

Contact: June Brown
(212) 337-8550 Extension 303
june@srlp.org

PRESS RELEASE

**Embargoed for release:
Tuesday December 2, 2008**

NEW YORK COURTS CAN'T DENY TRANS PEOPLE'S RIGHT TO NAME CHANGES

After a year long struggle, New York courts have upheld a transgender woman's right to change her name, reversing an earlier denial of her legal name change related to lack of medical evidence and the possibility of "confusion"

ALBANY - The New York State Supreme Court Appellate Division, Third Judicial Department, held that a transgender petitioner cannot be denied a name change simply because she seeks to adopt a feminine name in the place of a traditionally masculine name.

Elisabeth Golden, a 57-year-old transgender woman, initially filed her name change petition with the Supreme Court in Broome County in October 2007. Ms. Golden has been using the name Elisabeth in her personal life since 2004, and in her professional life since 2006; she wanted a legal name that reflected her female gender identity. Her petition was heard by the Hon. Jeffrey Tait of the Supreme Court, who initially suggested that Ms. Golden supplement her petition with affidavits from physicians or therapists. After Ms. Golden refused to provide such affidavits, believing them to be private, Justice Tait denied her petition, stating that "the proposed change of name from a male to a female name is fraught with possible confusion..."

Upon reviewing the decision, the Appellate Division, Third Department ordered Ms. Golden's petition to be granted. Writing on the behalf of a unanimous panel of five justices, Presiding Justice Anthony Cardona stated that the petitioner had the right to change her name "under common law... at will so long as there is no fraud, misrepresentation or interference with the rights of others," The decision goes on to hold that any potential confusion arising from a transgender name change "is not, standing alone, a basis to deny a petition..." and points out that any name change, regardless of gender, has a reasonable and ordinary potential for confusion.

In overturning the Supreme Court decision, the Third Department also rejected Justice Tait's suggestion that the submission of medical or psychological affidavits were necessary to supplement Ms. Golden's petition.

##MORE##

Franklin Romeo, the Sylvia Rivera Law Project attorney who represented Ms. Golden, echoed Justice Cardona’s ruling: “This decision confirms what SRLP has long argued is the law of New York: judges cannot deny a person’s petition to change their name simply because they seek to adopt a feminine name rather than a masculine name, or vice versa. Nor can they request medical evidence regarding a petitioner’s gender that is irrelevant to a name change proceeding. This is an important victory for transgender people throughout New York State.”

Ms. Golden’s petition was the first opportunity for any of the Appellate Division courts in New York to address the issue of transgender name changes. It is now binding in the Third Department (which covers most of western New York other than New York City and Long Island), and is expected to be highly persuasive across the state.

Though Ms. Golden was ecstatic when learning of her victory, she also found the entire situation bittersweet. “It is somewhat comforting to know that our rights as citizens can still be protected, but sad that it has to go this far.” She went on to say that she hoped that the ruling in her case “furthers the lives of transgender folks and helps prevent others from going through this.”

Many transgender people seek legal name changes in order to accurately reflect their gender identity and the gender they live as. By exercising their legal right to change their names, transgender people can surmount potential barriers in workplaces, education, and many other institutions that require a legal name on file. Although many trans people do seek medical treatment and/or psychiatric counseling as part of a gender transition, not all do, especially since access to health care is far from universal. Furthermore, many trans people begin the process of transitioning socially and legally before starting medical treatment.

##END##

The Sylvia Rivera Law Project (SRLP) is a non profit legal organization dedicated to serving low income transgender, intersex, and gender non-conforming people of color. SRLP works to guarantee that all people are free to self-determine their gender identity and expression, regardless of income or race, and without facing harassment, discrimination, or violence.