

5. Sign the Petition with your current legal name in front of a notary. Many banks will notarize it for free if you bring your ID and your paperwork. You may also have it signed off at the clerk's office at Name Change Court. If you do not understand English, whoever translated the Petition for you should sign and have notarized an "affidavit of translation."
6. Get a certified copy of your birth certificate, if you don't already have one. If you were born in NYC, go to: <http://www1.nyc.gov/site/doh/index.page> or call 212-788-4520 to find out how to get a copy. You may also go to the birth certificate in person at 125 Worth St. in Downtown Manhattan. If you were born in New York State, go to: http://www.health.ny.gov/vital_records/birth.htm.
7. If you are a not a citizen, you have a right to change your name. If you do not have a birth certificate, you should be able to use an immigration document, such as a passport or a Travel Document. If you are without papers and live in New York, you may also be able to change your name here, but it is a good idea to talk to a lawyer first because you most likely will be required to give notice to immigration.
8. Under the law, trans people cannot be required to show supporting medical evidence about our transitions to change our names. Most of the time, judges correctly follow the law. If your name change gets denied because you did not include medical evidence, you can either seek legal help to get your name change or you can submit the medical evidence to speed up the process.
9. If you have criminal convictions, you will need to submit a certificate of disposition for each conviction or a rap sheet. You can get a copy of your certificate(s) of disposition from the court where you were convicted. It is free if you have public benefits; otherwise, it costs \$10 per disposition. The Legal Action Center is a non-profit that helps people get copies of their rap sheets; contact them at 212-243-1313. If you choose to submit a rap sheet, you should look over it closely. Sometimes, there may be mistakes on rap sheets or it lacks formal dispositions. If your rap sheet shows that there is a warrant open for your arrest, it is important that you take care of that before you file your rap sheet in court. Consult a lawyer for advice.
10. Attaching other documentation about things you say in your Petition can make the process faster. For example, if you are asking to be excused from publication because of domestic violence and have an Order of Protection, attaching a copy of that order to your application can help. Also, if you cannot afford to pay the fee for filing a name change, bringing a copy of an award letter or other proof of income may help you waive the fees. If you are married, some

The Sylvia Rivera Law Project works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence.

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KNOW YOUR RIGHTS

How to Legally Change Your Name

A Guide for Trans People in New York City



General Information

1. Only New York residents may change their name in New York City Civil Court. New York State residents will need to go to their county's Supreme Court.
2. These instructions only apply to people who are at least 18 years old. If you are under 18, your parent or guardian will need to petition on your behalf and you will need to show the judge the name change is in your best interest.
3. While we try to keep this information up-to-date, we cannot guarantee that it is current because of how quickly agency rules and court procedures can change. This brochure only has general legal information. For legal advice, please consult a lawyer.
4. For more information or for legal help, please contact the Sylvia Rivera Law Project (SRLP) at 212-337-8550, ext. 308. You may also call any other qualified legal services providers, such as NYLAG at 212-613-5000, ext. 5107, the NYC Bar Association at 212-382-6759, or the clerk of your local court to learn more about name changes.

Getting All the Papers

1. To change your name in NYC, you need a Petition and your original birth certificate. We recommend using the Petition available on the New York County Civil Court webpage. You can download copies of our sample Petition at: www.srlp.org/resources/namechange.
2. Complete the Petition by adding your personal information. If anything from #5-9 in the Petition applies to you, explain. For example, if you have ever been convicted of a crime, state when, where, for what you were convicted, and what happened with your case. You do not need to report subway violations, only crimes.
3. For the grounds of your application, say whatever you want the judge to know about why you want a name change. You don't have to share everything, just so long as what you say is true.
4. Name changes usually need to be published in a newspaper. However, you may be exempt from this requirement if the judge determines that publication creates a dangerous risk to your personal safety. The judge is required to make this decision based on the "totality of the circumstances," which means the judge cannot deny your request only because you, yourself, have not experienced specific instances of violence or specific threats to your safety. However, if you do have a history of violence, you may still include in #11 any reasons why you are at risk if your name change was published. For example, many survivors of domestic violence may be at risk if they were required to publish their address and personal information.

judges want you to get permission from your spouse beforehand even though that is not in the law.

Filing the Papers

1. Once you have your papers ready, you can file your name change application in the civil court of any of the five boroughs, no matter which borough you live in. Manhattan: 111 Centre St.; Bronx: 851 Grand Concourse; Brooklyn: 141 Livingston St.; Queens: 89-17 Sutphin Blvd.; Staten Island: 927 Castleton Ave. This guide is Manhattan-specific because it has been less harmful to trans people due to our trainings. Please note that the process is different in each borough of NYC. If you don't go to Manhattan, please call the court clerk to make sure you are doing everything correctly.
2. After you go through security to enter the court, go to the clerk's office that handles name changes. In Manhattan, it is room 118 on the ground floor level near the exit.
3. Get in the line marked "name change." Tell the clerk you are filing for a name change and give the clerk your papers. If you were born in New York, the clerk will keep your original birth certificate. If you were not born in New York, the clerk will make a photocopy of your birth certificate and give you back the original. The clerk will also tell you that you need to pay a \$65 fee.
4. If you cannot afford this fee, tell the clerk that you need to proceed as a poor person and fill out the form; it will ask you questions about your income, property and expenses, such as rent. You should hear in a couple of days whether your petition to proceed as a poor person was approved. If it was approved, you will be given an Index Number and a court date. If it wasn't, the clerk will either ask you to come in with more information or tell you that you will have to pay the fee. You may call the clerk at 646-386-5609 or go to their office in person to check on it if you don't hear from them. If you are able to waive the fees, you might be able to also get free certified copies of your name change, but there's no guarantee.
5. If you can afford this fee, go to the cashier on the 2nd floor to pay. The cashier only accepts cash (in exact change), money orders, and certified checks, NOT personal checks or credit cards. The cashier will give you a receipt with your index number on it. Keep this receipt. Then go back to the clerk to turn in your papers.
6. The clerk will assign you a date for a name change hearing. If you know you cannot make it on that date, just tell the clerk and ask for a later date. Your name change hearing will probably be scheduled for around 1-2 weeks after the date you file your papers. This procedure can be different in other boroughs. For example, in Brooklyn, you will usually see a judge on the same day you file the papers.

7. If you are currently incarcerated or on parole for a violent felony offense, you will need to give notice of the hearing date to the DA and the court in which you were convicted.

The Hearing

1. Name change hearings vary according to the judge. Generally, the hearing is straightforward. When you get to court, make sure to let the court officer know that you are there. There is a calendar outside the courtroom that will list your name and a number. Give the officer your name and court number. Then, sit in the courtroom until you hear your name called. For those in Manhattan, Court usually starts at 11:00 am in room 428 on the 4th floor at 111 Centre St. Please remember that you must go through security to get inside the building and that takes time.
2. Sometimes there is almost no wait at all. Other times you may need to wait for one or two hours before you are called. When you are called, walk up to the front of the courtroom, directly in front of the judge. The judge or court attorney will ask you a few questions. Just respond briefly and honestly. The questions are usually easy. Sometimes, your name will not be called because the judge decided not to ask you any questions.
3. Sometimes certain judges will ask you for other identifying documentation that is not required by the law. To avoid any potential delay in receiving your name change, bring with you to the hearing any identifying documents that you may have. These could include a photo ID, like a benefits card, and proof of residency, like a utility bill or lease. If you do not have any identification, you should politely remind the judge that the name change law only requires a sworn statement that you are who you say you are and no additional identifying documents. If there are no reasonable objections to the case at hand, the name change should be approved.
4. Most of the time, name changes are approved the first time. If yours is denied, be sure to get a copy of whatever the judge wrote explaining the reasons for the denial. Don't panic – many problems are very easy to fix and your name change will probably be granted on a second try. Call the Sylvia Rivera Law Project or another legal service provider right away if you need help appealing or filing again.
5. It is important to ask for free copies of your name change order when you go to the judge, otherwise they will cost you \$6 each. You can tell the judge that you receive public benefits or what kind of expenses you have that would warrant a fee waiver. The judge isn't required to give you free certified copies, but it is worth a shot. The clerk will give you a copy of your worksheet saying you get free copies. If the clerk doesn't, ask for it. You should also ask the judge for sealing if you want your file to be sealed.

6. If there are no complications during your hearing, the judge will finish deciding about all of the name changes, and the files will be given to the clerk. After this, you and everyone else there will then be asked to wait, usually for around 10 to 30 minutes, until the clerk is ready. Then, the clerk will give everyone instructions on what to do next. What happens next depends on whether the judge excuses you from the publication requirement and whether or not the judge has required you to send a copy of your name change paperwork to anyone.
7. If publication is not required, then you are more likely to have your records sealed. This means that no one will have access to those records unless you request them or the judge determines there is good cause to have them. The downside of sealing is that it takes more time to get certified copies in order to change your name on other identifying documents. Sealing your record is time-consuming, but it may be necessary given your specific circumstance. If sealing is something you are interested in, please speak to a lawyer before you begin the name change process.
8. Generally, the judge will grant both your request for publication and for sealing. If the judge grants your seal request, and you are not required to give notice to any agencies, then you still have a few more steps before your name change is finalized. If the judge does not excuse the publication requirement and you do not want your record sealed, please skip to the "Publication and Service" section.
9. If the judge grants your waiver and sealing request, your records will be sealed and you do not have to publish. At this point, you will have to make a Motion to Unseal in order to receive certified copies of your name change order. To do this, you will have to come back to court and submit the motion with the clerk in room 118. Typically, the judge will grant your request in 2-4 days.
10. If the judge does not excuse the publication requirement, or if you are required to serve paperwork on other agencies, there are still a few more steps that you must do to finish the name change process.

Publication and Service

1. If you haven't been excused from the publication requirement, or if you were but you need to serve the paperwork on other agencies, the clerk will give you a photocopy of your name change order, which has already been signed by the judge, and explain the publication requirement.
2. You will need to publish within 60 days of the date the order was signed. Then, you will need to file proof that you published within 90 days of the date the order was signed.
3. The judge may require you to serve notice of your name change on certain agencies, like the Division of Criminal Justice Services or United States Citizens

and Immigration Services. If so, make a copy of the order and mail it via certified mail to the address the clerk gives you. Be sure to take the envelope to the post office and have them give you a Certificate of Mailing (which costs less than \$1.00). This is your proof of service.

4. If you requested a waiver of the publication requirement and for your records to be sealed, you may still be required to send notice to certain agencies, like the ones listed above.
5. After you receive the Certificate of Mailing, you must go back to court and present it to the court clerk in room 118 along with your Index Number. If you got your name change sealed, you may need to make a Motion to Unseal to get certified copies and wait a few days before picking up your orders.
6. If the Order says you have to publish in a certain paper, you must do that. If you have a choice, the Irish Echo is the least expensive place to publish. It has a flat fee of \$35. If you submit the notice by Friday at 2 pm, you can have it published in the edition that comes out the next Wednesday. Then, you can pick up the proof of publication that Friday from the Irish Echo at 165 Madison Ave., #302. The New York Beacon is the second cheapest paper. The clerk will give you the addresses of the papers.
7. Once you have the proof of publication and/or service, go back to the court and give that proof to the clerk. If you missed the 60 or 90 day deadline, ask for a "nunc pro tunc" form so you can explain why you were late and ask the judge to accept your proof anyway. These requests are almost always approved.
8. Once your proof has been accepted, your name change is complete! You can then buy certified copies of your name change order for \$6 each, unless you had your fees waived, in which case, you should bring the worksheet the judge signed giving you free copies. If you decide you need more at a later time, you can always go back to court and get more. You can use the certified copy of the name change order to change your name on documents including your Social Security card, driver's license, state ID, Medicaid card, passport, immigration documents, or birth certificate, among others.

Changing Your IDs

Now that you have legally changed your name, you can start the process of updating all of your ID documents. Please check out SRLP's Guide to Changing Your ID Documents at: www.srlp.org/resources/changeid for more information.

If you need help changing your name or gender with agencies other than those shown here, call SRLP at 212-337-8550.