



The Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness

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May 6, 2024

The Honorable Tim Briggs
Chair, House Judiciary Committee
302 Main Capitol Building
P.O. Box 202149
Harrisburg, PA 17120-2149

RE: Support for House Bills (“HBs”) 610, 638, and 1817 (Modernizing the Name Change Process)

Dear Chairman Briggs,

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness (the “Interbranch Commission”), we write to convey our support for HBs 610, 638, and 1817, while also recommending several amendments to the bills. These pieces of legislation are designed to make the name change process in Pennsylvania more accessible to everyone. Representative Benjamin V. Sanchez is the prime sponsor of HBs 610 and 638. Both bills were referred to the House Judiciary Committee (“Committee”) on March 21, 2023. Representative Joe Webster is the prime sponsor of HB 1817. It was referred to the Committee on November 8, 2023. To date, the Committee has neither convened a hearing nor reported on these bills. We respectfully urge the Judiciary Committee to consider these bills, including our suggested amendments to them, and take the appropriate measures to move them through Committee, facilitating their passage.

A. Background

The Interbranch Commission was established in 2005 by the three branches of Pennsylvania’s government to: (1) implement the findings and recommendations of the 2003 Final Report by the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System,¹ (2) investigate new initiatives that may not have been addressed by the Supreme Court Committee, (3) suggest ways to reduce bias in all three branches of government as well as the legal profession, and (4) increase public confidence in Pennsylvania government. At its heart, the purpose of the Interbranch Commission is to promote equal application of law for all. It is in this spirit that we submit this letter.

B. The Name Change Process in Pennsylvania

To improve access to administrative and court-based procedures for all, the Interbranch Commission extends its support to HBs 610, 634, and 1817, which collectively aim to modernize and simplify Pennsylvania’s name change process. Presently, the process to change one’s name due to marriage,

¹ See Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, available at <https://pa-interbranchcommission.com/wp-content/uploads/2022/01/FinalReport.pdf>.

death of a spouse, or divorce involves the simple submission of paperwork.² However, for individuals pursuing a name change for any *other* reason, the process differs significantly and requires engagement with the courts.

All individuals seeking a name change unrelated to marriage, death of a spouse, or divorce must take the following actions:

1. File a name change petition with the court outlining that person's current name, preferred name, and reason for the name change, along with a filing fee of \$150.³
2. Obtain a hearing date from the court between one to three months after the petition is filed.⁴
3. Publish⁵ notice of the hearing on the name change petition in two newspapers of general circulation. The cost of posting in a local newspaper range from around \$115 to \$200.⁶
4. Travel to a local police barracks to provide law enforcement with a set of fingerprints through which the police can conduct a background check, which can take several weeks.⁷
5. Conduct a judgment search in each of the counties in which they have resided for the past five years.⁸ Judgment searches typically cost \$25 per county but vary procedurally depending on the location. While some localities permit applicants to request judgment searches electronically, others require applicants to arrive to the courthouse in-person, even in circumstances in which the county is in a different part of the state or country.⁹
6. Attend the hearing date on the name change petition, which is often in-person and set at the same time and place as general motions court in many jurisdictions. Such a practice requires name change petitioners to present their petitions in front of many persons, some of whom may pose a risk of danger to the petitioner depending on the circumstances surrounding the name change.
7. If an applicant's name change petition is ultimately approved at the court hearing, the applicant must purchase notarized copies of the court order (at \$20 per copy) so that they can update other

² See, e.g., 23 Pa.C.S. §§ 1301 *et seq.* (1990) (providing that persons seeking a name change pursuant to marriage must complete a marriage license application); 54 Pa.C.S. § 704(a) (2005) (providing that persons pursuing a name change following divorce must file written notice with the prothonotary); and 54 Pa.C.S. § 704.1 (2004) (providing that persons wishing to resume a prior surname following the death of their spouse must file written notice to that effect with the prothonotary, along with a copy of the decedent's certificate of death) [hereinafter *Statutes Governing Name Change Forms*].

³ 54 Pa. Cons. Stat. § 701(a.1)(1) (2004).

⁴ 54 Pa. Cons. Stat. § 701(a.1)(3) (2004).

⁵ If an applicant can demonstrate to the court's satisfaction that such publication would "jeopardize [their] safety," that individual can be excused from the "publication requirement." 54 Pa. Cons. Stat. § 701(a.1)(3)(iii) (2004).

⁶ Jennifer Anderson, *The Legal Name Change Process*, JURIS Magazine (Nov. 17, 2021) [hereinafter *The Legal Name Change Process*], <https://sites.law.duq.edu/juris/2021/11/17/the-legal-name-change-process/>.

⁷ *Id.*

⁸ 54 Pa. Cons. Stat. § 701(a.1)(4)(ii)(b) (2004).

⁹ *The Legal Name Change Process*, *supra* note 6.

documents, such as their social security card and bank and medical records.¹⁰ Several documents that need to be updated require their own fees, such as one’s driver’s license or state ID (\$40), passport (\$165), and birth certificate (\$20).¹¹

All told, this name change process takes several months, multiple visits to government buildings, and costs upwards of \$600.¹² If the applicant hires an attorney to help him or her navigate these complicated procedures, costs can exceed \$2,000. In contrast, the processes to change one’s name due to marriage, divorce, or the death of a spouse respectively cost \$50 to \$100, \$30, and \$50 total.¹³ In addition to costing less, these processes involve only the procurement and submission of a few forms, such as a copy of the deceased spouse’s death certificate, an application for a certified marriage license, or a Notice of Intention to Resume Prior Surname.¹⁴ The court-based process to change one’s name for reasons unrelated to these three purposes is thus far more complex, costly, and public in nature.

C. The Importance of Making the Name Change Process More Accessible

In its present form, the name change process is daunting and often inaccessible, a consequence that affects all Pennsylvanians interested in pursuing the process but particularly impacts those who need it most. One such population that stands to benefit from a simpler process is survivors of domestic violence and abuse. According to the Pennsylvania Coalition Against Domestic Violence (“PCADV”), more than 10 million people in the U.S. are abused each year, and in Pennsylvania, 104 victims died from domestic violence incidents in 2022 alone. In all, PCADV estimates that one in three women, one in four men, and nearly half of LGBTQ+ individuals will experience domestic violence in their lifetime.¹⁵ “Victims of domestic violence who are fleeing their abusers frequently seek to relocate and change their names, their addresses, *and their very identities* in order to start a new life, free from violence.”¹⁶

Another population whom a simpler and less onerous name change process would benefit is transgender individuals. According to one survey, it is estimated that “43,800 adult Pennsylvanians and

¹⁰ *Id.*

¹¹ See, e.g., Pa. Dep’t of Transp., Driver and Vehicle Servs., *Payments and Fees* (last visited Apr. 4, 2024); Bureau of Consular Affs., U.S. Dep’t of St., *Passport Fees* (last visited Apr. 4, 2024); and Pa. Dep’t of Health, *Ordering a Birth Certificate* (last visited Apr. 4, 2024).

¹² Eastern PA Trans Equity Project, *Changing Your Name in Pennsylvania*, <https://www.patransequity.org/legal-name-change/changing-your-name-in-pennsylvania/> (last visited Feb. 29, 2024).

¹³ These costs are estimates derived from available data. A marriage license application costs \$50 in [Luzerne County](#) and \$80 in [Allegheny County](#). The cost of filing a Notice of Intention to Resume Prior Surname costs \$22.50 in [Lancaster County](#) and [generally ranges from \\$19 to \\$42](#). Obtaining a copy of a decedent’s death certificate [from the PA Dept. of Health](#) costs \$20.

¹⁴ *Statutes Governing Name Change Forms*, supra note 2.

¹⁵ Pennsylvania Coalition Against Domestic Violence, *Abuse Statistics*, <https://www.pcadv.org/about-abuse/domestic-violence-statistics/> (last visited Feb. 29, 2024).

¹⁶ Kristen M. Driskell, *Identity Confidentiality for Women Fleeing Domestic Violence*, 20 *Hastings Women’s L. J.* 129, 129 (Jan. 2009) [hereinafter *Identity Confidentiality for Fleeing Domestic Violence*], <https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1182&context=hwlj>.

5,250 Pennsylvanians ages 13 to 17 are transgender.”¹⁷ A legal name change affords transgender Pennsylvanians a sense of dignity, allowing them to officially present themselves in a manner that comports with their gender identity. Once transgender individuals change their name, they can also apply for and receive updated forms of identification that match their gender presentation. Possessing an accurate ID is often necessary to access healthcare, housing, education, and employment – and, conversely, to avoid scenarios in which individuals are embarrassed or verbally harassed during common commercial transactions at bars, airports, and cash registers.¹⁸ Despite these benefits, only 9% of transgender Pennsylvanians possess IDs that *all* contain their proper name and gender, while 69% do not have *any* IDs that contain the proper designations.¹⁹ In other words, nearly eight times as many transgender Pennsylvanians do not have *any* proper IDs as have all their IDs properly designated. An appreciable number of transgender Pennsylvanians have indicated that they are unable to change their legal name or update the gender on their IDs because of the costs involved in doing so.²⁰

D. Support for and Proposed Amendments to HBs 610, 638, and 1817

1. HB 610 (Printer’s No. 574)

The Interbranch Commission supports HB 610, which will modernize, reduce the costs associated with, and strengthen privacy protections for individuals navigating the name change process. Representative Sanchez’s bill would establish that court records be automatically sealed from the outset of proceedings for all petitions in which the individual is requesting a name change to conform to the petitioner’s gender identity. The legislation would also waive the “publication requirement,” described *supra*, for these petitioners, thus lifting the financial burdens that otherwise attach when an individual is required to publish notice of their name change hearing in two newspapers.

At present, Pennsylvania’s name change statute does not require the sealing of court records unless a court first finds that the publication requirement would “jeopardize the safety” of the petitioner.²¹ HB 610 expedites the name change process, conserving courts’ limited time and resources, by recognizing that in the case of transgender petitioners, publishing notice of their hearing will almost always endanger their safety. In broadcasting their change of name to the public, transgender petitioners open themselves up to potential discrimination, harassment, or threats to their physical or economic safety. This threat is as real in the days and weeks surrounding the name change hearing as it is months and years down the line. Employers, landlords, and similar figures who conduct extensive background checks on individuals have easy access to this sensitive information once it has been published in online editions of local newspapers. The impact of such ready access

¹⁷ Removing Barriers for Pennsylvania’s Transgender Community: Hearing Before the Pennsylvania Senate Democratic Policy Comm. (June 29, 2021) (Testimony of the National Center for Transgender Equality) (citing Jody L. Herman et al., *Age of Individuals who Identify as Transgender in the United States* (2017) [hereinafter *Testimony*], <https://williamsinstitute.law.ucla.edu/wp-content/uploads/TransAgeReport.pdf>).

¹⁸ Dan Stahl, *Making a Name for Yourself: For trans people, it’s “life-changing,”* NBC News (Sept. 6, 2019), <https://www.nbcnews.com/feature/nbc-out/making-name-yourself-trans-people-it-s-life-changing-n1049721>.

¹⁹ Nat’l Ctr. for Transgender Equality & Equality Pennsylvania, *2015 U.S. Transgender Survey: Pennsylvania State Report* 1, 3 (May 2017) [hereinafter *2015 U.S. Transgender Survey*], <https://transequality.org/sites/default/files/docs/usts/PA-USTS-Report.pdf>.

²⁰ *Id.*

²¹ 54 Pa. Cons. Stat. § 701(a.1)(3) (2004).

to personal information is not something the current statute was designed to anticipate; it was adopted in 1982, a year before the Internet came into existence.²²

A recent snapshot of LGBTQ+ individuals' health needs in our Commonwealth captured the discrimination that transgender individuals continue to face. According to the study, which reached 1,749 transgender Pennsylvanians, 71% have experienced some form of discrimination in their lifetime.²³ A separate study conducted by the National Center for Transgender Equality ("NCTE") found that 21% of transgender Pennsylvanians have specifically experienced housing discrimination, such as being evicted from their home or denied a home or apartment because of their gender identity.²⁴ The same study found that 17% of transgender individuals were verbally harassed or denied equal treatment in public assistance or government offices.²⁵ These statistics in our Commonwealth match national trends: "transgender people are over four times more likely than cisgender people to experience violent victimization."²⁶ In addition, the most recent iteration of hate crimes data published by the FBI demonstrates the highest number of reported anti-trans hate crimes to date, with the number of such crimes based on gender identity increasing by over 32% from 2021 to 2022.²⁷

In light of these and other statistics demonstrating the discrimination and harassment that transgender individuals encounter, NTCE suggested in its 2021 testimony before the Pennsylvania Senate Democratic Policy Committee that the General Assembly pass legislation removing the publication requirement included in Pennsylvania's name change statute.²⁸ NTCE observed that "20 states, the District of Columbia, and Puerto Rico all have no publication requirement for changes of name," an arrangement for which NTCE has not learned of "any negative consequences."²⁹ By permitting our Commonwealth to join these states in removing the publication requirement, the General Assembly affords greater access to a legal name change for transgender individuals. Absent this remedy, transgender Pennsylvanians are faced with a difficult decision: experience mistreatment and discrimination for having incongruent documents, or place themselves at risk by announcing their name change in public forums so that they can obtain accurate documentation.

²² Pa. Pub. L. No. 1309 (Dec. 16, 1982) (adopting the current name change statute).

²³ Res. & Evaluation Group at Pub. Health Mgmt. Corp. and Bradbury-Sullivan LGBT Community Ctr., *2022 Pennsylvania LGBTQ Health Needs Assessment: Findings From A Comprehensive Assessment Of The Health And Wellness Needs Of Lesbian, Gay, Bisexual, Transgender, And Queer+ Pennsylvanians* 1, 21, 48 (Jan. 2023), https://assets.nationbuilder.com/bradburysullivancenter/pages/2872/attachments/original/1673023325/2022_PA_LGBTQ_HNA_Report_Final_approved.pdf?1673023325.

²⁴ *2015 U.S. Transgender Survey*, supra note 19, at 2.

²⁵ *Testimony*, supra note 17, at 4, 7 (citing S.E. James et al., *The Report of the 2015 U.S. Transgender Survey*, Nat'l Ctr. For Transgender Equality (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>).

²⁶ Rachel Dowd, *Transgender people over four times more likely than cisgender people to be victims of violent crime*, UCLA Sch. of L. Williams Inst. (Mar. 31 2021) [emphasis added], <https://williamsinstitute.law.ucla.edu/press/ncvs-trans-press-release/>.

²⁷ Human Rights Campaign Found., *The Epidemic of Violence Against the Transgender and Gender Non-Conforming Community in the United States: the 2023 Report* (Nov. 2023), <https://reports.hrc.org/an-epidemic-of-violence-2023>.

²⁸ *Testimony*, supra note 17, at 10.

²⁹ *Id.*

While the Interbranch Commission supports HB 610’s provisions sealing court records and waiving the publication requirement for petitioners requesting a name change “to conform to the petitioner’s gender identity,” we urge the Judiciary Committee to amend proposed subparagraph (a.1)(3)(iv) of the bill so that these provisions are available to *all* petitioners. As outlined above, other populations, including survivors of domestic violence, seek legal name changes. However, while “confidential name change statutes provide an additional tool for fleeing an abuser,” the publication requirement and availability of court records not sealed by the court “defeat the purpose of [individuals] trying to keep [their] new identity secret to escape [that abuse].”³⁰ By sealing court records from the outset of proceedings and foregoing the publication requirement for all petitioners, HB 610 would thus extend much-needed privacy protections to survivors of domestic abuse. It would also save such petitioners the hundreds of dollars otherwise spent on publishing notices in newspapers: a meaningful benefit for survivors, 98% of whom experience financial abuse as one of the tactics of power and control exerted over them by their abusers.³¹

To implement this change, we recommend that the Judiciary Committee amend Representative Sanchez’s bill (and the statute it amends) in the following ways:

- Strike subparagraph (a.1)(3)(ii)(A), which sets forth the publication requirement described above. In addition, strike subparagraph (a.1)(4)(ii)(A), which details the materials that a petitioner must present to the court, including proof of the now-removed publication requirement.
- Redesignate subparagraph (a.1)(3)(ii)(B), regarding the provision of notice to a non-petitioning parent of a minor, as (a.1)(3)(ii)(A), since subparagraph (A) would be stricken pursuant to the recommendation immediately above.
- Excise from the first sentence of proposed subparagraph (a.1)(3)(iv) the clauses “to conform to the petitioner’s gender identity” and “the notice required in subparagraph (ii) shall be waived by order of the court.” In addition, replace the first word of the proposed sentence, “If,” with “Once.” As amended, the first sentence of the proposed subparagraph would provide that, “Once the petitioner requests a name change, the court shall seal the file.”
- Strike subparagraph (a.1)(3)(iii), and restructure proposed subparagraph (a.1)(3)(iv) as (a.1)(3)(iii). Subparagraph (a.1)(3)(iii) provides that if published notice of the name change petition would “jeopardize the safety” of the applicant, the notice must be waived. Because the bill, as amended, will excise the publication requirement, this subparagraph is rendered unnecessary.

In addition to being rendered superfluous by the amendments above, the Interbranch Commission has learned from Reed Smith’s Name Change Pro Bono Project (the “Project”³²) that subparagraph (a.1)(3)(iii) has been incongruently applied by judges in Pennsylvania. In their experience, Project attorneys have observed that because the subparagraph states only that the publication requirement may be waived if “the court finds” that it would jeopardize the safety of the petitioner, judges have outlined differing procedures for arriving at such a finding. Some judges permit petitioners to

³⁰ *Identity Confidentiality for Fleeing Domestic Violence*, supra note 16, at 133.

³¹ Pennsylvania Coalition Against Domestic Violence, *Types of Abuse*, <https://www.pcadv.org/about-abuse/domestic-violence-statistics/> (last visited Mar. 1, 2024).

³² The Project provides pro bono legal assistance to hundreds of indigent transgender individuals navigating name changes in Allegheny County each year.

submit a signed affidavit, averring that their safety would be jeopardized by publishing notice in newspapers. However, other judges have required individuals to testify in court to the same, a situation which potentially re-traumatizes individuals by requiring them to recount in-person the details of the discrimination, harassment, or violence they have faced.

Subparagraph (a.1)(3)(iii) has also invited judicial discretion because of the lack of precision set forth by its “jeopardizing the safety” standard. Although the Project has worked with court administration in Allegheny County to ensure that the “safety” of the petitioner extends beyond one’s physical safety to encompass considerations such as economic harms, harassment, and threats, courts across the Commonwealth have not consistently done the same. By amending HB 610 to remove this subparagraph, the Judiciary Committee thus improves equal access to justice by creating a uniform, streamlined procedure that precludes differing outcomes for petitioners based on avoidable instances of judicial discretion.

To further encourage uniform application of the name change process, we recommend that the Judiciary Committee update the provisions of HB 610 by amending subparagraph (a.1)(5) of the statute. At present, the subsection reads that a court “may” enter a decree changing the petitioner’s name if the court is satisfied that the petitioner has met all requirements and that there is no lawful objection to the granting of the petition. If the petitioner has exerted the effort and waited the several months required to properly complete the name change process, the Interbranch Commission is not aware of any reason for which a court might still permissibly deny the petition. We therefore recommend replacing the word “may” with “shall” in the language of subparagraph (a.1)(5).

Finally, we recommend that HB 610 be amended so that the language set forth in subparagraph (4)(ii)(B) of the statute provides greater clarity to both petitioners and the court. This subparagraph sets forth the judgment search requirement described earlier. At present, the statute is silent on the steps to take when such a search does in fact yield a judgment against the petitioner. To address this gap in the statute, Allegheny County amended its corresponding Local Rule, Rule 505: Change of Name of a Natural Person, to require that notice of the name change be provided to the county in which the money judgment exists and to the creditor, so that they are aware of the individual’s new name.³³ To more effectively streamline the name change process, we thus suggest that the Judiciary Committee include in HB 610 language implementing the same.

2. HB 638 (Printer’s No. 577)

The Interbranch Commission extends its strong support for HB 638 as it is written. Representative Sanchez’s bill would establish a grant fund of \$2 million within the PA Department of Community and Economic Development (“DCED”) for non-profit organizations (such as Project Name Change) and local governments that help transgender or nonbinary Pennsylvanians navigate the name change process. The Department would issue grants, ranging from \$5,000 to \$100,000, to eligible government and non-profit entities that submit applications pursuant to the requirements of the grant program. HB 638 empowers non-profits and local governments across the Commonwealth to demystify legal processes for individuals seeking a legally recognized name change. By increasing structural supports on the front end, HB 638 avoids scenarios in which

³³ Alle. Cnty. Pa. R. 505 (2023).

government and other officials are left to reconcile IDs that do not match an individual's gender identity and expression, thus preserving government resources on the back end.

With 69% of transgender Pennsylvanians lacking even one ID that accurately reflects their name and gender,³⁴ the passage of HB 638 will ease access to government processes for many of our Commonwealth's citizens. The impact of such an advancement on Pennsylvanians' well-being will be palpable: for transgender individuals, legal gender affirmation is "significantly associated with lower reports of depression, anxiety, somatization, global psychiatric distress, and upsetting responses to gender-based mistreatment."³⁵

3. HB 1817 (Printer's No. 2253)

The Interbranch Commission supports HB 1817, while suggesting a few minor amendments. Representative Webster's bill would largely replace the court-based name change process in its current form with a simpler, more streamlined, and predominantly administrative process. Specifically, the bill would establish a procedure in which individuals may apply for a legal name change by filing an application with the PA Department of Health ("DOH"). Petitioners may obtain and submit this streamlined application electronically or in-person, at any DOH location accessible to the public or at a driver license and photo center operated by the PA Department of Transportation ("PennDOT"). Pursuant to HB 1817, court involvement in the process would only be necessary in specific, delimited instances, such as when a minor is seeking a name change but lacks parental consent. The legislation would also remove the existing bar on receiving a name change for individuals who have served time for certain felony convictions. Finally, the bill would require automatic sealing of documents filed pursuant to this administrative process.

By creating an administrative process for name change applicants, HB 1817 would free up limited resources for Pennsylvania courts, without weakening the procedural screens designed to ensure that a name change is sought for only legitimate, lawful purposes. Individuals submitting their applications to DOH must still, for instance, procure a set of fingerprints so that a background check may be performed. By establishing an administrative process, the bill also does not preclude an individual from filing a name change petition in court. Indeed, some individuals may *prefer* the court-based method. By way of illustration, in Allegheny County, all name change petitions have been consolidated since 2017 before a Name Change Court, over which Court of Common Pleas Judge Christine Ward presides.³⁶ Successful name change hearings in the county are often treated as celebrations for transgender and other individuals, who may invite friends and family to the hearing to commemorate the legal recognition of their name. HB 1817 leaves open this opportunity for celebration while adding an alternative option for those Pennsylvanians who reside in counties where pursuing a name change administratively is preferable.

³⁴ 2015 U.S. Transgender Survey, *supra* note 19, at 3.

³⁵ A. Restar et al., *Legal gender marker and name change is associated with lower negative emotional response to gender-based mistreatment and improve mental health outcomes among trans populations*, 11 SSM Population Health 1, 6 (May 11, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7229467/pdf/main.pdf>.

³⁶ An-Li Herring, *'Name Change Project' Helps Transgender People In Pittsburgh Define True Identity*, 90.5 WESA (Pittsburgh's NPR News Station) (Apr. 2, 2018), <https://www.wesa.fm/identity-justice/2018-04-02/name-change-project-helps-transgender-people-in-pittsburgh-define-true-identity>.

HB 1817 would also grant access to the name change process to a greater number of Pennsylvanians. At present, the statute prohibits a name change for individuals convicted of specific felonies and for whom two years have not yet passed from the completion of their sentence or terms of probation or parole.³⁷ The bill largely removes this bar, bringing the text of the statute into conformity with ongoing developments in Pennsylvania constitutional law.³⁸ In December 2021, the Philadelphia County Court of Common Pleas overrode the felony bar to issue a name change for a transgender petitioner.³⁹ One week later, the Allegheny County Court of Common Pleas did the same, expressly declaring the felony bar to be unconstitutional.⁴⁰ Most recently, the Butler County Court of Common Pleas granted a name change over the felony bar in August 2023.⁴¹

By passing Representative Webster's bill, the General Assembly therefore stands to benefit in several important ways. First, the passage of HB 1817 avoids the expenditure of time and resources on additional, related litigation, bringing the statutory process into harmony with what courts in Pennsylvania have determined to align with the Pennsylvania Constitution. The enactment of HB 1817 would also place our Commonwealth on equal footing with other states, many of whom permit individuals with criminal convictions to change their names.⁴² *Pennsylvania is in fact among those states that grant such permission, but only when it comes to individuals who are marrying or divorcing.*⁴³ The removal of the felony bar from the name change statute would render these legal processes more accessible to *everyone* in Pennsylvania, regardless of the reason for which they may be pursuing a different legal name.

Although the Interbranch Commission supports Representative Webster's bill, we suggest two amendments to its provisions. First, despite the bill's removal of the felony bar in nearly all circumstances, it retains in both the proposed administrative and existing court-based processes the statutory exception precluding individuals who are on probation or parole from applying for a name change. The rationale for obtaining a new legal name, be it to avoid domestic abusers, to possess a legal identity that matches one's gender identity or expression, or to satisfy a different reason altogether, applies equally to individuals who are on probation or parole and those who are not. Additionally, included in the permissible terms of probation and parole are requirements that individuals notify the court or designated person of any change in address or employment and report as directed to the court or that designated person.⁴⁴ Therefore, terms of probation and parole frequently include safeguards that prevent a person from escaping the oversight of the court in a manner that ameliorates similar concerns that arise when one attempts to change his or her name.

³⁷ 54 Pa. Cons. Stat. §§ 702(c)(1)(i), (2) (1998).

³⁸ In so doing, Section 2 of the bill incorporates the language of Senate Bill 574 (Printer's No. 587) (2023-24).

³⁹ Jonathan Adams, *TLDEF Challenges Discriminatory PA Law Banning People with Felonies from Obtaining Name Changes*, Transgender Legal Def. and Educ. Fund (Oct. 13, 2021) [hereinafter *2021 TLDEF Challenges*], <https://transgenderlegal.org/stay-informed/tldef-challenges-discriminatory-pa-law-banning-people-with-felonies-from-obtaining-name-changes/>.

⁴⁰ *Id.*

⁴¹ Jonathan Adams, *TLDEF Wins Name Change for Transgender Man in Challenge to Pennsylvania Felony Bar*, Transgender Legal Def. and Educ. Fund (Nov. 15, 2023), <https://transgenderlegal.org/stay-informed/tldef-wins-name-change-for-transgender-man-in-challenge-to-pennsylvania-felony-bar/>.

⁴² *2021 TLDEF Challenges*, supra note 39.

⁴³ *Id.*

⁴⁴ See, e.g., 42 Pa. Cons. Stat. §§ 9763 (b)(11), (12) & (d)(2) (2023).

We thus recommend that the Judiciary Committee amend HB 1817 to remove all conviction- and sentence-based prohibitions on name changes.

Second, the Interbranch Commission notes that the bill removes the publication requirement *in effect*, by permitting applicants to eschew court proceedings in favor of the administrative name change process, which does not require publication. We also recognize that the publication requirement would be removed explicitly if HB 1817 were passed in tandem with HB 610. However, while these bills are presented as a legislative package, it is possible that one bill may be passed while the other is not. Therefore, we recommend that the Judiciary Committee amend HB 1817 so that the publication requirement is eliminated explicitly, rather than in effect only. We have outlined how to remove this requirement on page six of the letter, *infra*.

Conclusion

We urge you to take the appropriate measures to facilitate the passage of HBs 610, 638, and 1817. By passing these three bills with the amendments recommended above, the General Assembly will modernize an antiquated system, promoting judicial economy and streamlining recordkeeping for governmental and professional entities otherwise forced to reconcile incongruent identification documents. Equally as important, legislators will significantly improve all Pennsylvanians' access to legal names within which they can find dignity, safety, and the promise of a new start.

If you have any questions concerning this matter, we would be happy to discuss them with you at your convenience.

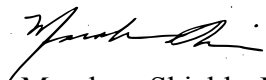
Respectfully,




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cc: The Hon. Rob W. Kauffman, Minority Chair, House Judiciary Committee
The Hon. Benjamin V. Sanchez, Prime Sponsor, HB 610 and HB 638
The Hon. Joe Webster, Prime Sponsor, HB 1817
Members of the House Judiciary Committee
Members of the General Assembly's LGBTQ+ Equality Caucus
Pennsylvania Interbranch Commission Members
Interbranch Commission's LGBTQ+ Rights Committee Members
Interbranch Commission's DV/SA Committee