



Pro Bono Legal Name Changes in Philadelphia

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Hers
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Part 1: Best Practices for Serving Transgender, Nonbinary, and Gender Non-Conforming Clients



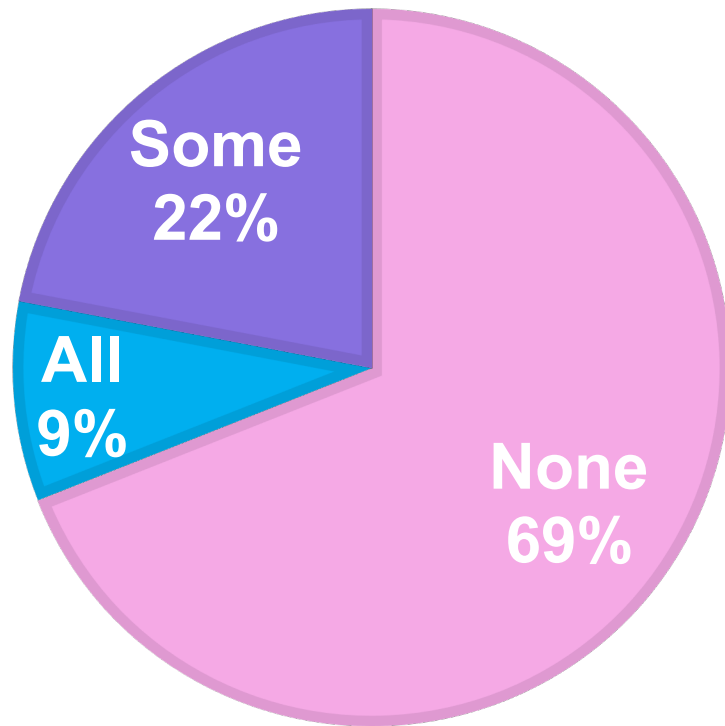
- What you need to know
- What to be aware about
- What trans clients need

(clockwise from top left)
Kendall Stephens, Janis Stacy,
Naiymah Sanchez, and Christian
Lovehall

Inquirer article from April 1, 2021 [How to support trans people in Philly, according to trans people](#)

Access to Legal Name Change Matters

IDENTITY DOCUMENTS IN THEIR
CORRECT NAME AND GENDER



30%

verbally harassed,
denied benefits or service,
asked to leave, or
assaulted

when showing an ID with
a name or gender that did not match
their gender presentation

Source: 2015 U.S. Transgender Survey, Pennsylvania State Report

Trans 101 Vocabulary Basics

LGBTQ(IA+)

- Sexual orientation
- Gender identity

Gender identity

- Cisgender/cis
- Transgender/trans
- Trans man/trans woman
- Nonbinary
- Gender fluid, agender, etc.

Gender expression

- Feminine/Masculine
- Gender nonconforming

Assigned Sex/Gender at birth

- Assigned Female/Male/Gender at Birth (AFAB, AMAB, AGAB)

Sex/Gender Marker

- F, M, X

What Can it Mean to Transition?

Social

- Use of a new name and pronouns
- Alterations of appearance
- Using different gendered facilities

Legal

- Name changes
- Gender marker changes

Medical

- Hormone therapy
- Gender affirming surgeries

Pronouns

Graphic: transstudent.org

Subjective	Objective	Possessive	Reflexive	Example
She	Her	Hers	Herself	She is speaking. I listened to her. The backpack is hers.
He	Him	His	Himself	He is speaking. I listened to him. The backpack is his.
They	Them	Theirs	Themselves	They are speaking. I listened to them. The backpack is theirs.
Ze	Hir/Zir	Hirs/Zirs	Hirself/ Zirself	Ze is speaking. I listened to hir. The backpack is zirs.

+ neopronouns

Trans 101

DO: Give your pronouns when introducing yourself, if you are comfortable doing so!

DO: Ask your client to share their pronouns!

DON'T: Assume you already know a client's pronouns or identity based on their chosen name or presentation.

Handling Mistakes

Oops! You accidentally address someone using the wrong name, pronoun, or honorific. Should you:

A) Ignore the mistake and move on

B) Apologize profusely

C) Explain yourself

D) None of the above

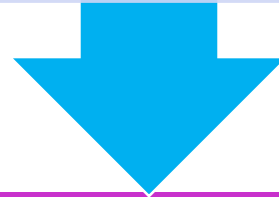
Mistakes Happen: What You Do Next Matters

If you make a mistake with your client's name/pronouns

correct yourself

quickly apologize

move on.



Keep the focus on your client

Address any feelings later, with someone else.

Practice Makes Perfect

Practice introducing yourselves with your name and pronouns to friends.

For example: “Hi, I’m BK, my pronouns are they/them”

Or: “Hi, I’m Krystal (she/her).”

Practice Makes Perfect

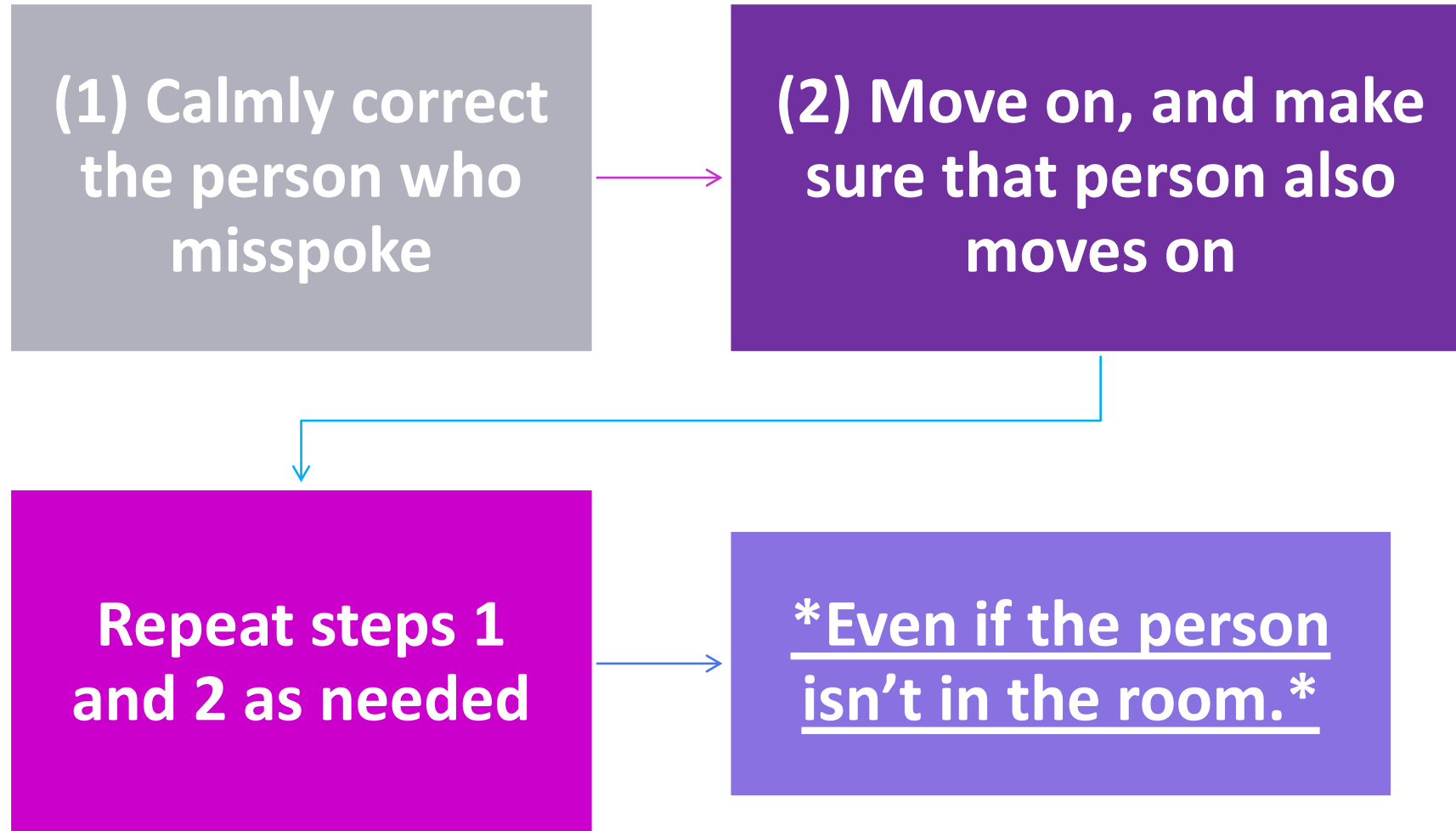
Introduce yourself with
your name and
pronouns to friends

- “Hi, I’m Krystal (she/her).”
- “I’m BK, my pronouns are they/them”

Always use the correct
pronouns when
speaking about others.

- “My client can’t come in today. They twisted their ankle.”

Dealing with 'Bystander' Mistakes



Honorifics

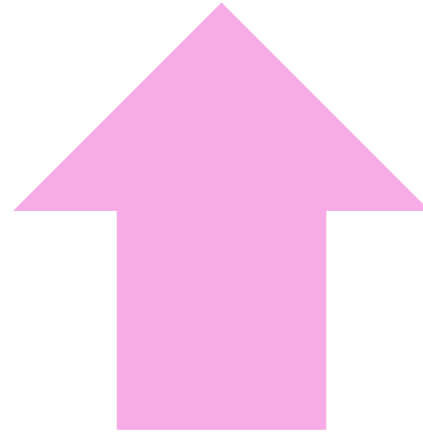
“Ms.”

“Mr.”

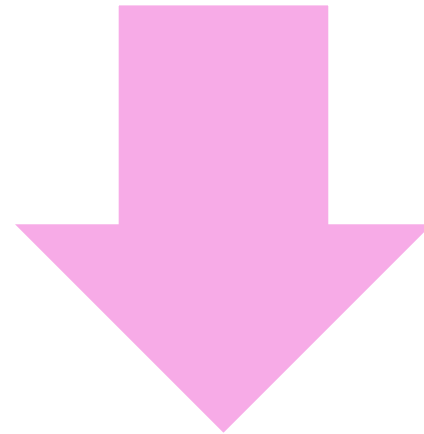
“Mx.”

“Dr.”

“Mrs.”



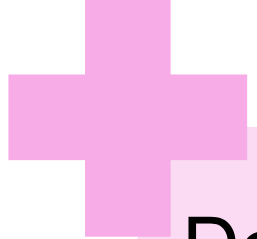
Use the correct
honorific (if using)



But confirm the
honorific with your
client – some
people do not use
them

Trans 101

If you didn't quite catch your client's name...




Do: Ask your client to spell their name.

Don't: Repeat back the name that you *think* you heard them say.

Trans 101

Do: Use your client's chosen name, unless...

- 
- They tell you not to do so
 - It's not safe to do so
 - It's required (*e.g.*, the caption of a legal name change petition)

Trans 101

Write it all down!

Ideal: chosen name and pronouns are up-front in your case records system (with legal name in a separate field)

Other options: post-it notes and write-ins

Trans 101



Be mindful of your client's safety when using their chosen name and pronouns – the client may not be out in some spaces.

Consider asking for specifics with:

- Postal mail;
- Phone calls;
- Text messages; and
- Emails

2015 U.S. Transgender Survey

Respondents reported the following at much higher rates than general population:

Pervasive mistreatment and violence

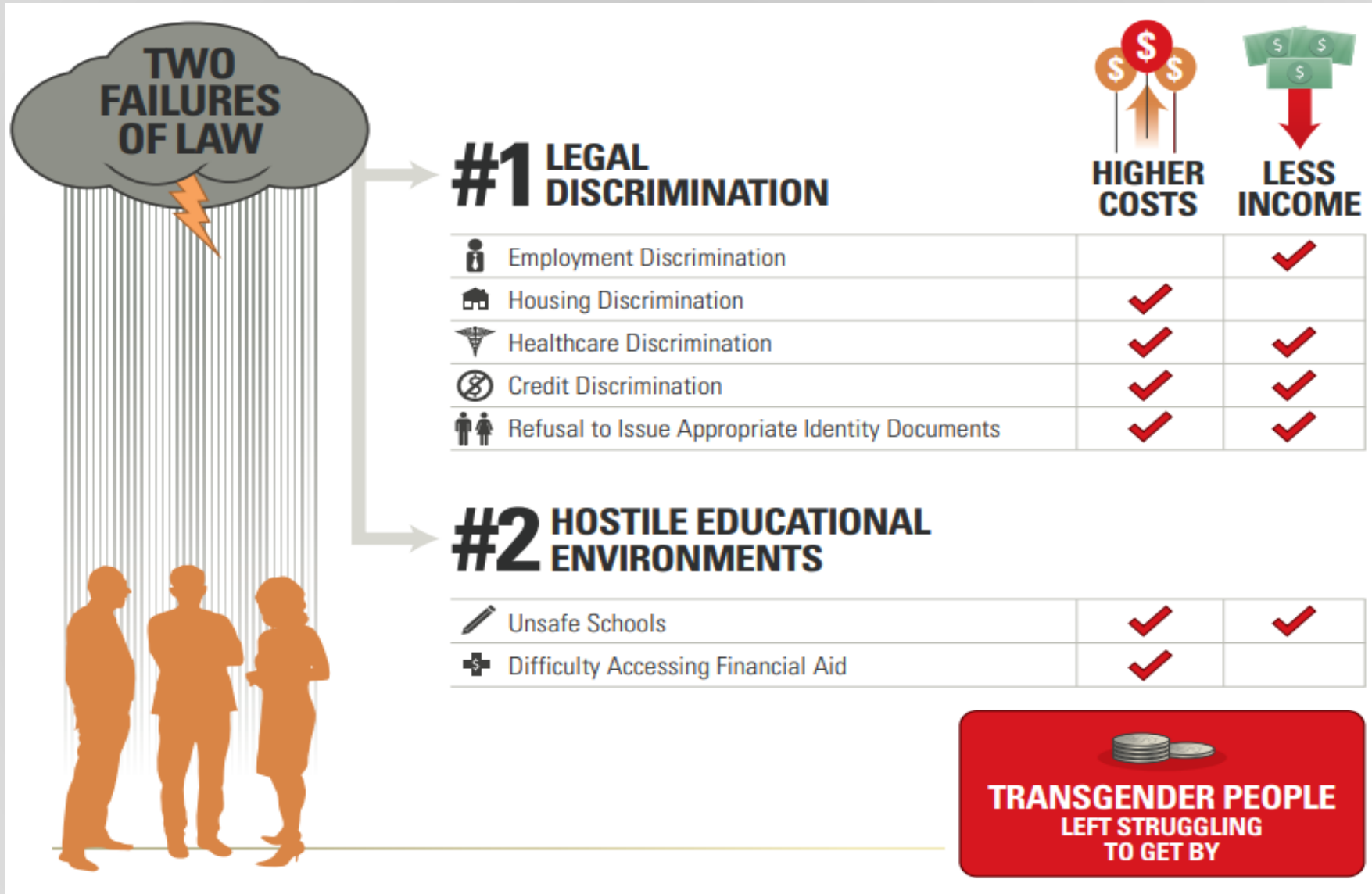
Severe economic hardship & instability

Harmful effects on physical & mental health

Psychological distress & suicide attempts

PAYING AN UNFAIR PRICE:

The Financial Penalty for Being Transgender in America (February 2015)



What is happening with anti-trans bills in 2025?

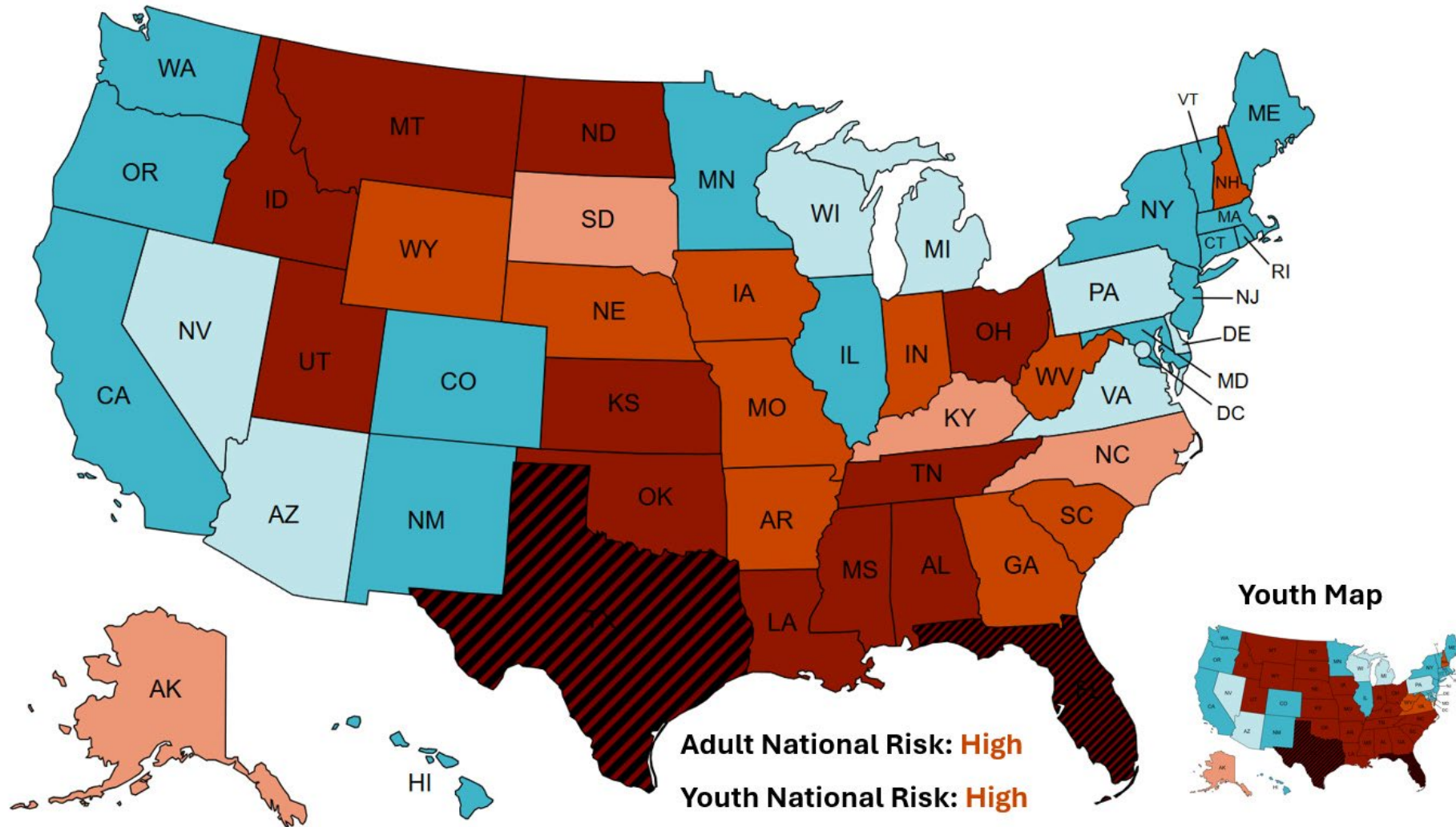
In 2025, **774** bills are under consideration across the country that would negatively impact trans and gender non-conforming people. This number is anticipated to grow.

(as of March 17, 2025)



<https://translegislation.com/>

Adult Anti-Trans Legislative Risk Assessment Map



<https://www.erininthemorning.com/p/post-election-2024-anti-trans-risk>

Be Prepared

Be careful about traumatizing your clients more, but be transparent about anti-trans legislation and policy

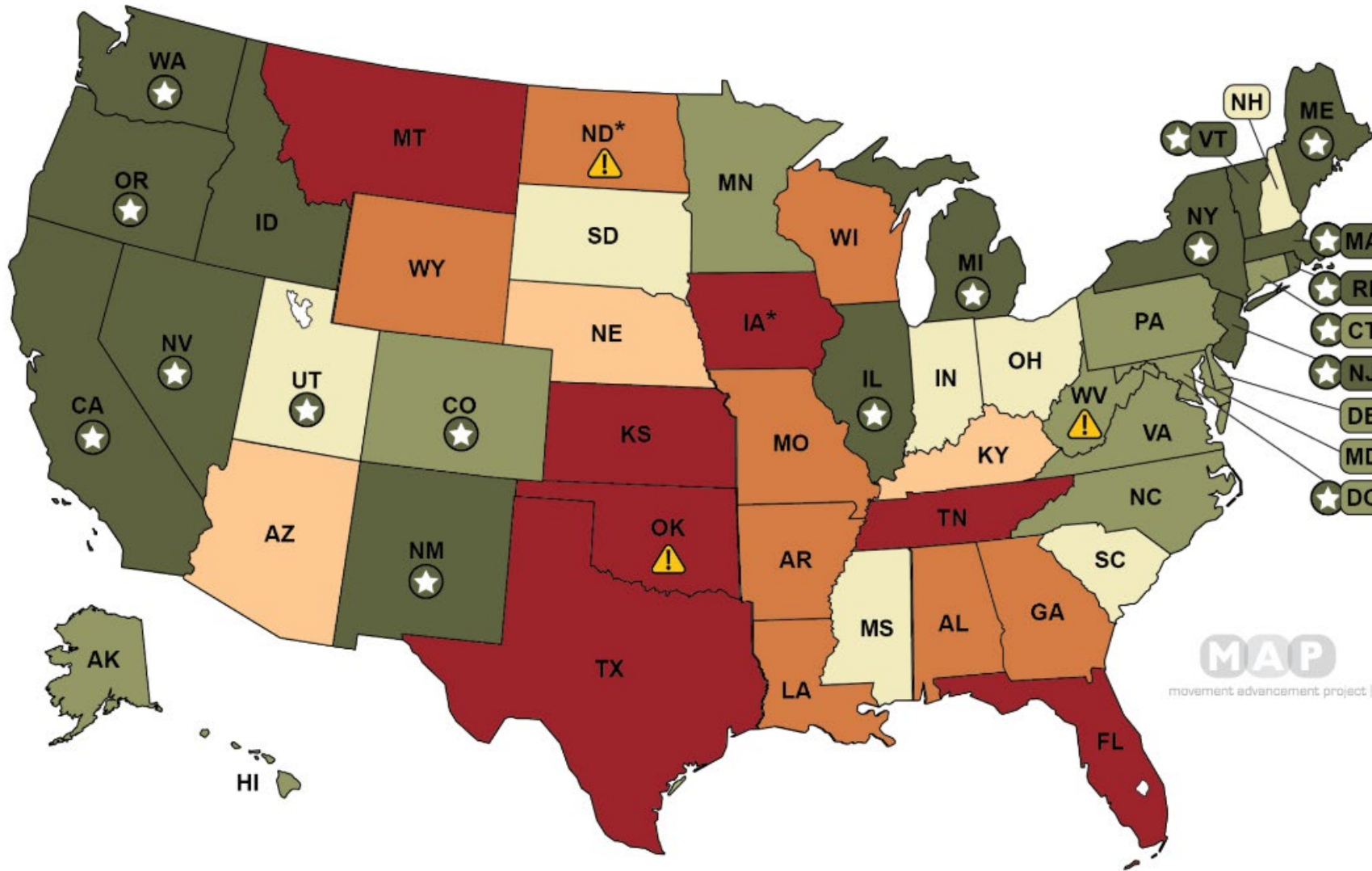
Recognize clients might have heard conflicting information on social media/from their community

Learn about and talk through the options for IDs and potential issues with your client

ID Document Updates



Birth Certificate Updates



★ M, F, or X


- admin process, no provider documentation

- admin process, requires provider letter

- unclear process, left to judicial discretion

- admin process, requires proof of surgery

- requires court order and proof of surgery

 does not allow gender marker changes

 bans use of X marker

https://www.lgbtmap.org/equality-maps/identity_documents/birth_certificate

Trauma-Informed Interviewing!

Use the “Four Rs”: Realize, Recognize, Respond, Resist

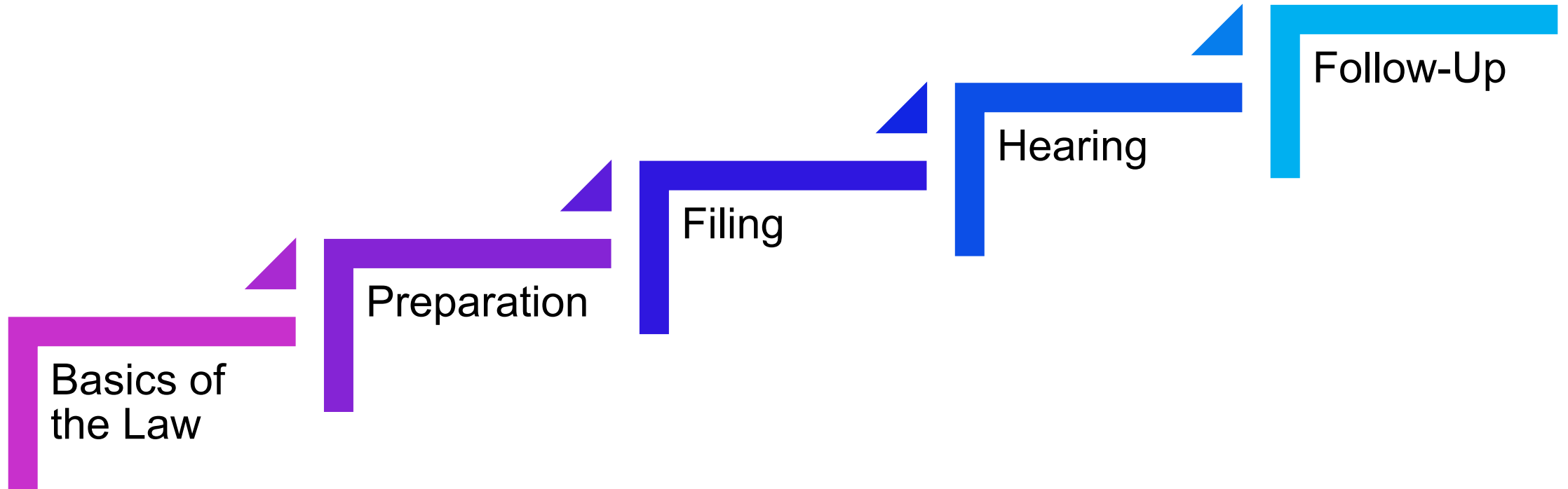
Keep your client informed of everything that you’re doing, and explain why you need certain information!

- We’re asking for a lot of sensitive information on topics that are hard to talk about.

Be transparent with your clients.

- Honesty is better, even if you don’t know the answer.

Part 2: The Legal Name Change Process in Philadelphia



Basics – Informal vs. Legal Name Change

In re McIntyre, 715 A. 2d 400 (Pa. 1998)

- Under the Pennsylvania name change statute, an individual can seek a name change for any non-fraudulent reason (so long as there is no statutory bar)

54 Pa. Cons. Stat. § 701(b) Informal change of name

- “a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively”

Basics – PA Name Change Statute

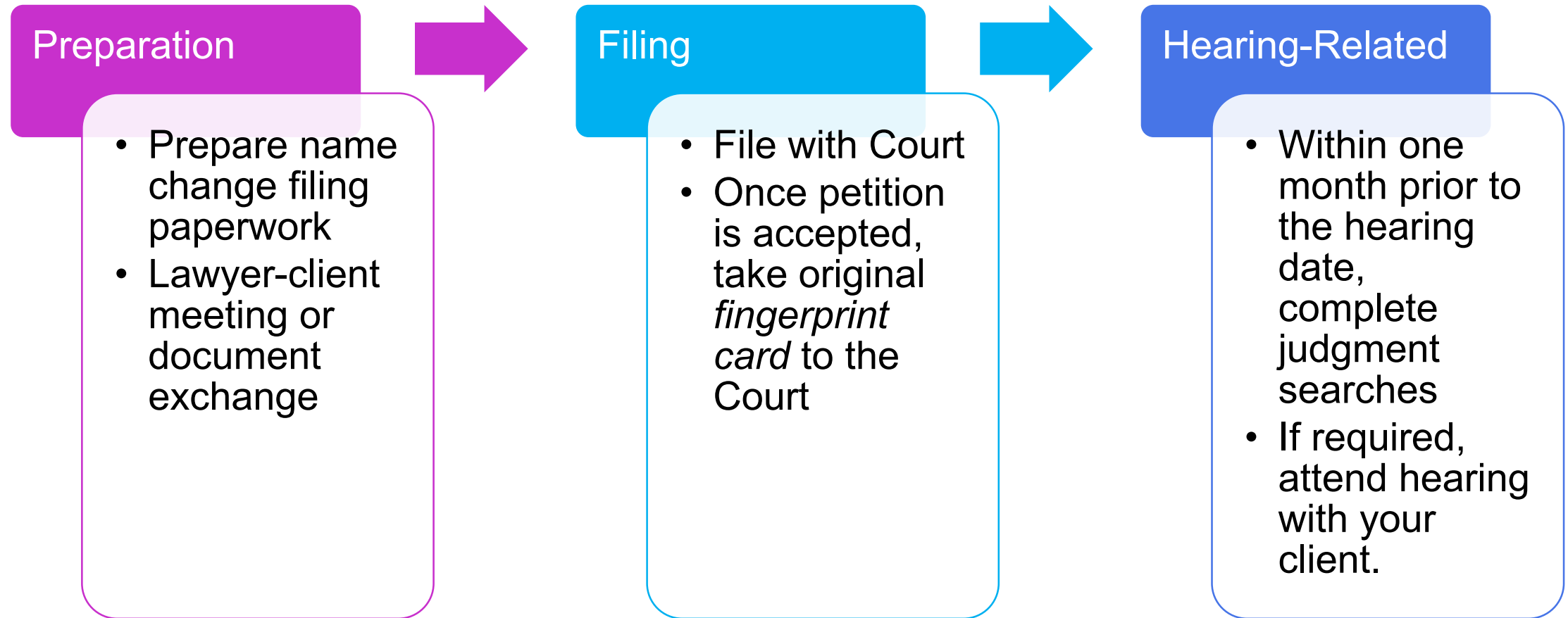
54 Pa. Cons. Stat. § 701

- Court approval required for change of name.
- (a) General rule
- (a.1) Procedure

54 Pa. Cons. Stat. § 702

- Change by order of court approval required for change of name.
- (a) General rule
- (b) Procedure
- (c) Convicted felons

Legal Name Change Step-by-Step



Preparation

Clients Must:



- Figure out new name
- Gather documentation
- Get fingerprints done on physical card
- Meet lawyer/share documents
- Wait & wait & wait for decree
- Change name x1,000,000

Preparation

Necessary Supporting Documents

Birth certificate
(copy)

State-issued
photo ID (copy)

Social Security
card (copy)

An **original**
fingerprint card

Proof of residency,
if photo
identification has a
different address

Unless filing in
forma pauperis,
the filing fee of
\$348.23

Name Change Filing Components

<i>In Forma Pauperis</i> Petition*	Name Change Petition (Redacted)	Motion to Seal and Waive Publication*	Proposed Orders & Decree	Confidential Information Form
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*if applicable

Costs for Name Change Process

Required Item	Cost/Fee*	Waivable?
Fingerprints	\$20-25	No
Petition filing	\$348.23*	If IFP
Publications	\$214*	For safety reasons
Judgment searches	\$78.52*	If IFP
Certified decrees	\$41.58 (each)**	If IFP
<u>Other costs (e.g., transportation, postage)</u>	<u>?</u>	No
ESTIMATED TOTAL	\$853.65** & up	

* These fees are based on the current fees in Philadelphia and are subject to change.
Fees in other counties differ.

** We recommend obtaining FIVE Certified Decrees.

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION—CIVIL**

IN RE: [Legal Name]

_____ TERM, 202[X]

Name change

No.

**Praecipe to
Proceed *In
Forma
Pauperis***

ATTORNEY CERTIFICATION OF NO FEE

To the Prothonotary:

Pursuant to Pa.R.C.P. 240(d), kindly allow Petitioner, [Legal Name], chosen name [Chosen Name], to proceed *in forma pauperis*. I, [Attorney Name], attorney for the party proceeding *in forma pauperis*, certify that I believe that the party is unable to pay the costs and that I am providing free legal service to the party.

PETITION FOR CHANGE OF NAME

Petitioner, [Legal Name], chosen name [Chosen Name], through [her/his/their] undersigned counsel, respectfully requests that this Court order a change of name, pursuant to 54 Pa. Cons. Stat. § 701 et. seq., and in support thereof represents as follows:

1. Petitioner is a resident of Philadelphia, Pennsylvania, and during the five years preceding the filing of this petition has resided at:

- a. [Current Address] from [Date] to present; if the ID has a different address:

she/he/they submit[s] [proof of address] as proof of her/his/their current residence (Exhibit [X]);

- b. [address] from [date] to [date];

- c. [include remaining relevant addresses, if any].

**These addresses will
also be necessary later
for judgment searches.**

2. Petitioner's Birth Certificate, issued by the [Commonwealth of Pennsylvania Department of Health, Vital Statistics] lists [her/his/their] name as [Legal Name].
A true and correct copy of Petitioner's Birth Certificate is attached as Exhibit [X].
3. Petitioner's [Driver's License/State ID] issued by the Pennsylvania Department of Transportation, lists [her/his/their] name as [Legal Name]. A true and correct copy of Petitioner's [Driver's License/State ID] is attached as Exhibit [X].
4. Petitioner's Social Security Card, issued by the United States Social Security Administration, lists [her/his/their] name as [Legal Name]. A true and correct copy of Petitioner's Social Security Card is attached as Exhibit [X].

5. Petitioner is not aware of any outstanding judgments against [her/him/them].

6. [DESCRIBE PETITIONER'S CRIMINAL RECORD]

Things to Consider: Criminal History

Misdemeanor Convictions

- Not barrier

Felonies Not Listed in the PA Statute

- Two-Year Barrier (following completion of sentence)

Felonies Specifically Listed

- Statutory lifetime barrier to name change
- But petitioners have succeeded in obtaining decrees in Philadelphia and Pittsburgh

7. Petitioner requests that [her/his/their] name be changed from [Legal Name] to [Chosen Name] for the following reasons:

- a. Petitioner has used the name [Chosen Name] since [DATE]/uses the name consistently/intends to continue to use it as [her/his/their] name for the future;
- b. Petitioner has used the name [Chosen Name] to better reflect [her/his/their] gender;
- c. Petitioner requires a legal name change to ensure [her/his/their] identification documents match [her/his/their] chosen name; and
- d. Petitioner now wishes to have [Chosen Name] as [her/his/their] legal name.

8. Petitioner believes and therefore avers that publication of notice of the filing of this Petition in two newspapers of general circulation, as required by 54 Pa. Cons. Stat. § 701(a.1)(3)(ii)(A), would jeopardize [her/his/their] safety and avers in support thereof as follows:

- a. Publication of Petitioner's name change would alert the general public that [she/he/they] [is/are] transgender; and
- b. Petitioner reasonably fears that public knowledge and public availability of the record of [her/his/their] name change may result in harassment and even violence against [her/him/them].

Rest of Filing

Exhibits (Redacted)

- Proof of Current Residence (if applicable)
- Birth Certificate
- State-Issued ID
- Social Security Card

Verification

- Client affirms truth and correctness of petition

Proposed Orders & Decree

- Hearing on Request for Waiver and Sealing
- Waiver of Publication and Sealing
- Hearing on Petition
- Decree for Change of Name

Filing

- Prepare Confidential Information Form

- Why:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION—CIVIL

IN RE: Legal Name

Name change

No.

_____ TERM, 202[X]

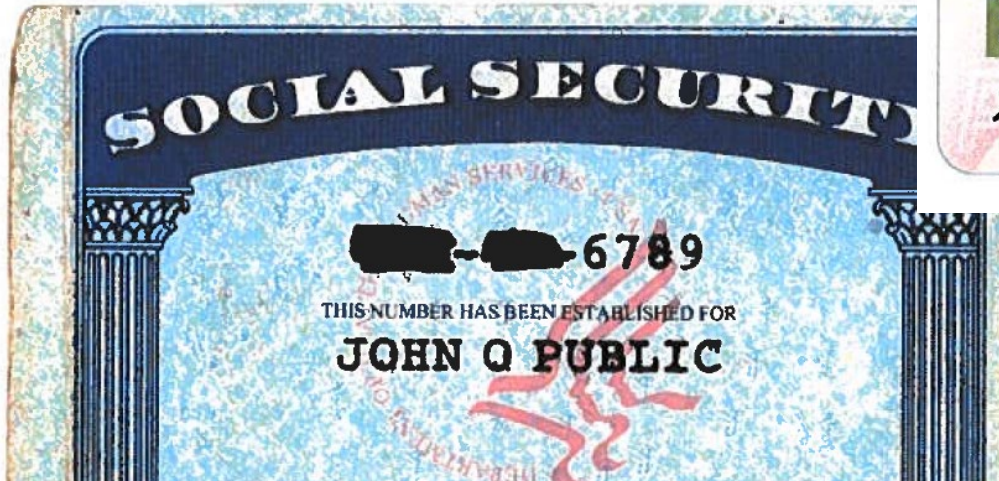
CONFIDENTIAL INFORMATION FORM

This form is associated with the pleading titled, **PETITION FOR A CHANGE OF NAME** filed [Date], 2023. Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
Legal Name	Social Security Number: 123-45-6789	████████ 6789
	PA Identification Number: 99 999 999	████████
	Date of Birth: 01/07/1973	01/██/1973
	Address: 123 Main Street Apt. 1 Harrisburg, PA 17101	1████ Main Street █████ Harrisburg, PA 17101
	Mother's Maiden Name Jane Anne Smith	Jane Anne █████

Filing


- Redacting



1. Petitioner is a resident of Philadelphia, Pennsylvania
filing of this petition has resided at:
 - a. 1 [REDACTED] Main Street, [REDACTED], Philadelphia, PA 191 from May 2020 to present; and
 - b. 5171 Walton Avenue, Philadelphia, PA 19143 from September 2016 to May 2020.

E-Filing

- Protecting client information
- Detailed instructions included in training materials
- <https://fjdefile.phila.gov/>

**The Philadelphia Courts
Electronic Filing System**

July 27, 2023 12:53pm

You are in Page [1](#) **2** [3](#) [4](#) [5](#) [6](#) [7](#)

Welcome!
Betton A. Katzmann
Username: **bkatzmann**
[Update Information](#)

[Main Menu](#)
[CP Civil Help](#)

[Log Off](#)

EFile #: **2307012262**
Status: **Draft**
Started: **07/09/23**
Court: **CP**

Parties
Filing attorney will be automatically added as a party, please continue adding other parties.
*Party Type **Petitioner**

☐ *Entity ID
I [Entity List](#)

☒ If party is an individual then enter name below.

*Last Name First Name Middle Suffix²
 Legal Last Legal First


☐ *if party is a company.
(Maximum of 60 characters, abbreviate if necessary)

Is there an Alternative Name/AKA./DBA, etc. ? ☐ Yes ☒ **No**
*Street Address
 c/o Lawyer Name
 Address

*City Philadelphia
*State/Province
 PA - Pennsylvania
*Zip Code 19103
[US Zip Codes](#) [Canada Postal Codes](#)
*Country United States Of America

Please enter date of birth of party, if known:
 ☐ Unknown ☒ Decline to provide info.
Note: Date of birth information is intended for the Court's use only. The information will not be made available to the public.


 Add Reset

[CONTACT US](#)


²Suffix Name (Example: Jr, Sr, MD, III, PhD etc.)

After Filing

Wait for confirmation
that the electronic filing
has been accepted



```
graph TD; A[Wait for confirmation that the electronic filing has been accepted] --> B[Then bring the original set of fingerprints to City Hall Room 691]; B --> C[Wait for hearing date];
```

Then bring the original
set of fingerprints to City
Hall Room 691

Wait for hearing date

- Why fingerprints:
 - 54 Pa. Cons. Stat. § 702(b) required court procedure
 - Sent to State Police to run check for a criminal record
- Do NOT
 - Conduct Judgment Searches (or Publish Notice) before receiving notice of a hearing date

Pre-Hearing

Publication

Not recommended for trans & nonbinary clients

Judgment Search Process

Within 30 days of the hearing

- attorney must complete
- civil and family court
- every jurisdiction in which client has resided within the past 5 years

Pre-Hearing – Philadelphia Searches

FAMILY COURT

Go to 1501 Arch
Street, 8th Floor

Form in handout

Bring a copy of the IFP

If No Judgments
Are Listed

Bring original to City
Hall Room 691

If Judgments
Are Listed

See materials

Pre-Hearing – Philadelphia Searches

CIVIL Go to City Hall Room 268 with
copy of IFP (or \$58.52)

If no judgments: take search
results to Room 691

If judgments: follow up with client
and complete appropriate affidavit

Pre-Hearing – Searches Outside Philadelphia

Research jurisdictions

- May be able to run online

Prepare affidavit(s)

- See handout for examples
- If judgments:
 - Confirm with your client whether actually against your client, review reason(s) why not
- If against client
 - How debt will be paid, That you have notified the creditor of the change of name

Take or email affidavits to City Hall Room 691

Pre-Hearing – Checklist

- ✓ Results of all required judgment searches
- ✓ Proof of Publication (if applicable; not recommended for trans clients)

Hearings – in Philadelphia

Usually decided on the papers

- You and your client likely will not be required to appear at any hearing in Philadelphia
- Ask the clerk in Room 691 whether you or your client should appear for the hearing.

Hearings when held

- Fairly informal.
- Meet with a Hearing Officer in a conference room rather than see a judge in a courtroom.
- The appearances typically take less than 15 minutes.

The Final Decree

- If state police background check reports no barrier, typically receive name change decrees in about two weeks.
- Often online first
 - *Send your client an electronic copy of the final decree*
- Client eligible to receive 5 certified copies of the decree
 - *Sent by mail or ask to pick-up*

Follow-up

- Closing letter
- Final client meeting/conversation

What's next for the client

Document Updating: This Process is NOT Automatic!

- Your client will *likely* need a Certified Decree to change their name on each of the following:
 - Birth Certificate
 - PennDOT ID
 - Social Security
 - Passport
 - Keep at least one just in case

What Other Records Need to be Updated Following Legal Name Change?

Bank Accounts, School Records, Replacement Diplomas, Lease, Employment Records, Utilities, Titles & Deeds (car? house?), Insurance, Student Loans, Selective Service, Voter Registration, Medical Records, Credit Bureau Records, Driving Records from Other States, Professional Licenses, Wills & Powers of Attorney, Family Members' Wills, Business Cards, Email Address, Website, Marriage License?, Subscription Services. . .

Costs for Updating Records

Updating Records	Cost/Fee*	Waivable?
Social Security	\$0	No
PennDOT ID	\$40.50	No
PA Birth Certificate (processing fee)	\$20.00 (+\$10.00)	No
Gender Marker Letters	\$__	No
Passport (+ new photo)	\$130.00 (+\$16.99)	No
Everything else (e.g., replacement diplomas)	?	
<u>Other costs (e.g., transportation, postage)</u>	?	No
ESTIMATED TOTAL	\$70.50, \$217.49 & up	

* These fees are based on the fees currently listed on the website for each respective organization.

Ready to Help a VIP Client?

Please contact VIP to be matched with a client or if you have any outstanding questions or concerns:

Kelly Gastley

Managing Attorney

(215) 523-9566

kgastley@phillyvip.org

Joe Durkin

Director of Outreach

(215) 523-9557

jdurkin@phillyvip.org

*VIP provides templates, mentorship, and support throughout the life of every VIP case.

*VIP provides primary malpractice insurance coverage for all of our cases and volunteers.