STATE OF INDIANA COUNTY OF IN RE THE NAME CHANGE OF MINOR: Name of Minor			COURT
)SS: CAUSE NO	
)))	
))))	
Petitione	r)	
	APPEARANCE BY	SELF-REPRESENTED I	PERSON IN CIVIL CASE
1. on m	My name isy own behalf. I am not repr		and I am the Petitioner, filing this case
2.	Contact information for r by Court Rules.	eceiving legal service of doc	cument and case information as required
	I will acce	pt service at the above emai	il address.
3.	Fax: This is an MI case type a	s defined in Administrative l	Rule 8(B)(3).
4.	There are related cases: (If yes, please indicate below)
	Caption and case number	of related cases:	
	Caption:		Case No.:
	Caption:		Case No.:

Signature

COUNTY OF IN RE THE NAME CHANGE OF MINOR: Name of Minor			COURT				
				Petition	er)	
					<u>CONSEN</u>	Γ TO CHANGE OF NAME	E OF MINOR
	I, the non-petitioning par	ty, make the following declar	rations:				
1. My full name is			·				
2.	I reside at:						
3.		of the mir	nor child.				
4. char	nged from	<u> </u>	for the Minor Child's name to be to				
5.		by me without coercion or du	uress and is irrevocable.				
6. Peti	The petitioning parent or tion for Change of Name of I	_	has served me with a copy of the ana Trial Rules.				
	firm under penalties for p true.	erjury that the foregoing	representations and statement				
		S	ignature				
		_ _					

) IN THE COURT)SS:
N RE THE NAME CHINOR: ame of Minor etitioner	
	FIED PETITION FOR CHANGE OF NAME OF MINOR
Petitioner, _ respectfully petition Petition, Petitioner	, self-represented, as the court to change the name of the above-noted child. In support of this states as follows:
1. Petit changed.	ioner is the of the child whose name is sought to be
	written consent of the non-petitioning parent or guardian for the name change s filed with this Petition.
3. That	child's current name is
4. That	the child's date of birth is
5. That	the child's mailing address is:
And	if different, the child's residential address is:
	the child's Indiana driver's license number/Indiana identification card ; and I will bring the child's Indiana
	dentification card to my Change of Name Hearing for verification.
7. The	following is a list of all of the previous names of the child:
8. That	the child hold a valid United States passport. Proof that the child

any state or the United States have been entered against the child, or I have stated immediately below that the child does not have any felony convictions:				
10. creditors.	That changing the child's name is not an effort to defraud any of the child's			
11. publication as	That notice of the request for name change has been published in a local required by law and will be brought to the Change of Name Hearing.			
12. violent offend	That the child is not confined to a Department of Correction facility or a sex or ler who is required to register under Indiana Code 11-8-8.			
13. child's name. is requested is	That pursuant to Indiana Code 34-28-2-1, I petition this court to change the Pursuant to Indiana Code 34-28-2-2(b), the reason the change of the child's name ::			
14.	That I request that the child's name be changed to:			
15.	That I request that (select one of the following):			
	The name on the child's birth certificate <u>not</u> be changed.			
	The name on the child's birth certificate be changed to their new, changed name. Specifically,			
16. copy of this I	The non-petitioning parent or guardian of the minor child has been served with a Petition as required by the Indiana Trial rules.			
	REFORE, I respectfully request that this Court grant this Petition for Name Change and for all other just and proper relief.			
I affirm und are true.	er penalties for perjury that the foregoing representations and statements			
	Signature			

CERTIFICATE OF SERVICE

	I hereby certify that I sent a copy of this Verifi	ed Petition for Change of Name of Minor
on _	by	
	☐ e-service using the e-filing system	
	☐ first-class U.S. mail, postage prepaid	
	☐ hand delivery	
	to	at the following address:
	$\overline{\overline{S}}$	ignature

TATE OF INDIANA	IN THE	COURT
OUNTY OF	CASE NO	
N RE THE NAME CHANGE OF MINOR:		
Tame of Minor		
Petitioner		
NOTICE O	F PETITION FOR CHANGE OF M	NAME
Notice is hereby given th as a self-represented litigant, filed	at Petitioner, d a Verified Petition for Change of No	ame on
to change the name of		
	ng in the	
which is more than thirty (30) da	ys after the third notice of publication written objections on or before the	• 1
	 Clerk	Court

STATE OF INDIANA) IN THE)SS:	COURT
COUNTY OF) CAUSE NO	
IN RE THE NAME CHANGE OF MINOR:))	
Name of Minor)))	
Petitioner)	
NOTICE OI	F FILING PROOF OF	PUBLICATION
		, self represented, states as
follows:		
1. I have given notice of the Indiana Code 34-28-2-3.	Petition for Change of	Name of Minor Child, pursuant to
2. Notice was given by thre published:	e (3) weekly publication	ns in a newspaper of general circulation
in the county in which	h the petition is filed in	court.
in the nearest adjacer which the petition is filed		wspaper is published in the county in
3. The first notice was publ Change Name of Minor Child w		ren (7) days after the date the Petition to
4. The published notice incl	luded:	
A. The name of the p	petitioner.	
B. The name of the r	minor child whose name	e is to be changed.
C. The new name de	sired.	
D. The name of the o	court in which the action	n is pending and cause number.
	h the petition was filed.	
Page 1 of 2		Approved by the Coalition for Court Access

- F. The date, time, and location of the hearing.
- G. The statement that any person has the right to appear at the hearing and to file objections.
- 5. I have attached a copy of the published notice herein as Exhibit A.
- 6. The attached notice has been verified by the affidavit of a disinterested person.
- 7. More than thirty (30) days have passed since the final required publication of notice.

I affirm under penalties for perjury that the foregoing representations and statements are true.

Date	Signature	
	Printed Legal Name	

STATE OF INDIANA) IN THE	COURT
COUNTY OF) CAUSE NO	
IN RE THE NAME CHANGE OF MINOR:)))	
Name of Minor)))	
Petitioner)	
	ORDER SETTING HEARING	
Petition for Change of Name of M IT IS THEREFORE ORDERE	Ginor, and the Court finds that the mathematical Definition that this matter shall be heard on	atter should be set for hearing.
SO OKDERED		
	Judicial Officer	
Distribution:		

STATE OF INDIANA) IN THE	COURT	
COUNTY OF) CAUSE NO) CAUSE NO	
IN RE THE NAME CHA MINOR:)		
Name of Minor)))		
Petitioner			
ORDER ON V	ERIFIED PETITION FOR CHANGE OF NAMI	E OF MINOR	
Comes now th	e Court, having reviewed the Verified Petition for C	Change of Name of	
Minor and the Notice	of Filing Proof of Publication, now finds as follows	3:	
1. The M	inor Child's current name is		
2. The M	inor Child resides at :		
3. The M	inor Child's date of birth is:		
	Minor Child has a felony conviction within the last tappropriate agencies has been provided.	en (10) years, the	
5. The Pe	etitioner wishes to change the Minor Child's name to	o:	
6. The Pe	etitioner:		
Wis	shes to change the Minor Child's name on Minor Ch	nild's birth certificate.	
□ <u>do</u> certific	es not wish to change Minor Child's name on Mino cate.	or Child's birth	
7. This O Indiana Code 31-17-2	rder is in accordance with the best interest of the M -8.	inor Child as guided by	
Page 1 of 2	Approved by the	Coalition for Court Access	

WHEREFORE, IT IS ORDERED that Petitioner's Petition for Change of Name of Minor is GRANTED, and Minor's name is hereby changed to: The name on Minor's birth certificate: should be changed to should not be changed. SO ORDERED Judicial Officer Distribution:

You do not have to file the following documents, but you may want to. Read below and then decide whether you want to fill out and file them.

To get a name change, you are required to publish notice of your name change in a newspaper and the court records are public. However, court rules allow you to ask that the publication requirement be waived (not required), and the records be sealed (not available to the public) for your safety. If you feel unsafe publishing in a newspaper (for example, because you are transgender), or having this case public would put you at significant risk of substantial harm, fill out all of the following forms and submit them to the Clerk of Court <u>when you start your name change case</u>.

- 1. The first document is <u>Notice of Exclusion of Confidential Information</u>
 <u>From Public Access</u>. This lets the court know you want the court to keep the papers you file out of public view.
- 2. The second document is the <u>Verified Request to Prohibit Public Access</u>
 <u>Pursuant to Indiana Rules on Access to Court Records</u>. This is a request to the Judge to make your case confidential. This is where you should detail all the reasons you would feel unsafe having your name change made public
- 3. The third document is the Memorandum of Law in Support of Verified Request to Prohibit Public Access Pursuant to Rules on Access to Court Records. Indiana Legal Services wrote this memo to explain to the Judge why, in general, it can be unsafe for trans people to be outed, and why this means the name change of a transgender person should be sealed (confidential).
- 4. The fourth document is the <u>Public Notice of Hearing</u>. The law says that if you ask a judge to make the case confidential, there must be a public hearing on the sealing request (that's the second document listed above). To let the public know about the hearing, the court posts this notice in the courthouse at least 30 days before the hearing.
- 5. Finally, the fifth document is the <u>Order on Request to Prohibit Public Access Pursuant to Indiana Rules on Access to Court Records.</u> This is a document that you want the Judge to sign. If the Judge decides that your case should remain confidential, not viewable by the public, then the Judge will sign this document and your case will be *sealed*.

S	TATE OF INDIANA		COURT
C	OUNTY OF)SS:) CAUSE NO.	
	N RE THE NAME CHANGE (
N	ame of Minor		
P	etitioner)	
	NOTICE OF EXCLUS	SION OF CONFIDENTIA ACCESS	AL INFORMATION FOR PUBLIC
1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	Contemporaneous with the filing of their Verified Petition For Change Of Name Of Minor,		
	Signature	Da	te
	Printed Legal Name	CERTIFICATE OF S	SERVICE
	□ e-service using the□ first-class U.S. ma□ hand delivery	e e-filing system ail, postage prepaid	by
	to		
		Sic	gnature
		518	,1141410

STATE OF INDIANA) IN THECOUR
COUNTY OF)SS:) CAUSE NO
IN RE THE NAME CHANGE OF MINOR:)))
Name of Minor))))
Petitioner))
RULES O	ROHIBIT PUBLIC ACCESS PURSUANT TO INDIANA ON ACCESS TO COURT RECORDS , respectfully petition this
Court to seal the record of my child's	s name change proceeding, permanently prohibiting Public suant to Indiana Rules on Access to Court Records Rule 6. In
1. I am requesting the court □ transgender □ gender non-con □ nonbinary □	
2. I am seeking to change mand presentation.	ny child's name to accurately reflect my child's gender identity
transgender, gender non-conforming	tes of violence, discrimination, and invasion of privacy agains g and nonbinary people in Indiana and nationwide and I fear the er identity, they will personally experience violence, ivacy.
	ald find my child's name change request and address online, thation and/or violence based on their gender identity.
5. I also fear for my child's discrimination.	safety because of personal experience with violence and

6. My child has personally suffered □ phys □ bullying □ threats of violence □ other:	ical harm □ discrimination □	harassment
7. I am attaching a Memorandum of Law in S Access And/Or Waive Publication Pursuant to Rules of Indiana Legal Services as an Exhibit.		
THEREFORE, I respectfully request that properties that properties access the court Records, this case be excluded from public access that properties are the court Records and the court Records are the court Records.		
I affirm under penalties for perjury that the are true.	foregoing representations and	d statements
Date	Signature	
	Printed Legal Name	
CERTIFICATE	OF SERVICE	
I hereby certify that I sent a copy of this document ☐ e-service using the e-filing system ☐ first-class U.S. mail, postage prepaid ☐ hand delivery		_ by
to	at the following address:	
	Signature	

MEMORANDUM OF LAW IN SUPPORT OF VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS AND/OR WAIVE PUBLICATION PURSUANT TO RULES ON ACCESS TO COURT RECORDS

- This memorandum of law was drafted by Indiana Legal Services' LGBT Project to support selfrepresented litigants who fear for their safety to a request pursuant to the Rules on Access to Court Records² to waive publication and sale the records of their case.
- 2. Name change cases are subject to the public access rules containing in Indiana Rules of Court Administration 9. Ind. Code § 34-28-2-2.5(b).

I. HAVING TO PUBLISH NOTICE IN A NEWSPAPER AND HAVING THEIR CASE PUBLICLY AVAILABLE PUTS PETITIONER AT SUBSTANTIAL RISK OF HARM.

- 3. The Court of Appeals is clear that the evidence of heightened risk of harassment, violence, and homicide to transgender individuals nationally and in Indiana is enough to demonstrate significant risk of harm warranting prohibiting public access. *In re Name Change of M.E.B.*, 19A-MI-118 at ¶ 11 (June 21, 2019).
- 4. The purpose of the Access to Court Records Rule is, among other things, to minimize an individual's risk of injury. The Commentary to the Rule recognizes "that unrestricted access to certain information in Court Records could result in an unwarranted invasion of personal privacy or unduly increase the risk of injury to individuals and businesses." Ind. Access to Court Records 1, cmt. ". . . The goal of the Rules on Access to Court Records is proactive; it seeks to *prevent* harm. To force petitioners to wait until they have already experienced that harm would vitiate the purpose of the rule." *Id.; accord In Re K.H.*, 127 N.E.3d 257 (Ind. Ct. App. 2019)
- 5. A.C.R. Rule 6 requires Judges to look at the totality of the circumstances to evaluate if a substantial risk of harm exists and to proactively protect applicants' safety. Rule 6 does not require that Plaintiff endure targeted threats, violence, or abuse before granting temporary and permanent

² The Access to Court Records Rules replaced Administrative Rule 9 on January 1, 2020. Rules on Access to Court Records moved portions of Administrative Rule 9 and placed them in a more organized manner. A.C.R. Rule 6 is Administrative Rule 9(G)(4) without change.

sealing and a publication waiver. In Re M.E.B., 126 N.E.3d 932 at 934 (Ind. Ct. App. 2019); In Re

K.H., 127 N.E.3d 257 (Ind. Ct. App. 2019)

6. Part of the circumstances to consider is the reality that transgender people are disproportionately

impacted by violence and homicide. The United Sates is the third most deadly country for trans

people.

7. Between 2013 and 2015, hate crimes against transgender people increased 239 percent, with LGBT

people more likely than any other minority group to experience hate crimes in the United States.

Haeyoung Park and Iaryna Mykhyalyshyn, L.G.B.T. People Are More Likely to Be Targets of Hate

Crimes Than Any Other Minority Group, N.Y. TIMES, June 16, 2016.

8. The systemic violence transgender people experience neither begins nor ends with hate crimes,

physical assault or homicide. Transgender people are more likely than the general population to

experience discrimination, harassment, and violence in every facet of life, including family

relations, education, employment, housing, public accommodations, obtaining accurate

identification documents, and accessing adequate and appropriate medical treatment. . See e.g.

James et al., The Report of the 2015 U.S. Transgender Survey (2016), available at

http://www.ustranssurvey.org/reports/; National Coalition of Anti-Violence Programs, A Report

from the National Coalition of Anti-Violence Programs: Lesbian, Gay, Bisexual, Transgender,

Queer, and HIV-Affected Hate Violence in 2013 (2014), available at http://avp.org/wp-

content/uploads/2017/04/2013_ncavp_hvreport_final.pdf; Jaime M. Grant et al., *Injustice at Every*

Turn: A Report of the National Transgender Discrimination Survey 2 (2011), available at

http://www.thetaskforce.org/downloads/reports/reports/ntds full.pdf.

9. This is no less true in the state of Indiana. A survey of transgender people in Indiana conducted in

conjunction with the National Transgender Discrimination Survey found that 73% of respondents

reported harassment in their K-12 school; and 27% reported physical assault. National Center for

Transgender Equality and the National Gay and Lesbian Task Force, Findings of the National

Transgender Discrimination Survey: Indiana Results (2015), available at http://www.transequality.org/sites/default/files/docs/usts/USTSINStateReport% 281017%29.pdf.

- 10. In another study of Transgender Hoosiers, 74% of respondents reported experiencing harassment or mistreatment on the job. Christy Mallory and Brad Sears, *Employment Discrimination Based on Sexual Orientation and Gender Identity in Indiana*, August 2017, available at https://williamsinstitute.law.ucla.edu/research/in_discrimination_ aug_2017/.
- 11. In 2016, an Indiana transgender woman was shot in the face while their attacker yelled anti-transgender sentiments. Alleged Hate Group Member Charged in Shooting of Trans Woman in Indiana, The Advocate (July 17, 2016), available at http://www.advocate.com/transgender/2016/7/17/alleged-hate-group-member-charged-shooting-trans-woman-indiana. Across the nation, violence against transgender individuals is on the rise. Maggie Astor, Violence Against Transgender People Is on the Rise, Advocates Say, N.Y. TIMES, Nov. 9, 2017.
- 12. Though the data on violence is staggering, the actual violence against transgender people is likely much worse, due to the underreporting of crimes. See. E.g. Lucas Waldron, Deadnamed: The way cops in Jacksonville and other jurisdictions investigate the murders of transgender women adds insult injury and be delaying available to may justice, at https://www.propublica.org/article/deadnamed-transgender-black-women-murders-jacksonvillepolice-investigation; Emma Keith et. al, Lack of trust in law enforcement hinders reporting of LBGTO crimes, available at https://www.publicintegrity.org/2018/08/24/22138/lack-trust-lawenforcement-hinders-reporting-lbgtq-crimes.
- 13. The Court of Appeals is clear that these significantly higher rates of discrimination, harassment, and violence experienced by transgender people as compared to cisgender people (people who are not transgender) is enough to satisfy that there was clear and convincing evidence that the

Petitioner would face a significant risk of substantial harm if their transgender status was disclosed

to the public. *In re Name Change of A.L.*, 81 N.E.3d 283, 291 (2017).

14. The Court of Appeals rejected the trial court's reasoning that Rule 9 was not applicable because

the petitioner had not shown they were subjected to any specific threats or violence because of

their gender identity. Id. At 290-91. Trial courts have no jurisdiction to disregard appellate

precedent. Cf. Ross v. State, 877 N.E.2d 829, 835 (Ind. Ct. App. 2007) (appellate precedent is

binding on trial courts), trans. denied.

15. There—on an evidentiary record substantively identical to that submitted here—the court found

that the significant risk of harm came from the general public being able to access, on the internet,

in perpetuity, information about petitioner being transgender.³ Id.

II. COURT DOCUMENTS IDENTIFY PETITIONER AS TRANSGENDER, WHICH UNLAWFULLY DISCLOSES CONFIDENTIAL MEDICAL INFORMATION IN

VIOLATION OF A.C.R. 5(A)(1).

16. A.C.R. Rule 5(A)(1) mandates that records declared confidential by Indiana statue or court rule

must be excluded from public access. Both medical and mental health records are confidential and

protected from public disclosure.

17. That Petitioner's is transgender is protected medical information. I.C. § 16-39-3-10 declares a

patient's "mental health record or testimony related to a patient's mental health" offered in a legal

proceeding to be a confidential court record.

18. Gender transitions involve both physical and social elements. Social elements, such as wearing

clothing more readily associated with a specific gender, changing one's name and updating their

identity documents to reflect their experienced sex, are therapeutic treatments for the psychological

treatment of gender dysphoria. STANDARDS OF CARE FOR THE HEALTH OF TRANSSEXUAL,

³A publication notice in a local newspaper lives on past the three weeks in which it is published. All public notices published in Indiana are archived and searchable though the Hoosier State Press Association. Indiana Public Notice Search, available at http://www.indianapublicnotices.com/. Once publication is made or the court

file accessed, it cannot be undone.

TRANSGENDER, AND GENDER-NONCONFORMING PEOPLE, WORLD PROFESSIONAL ASSOCIATION

FOR TRANSGENDER HEALTH (7th ed. 2011), available at https://www.wpath.org/publications/soc.

19. The records in this case constitute protected health records that Indiana law requires trial courts to

keep confidential. See Ind. Code § 16-39-3-10 (a "mental health record or testimony related to a

patient's mental health" offered in a legal proceeding is a confidential court record). Trial courts

have no discretion, and therefore no jurisdiction, to order such records be made publicly available.

E.g. Groth v. Pence, 67 N.E.3d 1104, 1112 (Ind. Ct. App. 2017) ("as a matter of law," records

declared confidential by statute "shall not be disclosed"), trans. denied.

III. BEING OUTED AS TRANSGENDER VIOLATES PETITIONER'S PRIVACY INTERESTS PROTECTED BY THE ACCESS TO COURT RECORDS RULES AND

THE 4TH AMENDMENT OF THE US CONSTITUTION.

20. The purpose of the Rules on Access to Court Records is, among other things, to protect the privacy

interests of litigants. The Commentary to the Rule recognizes "that unrestricted access to certain

information in Court Records could result in an unwarranted invasion of personal privacy or

unduly increase the risk of injury to individuals and businesses." Ind. Access to Court Records

Rule 1, cmt.

21. Petitioner has a fundamental right of privacy in preventing the release of their highly personal and

intimate medical and mental health information and in deciding under what circumstances to

release information that has a statistically significant likelihood to subject them to substantial

harm. Whalen v. Roe, 429 U.S. 589, 599-600 (1977); Nixon v. Adm'r of Gen. Servs., 433 U.S. 425,

464-65 (1977) (instructed that intrusions on legitimate informational privacy expectations must be

weighed against the public interest in accessing that information); NASA v. Nelson, 562 U.S. 134,

138 (2011) (reaffirming *Nixon* balancing test); *Denius v. Dunlap*, 209 F.3d 944, 956 (7th Cir. 2000)

(holding 4th Amendment right to informational privacy protects the "clearly established

'substantial' right in the confidentiality of medical information that can only be overcome by a

sufficiently strong state interest").

22. The United States Supreme Court has recognized that a constitutional right to information privacy

protected by the 4th Amendment applies to the states under the 14th Amendment. Whalen v. Roe.

429 U.S. 589, 599-600 (1977). This constitutional right to privacy means one has a venerable right

"not to have intimate facts concerning one's life disclosed without one's consent." Bartnicki v.

Vopper, 200 F.3d 109, 122 (3d Cir. 1999). In fact, "the more intimate or personal the information,

the more justified is the expectation that it will not be subject to public scrutiny." Fraternal Order

of Police v. City of Philadelphia, 812 F.2d 105, 112 (3d Cir. 1987). This right to privacy has been

deemed by Federal Courts to include an individual's gender identity. See Powell v. Schriver, 175

F.3d 107 (2d Cir. 1999).

23. Denying Petitioner's Access to Court Records request would make public the fact that Petitioner

is pursuing therapeutic treatment for their gender dysphoria and reveal medical and mental health

information to a large number of disinterested persons with no legitimate interest in that

information, in violation of the 14th Amendment to the United States Constitution, I.C. § 16-39-3-

10, and the purpose of the Access to Court Records Rule.

Prepared in January 2020 for use by pro se parties by: LGBT Law Project

LGBT Law Project Indiana Legal Services

lgbtgroup@ilsi.net

NOTICE OF HEARING filed a Verified Request To Prohibit Public Access Courts and for Sealing the Record pursuant to Indiana sting that the Court enter an Order excluding the entire ourt having duly examined said motion, hereby sets the
filed a Verified Request To Prohibit Public Access Courts and for Sealing the Record pursuant to Indiana sting that the Court enter an Order excluding the entire
filed a Verified Request To Prohibit Public Access Courts and for Sealing the Record pursuant to Indiana sting that the Court enter an Order excluding the entire
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Judicial Officer

TATE OF INDIANA	/00.	COURT
COUNTY OF		
N RE THE NAME CHANGE OF MINOR:)	
Tame of Minor))))	
etitioner)	
INDIANA RU	LES ON ACCESS TO	
Following a hearing on the matter Court now issues the following I		the
1. Petitioner has demonstrated by Rules on Access to Court Record	_	vidence that the requirements of Indiana
	•	ets served by prohibiting public access to cess interests served by the Rules on
3. Permanently prohibiting Publi and duration to protect Petitioner		urt record is the least restrictive means rsonal safety.
	ber is permanently prohi	the documents that comprise the entire bited and all Public access to all further
So ordered this		
		cial Officer
Distribution:	Judio	ciai Officei
Page 1 of 1		Approved by the Coalition for Court Access