distress during the prior month as reported in the 2015 National Survey on Drug Use and Health. See the full report for more information about this calculation.

2015 U.S. Transgender Survey

Pennsylvania State Report

May 2017

The full report and Executive Summary of the 2015 U.S. Transgender Survey are available at www.USTransSurvey.org.

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Updated October 2017

USTransSurvey.org | TransEquality.org

Appendix G: Name Change News Articles

The New York Times

For Transgender People, Name Is a Message

By WILLIAM GLABERSON
Published: January 24, 2010

Katherine used to be Miguel. Olin had a girl's name. And in October, Robert Ira Schnur, 70, became Roberta Iris Schnur, a Manhattan retiree with magenta lipstick and, she noted the other day, chipped silver nail polish.

Todd Heisler/The New York Times

ROBERTA IRIS SCHNUR Formerly Robert Ira Schnur, she is one of hundreds of transgender people whose legal names were changed in Manhattan.

Todd Heisler/The New York Times

Ms. Schnur's former identification photos.

"I wasn't like other men," she said.

Theirs are among hundreds of names a Manhattan court has changed over the last few years for transgender New Yorkers. That tally, specialists in the relatively new field of transgender law say, may make the borough's workaday Civil Court one of the country's biggest official name swappers — male names for female, vice versa and ambiguous.

Changing a name might seem like a minor matter for those who are changing their gender identities and, for some, facing challenges like finding knowledgeable doctors, trying hormones and experimenting with painful hair-removal procedures. But many who have gone through the switch say a name change sends an important message to the world, a message solidified and made official with a court's approval.

In many courts around the country, what were once risky or shocking name-change requests are becoming more routine as the sting of gender taboo has lost a little of its edge. But in few places has this shift been more dramatic than in New York, where two recent

Todd Heisler/The New York Times

KATHERINE CROSS said that in her case, “the centerpiece was the name change.”

Todd Heisler/The New York Times

EM WHITNEY said his name change was part of a long gender journey from a girl's name.

Todd Heisler/The New York Times

KIT YAN Shedding “Laura” “felt like giving away, say, an ugly Christmas sweater.”

and little-noticed rulings helped clarify the murky area not only of the law but also of modern gender identification. They have contributed to Manhattan’s becoming a capital of Joe-to-Jane proceedings. A rare network of some 200 lawyers now works on such cases filed in the Centre Street courthouse, and nearly 400 of their transgender clients so far have, more or less, become someone else.

“There is a long emotional, physical process that a lot of us have to go through,” said Katherine Cross, 22, of the Bronx, who got her new name in July. She said her transition included learning how to force her voice into a higher register and the basics of shopping for women’s clothing.

“For me,” she said, “the centerpiece was the name change.”

Efforts to extend legal rights to transgender people have increasingly been in the news, including the December announcement by Gov. David A. Paterson of New York to extend antidiscrimination protections to transgender state employees.

Over the last two years, volunteer lawyers from 19 big corporate law firms in New York City have worked on nearly 400 transgender name change cases, according to the advocacy group that is running the project, the Transgender Legal Defense and Education Fund. “In a way, it’s a big coming-out process — with a judge,” said the group’s executive director, Michael D. Silverman.

The lawyers have represented clients from every borough in the Manhattan court, with applicants ranging from occasional cross-dressers to people who have completed gender

reassignment surgery. No one knows how many others have gone to the court on their own or with other lawyers. Indeed, the very number of transgender people in the country and the state is hard to pin down. One survey suggests there are 300,000 in New York State, but others dispute that.

The process of changing a name can be intimidating, said Kit Yan, a 25-year-old poetry slam artist and performer with a hint of facial hair who was born Laura. He failed twice when he tried on his own to get the law to recognize the name a friend suggested after seeing a cartoon character named Kit that looked like him, a little boy in a suit.

With a lawyer in May, Mr. Yan said, he felt relief when he heard “Laura” to summon him for the last time when his case was called. “It felt like giving away, say, an ugly Christmas sweater your mom made you,” Mr. Yan said.

The two recent rulings in New York courts helped clear the way for more such moments on Centre Street.

In one case, an appeals panel overruled a Manhattan civil court judge who had insisted on doctors’ notes giving reasons for name changes in transgender cases. The panel said there was “no sound basis in law or policy” for the requirement and noted that the law generally permits people to change their names unless there is some fraudulent intent involved.

In the other decision, a Westchester judge made an exception to a general requirement that name changes and home addresses be advertised in newspapers, saying the safety issues for people in gender transition were obvious in a world that can be hostile.

The publication requirement insisted upon by some of the Manhattan judges has fed an eerie subculture of readers, many of them prisoners, who follow the newspaper notices. One man forced to advertise that he was becoming a woman received several seductive letters with prison return addresses. “Hello Angel!” said one of the letters. “I am not afraid to take new roads,” said another.

At the gray Manhattan courthouse, where matters like debt collection are the bulk of the work, officials said they were aware of numerous transgender name-change cases.

But those petitions are mixed in with more traditional name-change filings, like applications from immigrants Anglicizing their names. Name-change cases over all

increased at the court to 3,109 in 2009 from 202 in 1995, but officials said they did not keep count of the reasons for the requests.

Gender switches would not necessarily draw much attention at the courthouse, said the court's supervising judge, Jeffrey K. Oing. New York being New York, he said, the threshold for surprise can be high. There was a "buzz in the courthouse," he conceded, after one man renamed himself Jesus Christ.

But the judge said he was not surprised to hear that transgender people had found a receptive audience in many of the 10 Civil Court judges in Manhattan. "I like to think that we live in a very open society here in New York County," he said.

Still, routine changing of gender identification can be startling to some. The Rev. Jason J. McGuire, executive director of New Yorkers for Constitutional Freedoms, which helped defeat the gay-marriage proposal in Albany, said the courts might be ahead of the public on gender issues.

"Oftentimes, the courts are used to advance an agenda," he said, adding that the name changes created loopholes people could use to hide for any number of reasons.

Some of the Centre Street petitioners said they did in fact want to obliterate their old identities. The newly named Em Whitney, a 23-year-old with a toothy smile and a button nose, said the change was part of a long gender journey that began when he was a Texas child with a girl's name and a fascination with androgynous characters like Peter Pan and Shakespeare's Puck.

Mr. Whitney, who has written for The New York Observer newspaper and sometimes introduces himself as Emerson, said daily experiences like presenting a driver's license could be a minefield. "Showing someone a picture and a name of someone who doesn't exist drove me crazy," he said.

Ms. Schnur, the retiree who changed her name in October, took out some old identification cards to make a similar point. The pictures of the man with thinning hair never seemed right, she said.

"I always knew that I wasn't what other people thought I was," she said.

[http://www.nytimes.com/2010/01/25/nyregion/25namechange.html]

post-gazette.com
Pittsburgh Post-Gazette

Legal project helps transgender people get a name change

January 1, 2014 11:57 PM

By Rich Lord / Pittsburgh Post-Gazette

Job interviews are stressful enough without having to explain why you're a woman named Bill or a man named Frieda.

"What we hear most of the time is that people aren't going for jobs because if your name is Jason and you look female, people are confused," said Michael David Battle, executive director of the Garden of Peace Project, a Pittsburgh-based advocacy group for transgender people and other sexual minorities. "We've heard of people going on interviews ... and [interviewers] get angry at them. 'Why are you deceiving me?' No, I'm not deceiving you."

Having a name that doesn't match your appearance can complicate efforts to rent an apartment, attend a university, get health care or even deal with a traffic stop. But getting a name change to match a gender change, which involves petitioning the court and attending a hearing, also can be daunting.

That's why the Transgender Legal Defense & Education Fund last month brought to Pittsburgh its Name Change Project, which helps transgender men and women navigate the legal work needed to modify their monikers. The New York City-based fund is working with the 1-year-old Garden of Peace Project, but also with the venerable law firm Reed Smith and the financial giant Bank of New York Mellon to make names match genders.

"For transgender people, the name that they were given at birth doesn't match who they truly are," said the fund's executive director, Michael Silverman. "It can create instances of discrimination and humiliation that lead transgender people to simply not access services."

Dawn Hill plans to be one of the first Pittsburghers to take advantage of the program. Now 18 years old and a student at Indiana University of Pennsylvania, she came out as gay as a 10th-grader at Carrick High School, then began identifying as a woman in 11th grade.

That made high school "pretty interesting," she said recently.

Putting her given, male name on job applications and medical paperwork also has made for some awkward moments. Now an adult, she doesn't want her every official encounter to necessitate a discussion of her change.

"I want everything to legally say Dawn Hill, because I want everything to coincide with my identity that I feel and how I look, appearance-wise," she said.

A few weeks ago, she shared those feelings with her endocrinologist, who referred her to Mr. Battle. His organization has helped around two dozen people change their names but has limited resources.

In 2013, though, the Transgender Legal Defense & Education Fund reached out to the Garden of Peace Project with an offer of enhanced legal muscle.

The fund started its Name Change Project in New York City five years ago, and has helped around 1,300 people there. It just expanded the program to a handful of cities, including Pittsburgh, Milwaukee, Albany, N.Y.; and Rochester, N.Y.

Two of the fund's corporate partners in New York City are Reed Smith and BNY Mellon, and they agreed to provide pro bono legal help here, too. When the call for volunteers went out in their Pittsburgh offices, a total of 25 attorneys stepped up.

"I think a person should be allowed to call him or herself whatever they want to call him or herself, and should be comfortable with their name," said Maxine Kisilinsky, managing counsel for BNY Mellon Legal Affairs. "Particularly if they have a name that doesn't match their exterior persona, that can cause problems. If you're pulled over by a police officer, and your license says Tim, and you don't look like a Tim, that can cause problems."

Legally, all you have to do is file a petition with the Court of Common Pleas, attend a hearing, convince a judge that you aren't trying to dodge creditors, law enforcement or family obligations, and then advertise the new name in local publications.

"Reed Smith attorneys assist name change clients throughout the entire name change process to a successful conclusion," Tyree Jones, a Reed Smith partner and director of global diversity and inclusion, wrote in an email response to questions. "This includes helping each client gather the necessary information; obtain fingerprints; draft and file the petition; complete a judgment search; and prepare for and attend the hearing.

If the client can't afford the filing fees and other costs, Reed Smith will pay those fees, he added.

"This isn't complicated legal work," Ms. Kisilinsky said. "It's just intimidating to someone who doesn't have any experience and any exposure to the legal process."

Mr. Battle, who changed his name in 2011 when he was living in Florida, said the process can often be transformative.

When name and presentation conflict, he said, "I have to explain to you my entire medical history. When you're trans, that's one of the few times you have to constantly explain your medical history."

After the name change, people who may have subsisted at the margins of society and the economy often feel confident enough to go mainstream.

Ms. Hill said she's anxious to meet her name-change attorney and get the process started.

"I could have done it on my own. However, it would've been very difficult because I would have been looking in all of the wrong places," she said. "This process may be tedious, and it may be a long wait. However, it is very much worth it. If you do truly identify yourself as the gender you believe yourself to be, you should seek these services."

[http://www.post-gazette.com/local/city/2014/01/02/Legal-project-helps-transgender-people-get-a-name-change-Transgender-people-get-legal-aid-to-alter-names/stories/201401020105]

post-gazette.com
Pittsburgh Post-Gazette

An identity to call their own: A new open life

Amid continued discrimination and harassment, the transgender community is having its moment

June 1, 2014 12:41 AM

By Mackenzie Carpenter / Pittsburgh Post-Gazette

The "T" in LGBT - the last letter in the acronym representing lesbian, gay, bisexual and transgender individuals - is finally getting its turn in the spotlight.

Even as Pennsylvania became the 19th state last month to allow same-sex marriage, the small but increasingly visible transgender wing of the LGBT movement is moving aggressively to secure the same protections won by gay rights groups over the past two decades.

Michael Henninger/Post-Gazette
Jessica McGuinness, left, and Sarah Parlow, both transgender women, share a moment at Cruze Bar in the Strip District during a fundraiser for the Garden of Peace Project, which serves marginalized communities.

In a historic move at the end of April, federal officials codified protections for transgender students under Title IX, a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs. And on Friday, Medicare lifted its ban on coverage for sex reassignment surgery.

The Federal Bureau of Prisons now allows incarcerated prisoners to receive hormone therapy to transition to the gender they identify with, and veterans hospitals are required to provide them too. The Social Security Administration also ruled recently that survivors of transgender marriages were entitled to full benefits without extra scrutiny.

Culturally, there's been progress, too: Facebook now provides users with more than 58 gender options to choose from, and it allows three pronouns: "he, she and they." The American Psychiatric Association no longer considers being transgender a disorder. And California, always a bellwether for cultural change, requires schools to allow students to choose sports teams, restrooms and locker rooms based on the gender they identify with.

This Friday, Pittsburgh's growing transgender movement will be out in force for 2014 Pittsburgh Pride, an LGBT celebration running through June 15. TransPride, a local advocacy and support group, will be hosting a series of events showcasing the artistic and musical talents of trans people. It's the most extensive spotlight on this community during the annual celebration of the LGBT movement so far, says TransPride co-founder Chance Thomas.

First, an explainer: Unlike the other letters in LGBT, transgender is about how an individual identifies, as male or female. Being lesbian, gay or bisexual is about sexual orientation.

"We like to say that sex is what's between your legs and gender is what's between your ears," said Shannon Minter, legal director at the National Center for Lesbian Rights. In 1996, Mr. Minter transitioned from female to male and has carved out a national reputation litigating on behalf of transgender people.

Despite TransPride's growing membership, "There really aren't any strong political advocacy groups for trans people in Pittsburgh," said Michael David Battle, a transgender male who founded the Garden of Peace Project, a nonprofit outreach organization for marginalized groups.

The LGB population is larger, of course - 4 percent, or 9 million American adults identify as lesbian, gay or bisexual, compared with about 700,000 identifying as transgender, according to demographers at the Williams Institute, a research center for LGBT issues at UCLA. The numbers may be higher when accounting for those who do not disclose their transition.

But the uptick in national attention is undeniable.

This year, Jared Leto won an Oscar for portraying a trans female. "Orange Is the New Black" actress Laverne Cox, a trans female, is on this week's cover of Time, which calls the transgender movement "America's next civil rights frontier." And Barneys New York ran a groundbreaking eight-page advertisement in the February issue of Vanity Fair using 17 trans male and female models.

"The trans community will say they're about 20 years behind LGB groups in terms of storytelling and public awareness," said Bobby Clark, spokesman for the Gill Foundation, a Colorado-based anti-discrimination group.

That is changing dramatically, said Mara Keisling, who heads the National Center for Transgender Equality in Washington, D.C. "I know people like to say that, but I don't think it's true anymore. We have really made progress in the policy arena."

Into the mainstream

The fight for same-sex marriage has brought "more conversation about the LGBT community into living rooms and kitchen tables," said Masen Davis, executive director of the Transgender Law Center, also in Washington.

"Before the Internet, many of us were disconnected, grew up not knowing other people like ourselves," said Mr. Davis. "For many of us, we were the first trans person anyone had ever met."

As with any burgeoning civil rights movement, there's been infighting: about language, about who gets to define the meaning of being transgender, about those who want to "pass" as one sex or the other and assimilate themselves, versus those who reject the binary he/she social construct of gender. Many younger people don't feel the need to declare themselves as conventionally "masculine" or "feminine," and Facebook's myriad gender options reflect that desire for ambiguity or a wide spectrum of gender identity.

But many transgender people still prefer to conduct their personal lives in private, says Donna, who serves as an informal advocate and mentor for other trans individuals. The 58-year-old resident of Reserve asks that her last name not be used because she worries she'd lose her job as a property manager if she revealed her true gender identity.

"By day I'm a man, but the rest of the time I'm a woman. It's been hard, but I've learned to live with it."

In 29 states it's legal to fire someone or not hire them for being lesbian, gay or bisexual. That includes Pennsylvania, the only state in the Northeast and Mid-Atlantic without a statewide employment nondiscrimination law - although Pittsburgh and Allegheny County have passed their own. But in 33 states transgender people can be fired or denied employment.

Slowly, transgender groups are getting states that protect LGB groups to backpedal and include them too. Delaware, in 2013, followed in the footsteps of Massachusetts, which, after a six-year battle by local activists, passed the Massachusetts Transgender Civil Rights Law last year. A similar effort in New York has stalled.

Still, there is widespread mistreatment and discrimination in schools, prisons and workplaces. In Texas, a transgender teacher was recently banned from the classroom after parents complained. State prisons routinely house transgender inmates in solitary, arguing that it will protect them from harassment, although legal and medical experts say solitary confinement is akin to torture. The military prohibits transgender people from serving - although Secretary of Defense Chuck Hagel hinted recently that that may change. And in custody cases, parental rights are often terminated without any consideration of a trans mother's or father's fitness as a parent.

While Title IX's language now includes gender identity among its anti-discriminatory protections, lawsuits are winding through the courts - including one between the University of Pittsburgh and a transgender student - about such issues as locker rooms. Under this revised federal law, does a student get to choose which gender locker room to use or, as Pitt is arguing, is a unisex facility sufficient? The court has yet to decide.

Document changes

One of the biggest issues facing the trans community is identification papers - driver's licenses, bank accounts, birth certificates and other government-issued documents needed to work, to vote, to live.

While the Social Security Administration now allows trans people to change their gender marker without proof of surgery, it had a rocky start, said Mr. Battle, who showed up at a local office in East Liberty last summer, two months after the federal requirement of proof of surgery was eliminated, only to be told no.

"I essentially found myself training the staff," he said, noting that they were nice "but people just hadn't been trained at that point."

Pennsylvania recently eliminated its requirement for proof of sex reassignment surgery before changing gender on a driver's license - a difficult hurdle for many trans people who cannot afford or have chosen not to have the surgery. But in Nebraska, Alabama and some other states, surgery is still mandatory.

Want to change your name, now that you've transitioned? Nationally, every transgender person - any person, for that matter - must obtain a court order to do that, something that can be intimidating for someone worried about his or her job.

In some states, such as Ohio, birth certificates cannot be changed, but more and more states are allowing it, including Pennsylvania, which requires only a doctor's letter - but in that letter, the doctor must attest to "irreversible changes" even if the trans person has opted not to have hormone treatments or surgery.

That's also a deterrent for many trans individuals, Mr. Battle says, who are fearful that a judge might interpret that as a requirement for surgery.

While BNY Mellon, Reed Smith and PNC provide lawyers who work free to help them through the name-change process, "most trans people don't know about that," he said. "So they hesitate, because there's one person, one bureaucrat, standing between you and getting your name change. You don't know if they will have had a bad day, or an argument, and take it out on you."

Veterans who transition after leaving the military are particularly challenged, since the Pentagon requires that discharge papers show their assigned gender at birth, not the one they identify with.

Chance Thomas, a former Navy military police officer who served in Afghanistan, Iraq, Kuwait and Guantanamo Bay, was discharged in 2005: In 2010, he transitioned from female to male.

Today, Mr. Thomas, 33, of Stanton Heights, is unemployed. While state and federal laws have allowed him to change his birth certificate, driver's license and Social Security information, the military refuses to remove his name or his original gender identity from his discharge papers.

"People see that on my transcript, and that's it. I just don't get hired," he said.

Ms. Keisling, of the National Center for Transgender Equality, says her group has been in talks with the Pentagon, which argues that discharge papers are a historical document. But employers almost always ask veterans for discharge papers, she says, which essentially "out" people who are transgender - who are then denied employment.

Mr. Davis, of the Transgender Law Center, has one name on a Social Security card and a different one on a U.S. passport and California driver's license. Mr. Davis was born in Missouri and legally changed his gender after moving to California years ago, but his Missouri birth certificate still says female. "I would have to come out whenever I apply for a job or enter an academic program," he said.

"There's a reason why I don't live in Missouri."

Progress never linear

While younger generations of trans males and females are encountering more acceptance by families, teachers and classmates, a large study in 2011 found that more than half of all transgender people report being bullied in school, 61 percent were physically assaulted, 64 percent were sexually assaulted. Suicide rates are 26 times higher than the national average, and transgender people were four to five times more likely to be unemployed and living in extreme poverty.

"People think we have three heads," added Mr. Thomas. "In fact, trans people are the nurses, doctors, firefighters who serve you, they're your sons and daughters, your neighbors and friends. You just may not know it."

Progress is never linear, as this group has learned as it struggles for justice and the right to live authentic lives.

But, Mr. Davis says, "The more visible we are, the more those who don't understand us will understand us. We are not going away."

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[http://www.post-gazette.com/life/2014/05/30/Transgender-community-of-Pittsburgh/stories/201405300166]

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An identity to call their own

Three individuals share their personal journey of transition

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By Michael A. Fuoco / Pittsburgh Post-Gazette

A practical joke that nearly killed Jessica McGuinness ultimately saved her life.

It happened in 2005 when Jesse, as she was then known, was on a camping trip with some friends in West Virginia. As they were walking across a bridge at night, Jesse tried to hide behind a shack at the other end to jump out and scare them as they approached.

Michael Henninger/Post-Gazette
Sarah Parlow, 38, of Shadyside knew from a young age she was female-gendered but never verbalized it to anyone until she went to the Persad Center during her freshman year at the University of Pittsburgh. Now, for more than half of her life, she has been post-transition. She says it's key for the public to be educated about transgender people. "You have to connect with the person and not the perception," she says.

Just step into position around the side of the shack and ... Wait, what's going on? There's nothing here!

Now in feet-first free fall, nothing registers but dropping into a black abyss. Fifteen feet later and SLAM! - a crash onto rocks and then an out-of-control tumble down another 15 feet of rocky hillside until, finally, it ends with a jarring THUMP! onto a large boulder halfway submerged in water.

Against all odds, not least

Michael Henninger/Post-Gazette
Jessica McGuinness, left, gestures as Mahogany La PiranHa conducts a charity date auction benefiting the Garden of Peace Project.

Michael Henninger/Post-Gazette
Sarah Parlow reads on her laptop while her cat Mischka roams the apartment. “Honor the person and see the glory in everybody,” she says. “I think people will be surprised by how much we can add to their existence by adjusting their ideas of what gender is.”

of which was being a hemophiliac, Jesse survived and contemplated the near-death experience while recuperating at home in Dormont from a broken ankle, dozens of facial and head wounds and internal bleeding.

There was physical pain from those injuries, to be sure, but also flaring were psychic wounds Jesse had held close for 30 years - the wounds of living as a man while being a woman at her essence.

"I should have died under that bridge," Jesse realized. "And if I had, I wouldn't have liked the person I was."

Coming so close to losing an intolerable life spurred a realization: Jesse had to die in the darkness of that night so Jessica could be born in the light of day.

With that 2005 epiphany, Jessica McGuinness began her transition from male to female, from self-loathing to self-actualization. Now, 38, she is gregarious, self-deprecating and self-

Michael Henninger/Post-Gazette

Rayden Sorock, left, a transgender man, kisses his boyfriend Zoe Mizuho, likewise a transgender man, after having brunch at Rayden's Lawrenceville apartment.

assured - the polar opposite of the shy, depressed, confused Jesse.

No photographs remain of that life - both she and her mother threw out all of reminders of Jesse, choosing instead to focus solely on Jessica. But raw memories remain of the gender confusion that began at age 5, of the pain and isolation, of the prayers to "make this go away" while watching the freak-show mistreatment of transgender persons on TV shows such as "Geraldo" and "Sally Jesse Raphael."

Adrift, alienated and alone, Jesse barely graduated from high school, last in a class of 181. And then began the self-medicating to stop the emotional pain - marijuana, LSD and alcohol until age 22 and then solely alcohol. In Jesse's mid-20s, he became an emergency medical technician, working for a South Hills EMS agency, but continued to drink alone on off days.

After the accident, counseling and hormone therapy brought stability. Jessica's bleeding disorder and the prohibitive cost made sex reassignment surgery virtually impossible, but she nevertheless found an "inner peace" that Jesse had never experienced.

She came out to family and friends, who were accepting and supportive, but for four years hid Jessica from her EMS co-workers, finding many of them unsympathetic to transgender patients. Mortified that she had stood silent so long, she wrote an impassioned four-page post for a work Facebook page, laying bare her heart, her hurt and her rebirth while addressing the "ignorance" of those who had referred to transgender patients by dehumanizing terms such as " 'freaks,' 'it,' or 'he/she.' "

"We call you for help, not judgment. And most of all, we are your friends, your co-workers, your siblings and your children. If you do not accept me and feel that you can't talk to me anymore, that's fine. All I ask is that you respect me as a co-worker and a fellow EMT."

She was happily shocked by the response - overwhelmingly apologetic, supportive and admiring of her courage. "To lay it all bare like this is an incredible testament to your desire to be appreciated for who you really are. Bravo," one wrote.

Her post became a chapter in the 2010 book "American Heroes: Coming Out From Behind the Badge: Stories From Police, Fire, And EMS Professionals 'Out' On The Job." She became a transgender advocate, regularly working for transgender groups, telling her story and serving on discussion panels, including those for second-year medical students. Her message: Treat everyone with dignity, respect, human kindness.

"Some people see us as mentally ill. I was mentally ill; I'm cured now. I don't have those gender issues anymore," she says. "Now I'm just a regular, boring person with everyday life problems like everyone else."

Unable to work now as an EMT because of ankle problems, she is a clinical specialist at the Pitt Men's Study, a 30-year-old cohort study at the University of Pittsburgh. In her off hours, she is a self-proclaimed "geek girl" obsessed with superhero comics - Ms. Marvel's lightning bolt is tattooed on her ankle - and role-playing games such as Dungeons & Dragons.

Other transgender people seek her company and counsel. Among them last year was Sarah Parlow, also 38 and a transgender female whose journey was as different from Jessica's as it was similar.

Affirming a true gender

Sarah had a fulfilling life in Austin, Texas, with a good job in the medical field and good friends. But last fall, wanting to be nearer to family, she moved to Pittsburgh, landed a job at a local hospital and sought out members of the transgender community so she could do some advocacy work.

She Googled "Transgender Pittsburgh" and one of the first results to appear was Jessica, whose activism had gained her prominence. They met for coffee at Crazy Mocha in Shadyside in October and quickly hit it off as friends.

For two hours the women discussed transgender issues, advocacy and their individual paths to transitioning.

Like Jessica, Sarah had known from a very young age she was female-gendered and felt isolated and alone. But unlike Jessica, she acted to affirm her true gender at a much younger age and now has been post-transition for more than half her life.

To affirm her true gender identity, Sarah knew she had to leave her hometown of Erie where life for a gender nonconforming person in a relatively small town was intolerable because of bullying. Moreover, her family was ill-equipped to deal with her obvious yet unspoken assertions of femininity, choosing instead to overlook them.

So it was off to the University of Pittsburgh. In her freshman year she sought out the Persad Center, which serves the region's lesbian, gay, bisexual and transgender community. There, amid tears, she verbalized for the first time she was female-gendered. Finally, she had the resources to help her claim that.

Counseling and hormone replacement followed. Being young and androgynous to begin with, blending in with other females her age was fairly easy.

"Unfortunately, in society, blending is considered a better sign of success," the Shadyside resident notes, sunglasses perched atop her copper red hair.

"Blending can be a blessing. Twenty years ago, the environment was different for trans people. Safety and access to certain privileges could be compromised if you were openly trans. Some of that persists today, but it only changes by people coming forward, being visible and demanding change."

Friends and family couldn't believe how much she had "blossomed" from a socially awkward, isolated soul, but Sarah realized that physically transitioning was only the beginning. There was no guidebook for the path that awaited.

"Now you're navigating the nuances of life, navigating relationships, the social situations, what you might run into at work, how much do you disclose, to whom and when. It's so far-reaching."

Sarah took a break from studies in 1997 to move out West with a friend to focus on and complete her transition. Living away from home afforded her anonymity and a much more liberal environment.

Following sex reassignment surgery, she went on to earn two bachelor's degrees and a master's degree in nursing.

She moved back to Shadyside to see how she could support and share with others in the trans community. Educating the general public is key.

"You have to connect with the person, not the perception," she notes. "It's too easy to stop at the word transgender and tune out.

"We're your neighbors, your friends, your co-workers, your sisters, your brothers and we have our own place in existence. Honor the person and see the glory in everybody. I think people will be surprised by how much we can add to their existence by adjusting their ideas of what gender is."

Moreover, she says, the paradigm that gender is defined primarily by body parts is antiquated and "the new paradigm is that, we, as people, define who we are. We manifest our destinies."

To that end, she told Jessica that she wanted to get involved in transgender advocacy in Pittsburgh. And that's how Jessica introduced her to Rayden Sorock.

Change is constant

Perhaps it's fitting that someone who promotes gardens in nontraditional spaces as Rayden Sorock does would also be someone who plants seeds of understanding and acceptance of transgender people.

As community garden coordinator for Grow Pittsburgh, Rayden demonstrates, teaches and promotes sustainable urban agriculture. And as a transgender man and activist, Rayden demonstrates, teaches and promotes the fact there is nothing mystifying about someone identifying with a gender other than the one they were assigned at birth.

"Gender stereotypes hurt everyone, including non-trans people," says Rayden, 27, of Lawrenceville. "We need people to know there are trans folks with families and we are in all levels of society and come from all kinds of backgrounds. I also feel personally kind of rankled sometimes by the idea that the whole point of trans-activism is to kind of show that we are normal."

Growing up in suburban Boston, Rayden felt anything but normal as a teenager. "I was a big tomboy, kind of a weirdo, shy and awkward and really depressed and hated myself. I knew I was different and wanted to change things. By the end of high school, I really knew that being gay and being a girl really wasn't everything I needed to be."

Rayden transitioned while at Purchase College in New York, taking testosterone and eventually having chest reconstruction surgery, known in the transgender community as "top surgery," paid for by his parents. "I'm slowly paying it forward making donations to other folks getting chest surgery," he says.

A 2008 magna cum laude literature graduate, Rayden speaks with passion, intensity and insight about transgender and related causes but is not devoid of a sense of humor. Engage him in a conversation and there's no getting around the fact he thinks deeply about many issues, resolved and otherwise.

For example, he feels the strength of transgender advocacy is allying itself with "many other causes around economics and racial disparities and sex-worker rights and the prison-industrial system. I think we need a lot of different issue areas to come together so it's not just about identity politics in order to make sure we do not leave people behind because the gay rights movement has often left trans people behind in moving forward."

Moreover, he seems conflicted about "passing," or blending in, as a man.

"It's a major privilege to pass. It's also alienating and confusing and it's great and it's challenging," he says. Being transgender "is my life and my story, and I can choose how I want to share and to whom, but there are a lot of people who don't have the luxury of passing."

He ended up in Pittsburgh at the invitation of a friend and worked on a farm. Before his current employment he was a fellow for the Initiative for Transgender Leadership,

which provides professional and leadership development of transgender youth in Pittsburgh. He continues to work with the group, as do Jessica and Sarah.

On a philosophical level, he wonders if the changes and growth he's experienced over the past decade were solely because of his transition or because of the human experiences of 10 more years of living life.

"One of the biggest changes I've experienced over the past 10 years is I'm continually transitioning. I don't hold myself to rigid standards of what it means to be a man or what it means to be a trans person.

"I don't think I've crossed over and am on this other side. I think there's this myth that people transition and then they're like another person. We are all changing."

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[http://www.post-gazette.com/life/2014/06/01/3-Pittsburgh-transgender-people-share-their-journey-of-discovery-and-transition/stories/201406010205]

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Name Change Project helps with legal obstacles in transgender transitions

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By Rich Lord / Pittsburgh Post-Gazette

The name on the cards in the wallet was decidedly masculine. The person carrying the wallet, though, had started a journey to a female identity.

“When I said my [old] name, they would look at me funny and say, ‘You’re a guy, right?’” said the newly renamed Sheala Dawn Reinertson, 32, of Clairton. “It made it very difficult. ... I wanted to change it as soon as possible.”

Robin Rombach/Post-Gazette

Sheala Reinertson of Clairton changed her name to match her identity.

Ms. Reinertson is a patient care technician, not a lawyer. In 2013, “I was looking at the papers saying, ‘What the hell do I do? How the hell do I fill these out right?’ ” she said.

She also worried that the required publication of the old and new names might lead to blowback against her sons, her second wife or herself. Luckily, she heard about The Name Change Project, which expanded to Pittsburgh a year ago and connects transgender people with volunteer attorneys. After she and her wife settled on a new name, her attorney Krista Baron, navigated the legal hurdles, including a waiver of the publication requirement.

“It was very, very rewarding,” said Ms. Baron, who has done the legal work on two name changes. “She was so appreciative, as was my other client. You can really tell that it makes a big difference to their lives.”

The Name Change Project, launched seven years ago in New York City by the Transgender Legal Defense & Education Fund, expanded to Pittsburgh in late 2013 because two of the fund's partners — Reed Smith and the Bank of New York Mellon — have big offices here.

The project has assisted in 1,700 name changes nationally and found "very strong demand for services in Pittsburgh," said fund executive director Michael D. Silverman.

The Garden of Peace Project, Gay and Lesbian Community Center of Pittsburgh, and Pennsylvania Student Equality Coalition have helped get out the word. In its first year here, the project has helped to complete 19 name changes, with another 17 in process and 23 people on a waiting list.

The project also has found goodwill in the city's legal community. An October training session offered Downtown by BNY Mellon and Reed Smith resulted in recruitment of about 30 attorneys from Buchanan Ingersoll & Rooney, Jones Day, K&L Gates, Morgan Lewis & Bockius, Tucker Arensberg and PNC Bank, according to Mr. Silverman.

"I knew how to change a name for a corporation, but the process of changing a person's name is really different," said Ms. Baron, who works in Reed Smith's Corporate and Securities Group and has taken the lead on the name change effort.

"Everybody should be comfortable with and have their own identity," said John H. Smith, managing director and senior counsel at BNY Mellon, who has consulted with three project clients, including one who has completed the name change process.

Changing a name is "not a very complicated legal process," he added. The person must petition the Court of Common Pleas, undergo a background check, publish the old and new names in a legal journal and a newspaper, and assure a judge that the name change isn't being sought to avoid obligations or the police.

Many transgender people lack the resources to pay an attorney to help, Mr. Silverman said, because they are "unemployed or underemployed because of the discrimination they face."

The project connects them to attorneys who will do the work pro bono and sometimes pays the publication fees.

Getting a name change "would've been a lot harder, definitely," without the project, said Alice Rose Millage, 31, of Etna. "Having to do all of the paperwork and documents by myself would have been stressful for me and would have cost more money."

Having a male name made her “afraid to socialize,” Ms. Millage said. “Especially when someone asks for identification, you tend to experience harassment.” And forget about going to the gym, she said.

She signed up for the project in early spring and had her hearing before a judge in September.

Her new first name, she said, comes from the zombie-slaying Milla Jovovich character in the “Resident Evil” movie series. Her new middle name evokes beauty and thorns. Thus empowered, she enrolled in a gym in November.

Most of the fund’s clients, like Ms. Millage, are single people without kids, Mr. Silverman said. “Some have families including children,” he said. “Often that involves working with their spouses and their families to deal with the changes in all of their lives.”

Ms. Reinertson, who served in the Navy for eight years and is about to start nursing school, has two sons from a prior marriage. When she was still presenting as a man, she married a woman who has one son.

The kids have handled the changes well, she said.

“The trick is, the younger it’s brought up, the easier it is, because they have less stigma about what a male gender role is, versus a female gender role. ... As long as the kids know that you still love them and that they’re still at the center of your thoughts, they’re very resilient and very accepting.”

Her wife helped her to choose a new name. A judge made it official in October.

“Now, when I show my ID, it matches who I am,” Ms. Reinertson said. “And when I go to school, no one is going to know that I was once a guy. They’ll know me as who I really am.”

[http://www.post-gazette.com/local/city/2015/01/04/Name-Change-Project-helps-with-legal-obstacles-in-transgender-transitions/stories/201412300063]