



**Testimony of GLBTQ Legal Advocates & Defenders (GLAD)
IN SUPPORT OF H 8155
RELATING TO PROBATE PRACTICE AND PROCEDURE –
PRACTICE IN PROBATE COURTS**

House Judiciary Committee

May 7, 2024

Rhode Island State House
House Lounge
82 Smith St
Providence, RI 02903

Dear Chair Craven, Vice Chair McEntee, Vice Chair Knight, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of H 8155, Relating to Probate Practice and Procedure – Practice in Probate Courts. GLAD strongly supports this legislation, and we thank Chair Craven, Vice Chair McEntee and all of the co-sponsors for their leadership on this bill. H 8155 is a straightforward bill that will significantly help clarify and streamline the legal name change process for adults in Rhode Island and, by doing so, promote economic stability and safety for transgender people.

As you know, GLBTQ Legal Advocates & Defenders (GLAD) works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. Alongside Ropes & Gray, Goodwin & Proctor, and Shipman & Goodwin, our organization maintains the “Transgender ID Project” to provide free legal services to people in the New England states who need assistance to update their state and federal identity documents, including legal name

change.¹ Furthermore, in the courtroom, we have advocated for consistent application of name change statutes and for the right for people to change their names, namely amicus briefs in the cases *In re A.M.B.*, 2010 ME 54, 997 A.2d 754 (Me. 2010), and *In re Carol Boardman*, 2017 Me. 131, 166 A.3d 106 (Me. 2017). Similarly, we have advocated for increased access to accurate birth certificates and driver's licenses for transgender people to ensure they reflect transgender people's new names in cases such as *Corbitt v. Taylor*, No. 21-10486 (11th Cir., argument heard Mar. 15, 2022) and *Fowler v. Stitt*, No. 23-5080 (10th Cir., argument heard Mar. 20, 2024).

Access to a straightforward name change process is vitally important for transgender Rhode Islanders. For many transgender individuals, having a legal name that does not match their gender identity can prevent that individual from engaging in regular life activities where the disclosure would subject them to harassment or abuse. The latest national survey of transgender individuals demonstrates the negative impact for trans individuals who could not yet change their name legally: "As a result of showing an ID with a name or gender that did not match their gender presentation, 25% of people were verbally harassed, 16% were denied services or benefits, 9% were asked to leave a location or establishment, and 2% were assaulted or attacked."² Similarly, another study showed that transgender women with conforming identification were more likely to be employed and to hold stable housing, and reported higher monthly incomes.³

There are three areas where this bill meaningfully improves the name change process in Rhode Island, especially for transgender adults.

- First, the bill provides that indigent Rhode Islanders can seek a waiver of fees for name change. Having accurate identification is important for being able to secure employment and housing, and it is important that our legal processes are open for

¹ See *Transgender ID Project: Quick Reference Guides*, GLAD, <https://www.glad.org/id-project-guides/> (last accessed Mar. 15, 2024); *ID Documents | Rhode Island*, GLAD, <https://www.glad.org/issues/id-documents-rhode-island/> (last accessed Mar. 15, 2024) (describing current name change process in Rhode Island).

² Sandy E. James et al., Nat'l Ctr. Transgender Equal., *The Report of the 2015 U.S. Transgender Survey* 82 (2016) (hereinafter NCTE Survey). While the 2022 version of this study has ended, only early insights are available from that study. See *2022 U.S. Trans Survey: Early Insights*, <https://ustranssurvey.org/> (last accessed Mar. 15, 2024).

³ Brandon J. Hill et al., *Exploring Transgender Legal Name Change as a Potential Structural Intervention for Mitigating Social Determinants of Health Among Transgender Women of Color*, 15 SEXUALITY RSCH. & SOC. POL'Y, 7-8 (2019).

those who are seeking economic stability but are not yet able to afford the fees associated with name change.⁴ This is especially true given that transgender people already have higher unemployment and poverty rates than the U.S. population as a whole.⁵

- Second, the bill removes requirements for “public notice or publication” for adult name change. Publication requirements are very expensive and burdensome and, for many transgender people, unsafe. For transgender people, the publication requirement means that they have to publicly disclose their transgender status, which opens them up to potential discrimination or harassment in a variety of settings. Removing the publication requirement is consistent with other states such as Maine, New York, Maryland, New Mexico, Delaware, California and Colorado.
- Third, the bill allows courts to impound or seal records of the name change based on the court’s “consideration of the risk of violence or discrimination against the person, including the person’s status as transgender or as a survivor of domestic violence.” This ensures that people with safety risks, such as transgender people or survivors of domestic violence, can keep their name change court files private.

Finally, we also support the change in Section 2 of the bill, which makes the statute regarding name change after divorce gender inclusive. This is an important change to ensure that all married people, not just women, can change their surnames in the process of getting divorced. We hope the Committee will advance this important legislation. Please do not hesitate to contact me for additional information.

Enclosures: Fact Sheet on H 8155

⁴ Accurate identification is vital to accessing employment and, in turn, promoting economic stability for transgender individuals and their families, and for social stability. Identification documents that accurately reflect gender identity and name “enable transgender people to access employment, safe housing or shelter, public health benefits and health care services with less fear of discrimination and victimization.” Hill et al., *supra* n. 3 at 3. Indeed, discordant identification discloses transgender status, leaving transgender people even more vulnerable to employment discrimination. In the housing context, 61% of transgender people experienced discriminatory treatment when searching for housing when compared with non-transgender people in one recent study. Jamie Langowski et al., *Transcending Prejudice: Gender Identity and Expression-Based Discrimination in the Metro Boston Rental Housing Market*, 29 Yale J.L. & Feminism 322 (2018).

⁵ NCTE Survey at 141-42, 45.

Sincerely yours,

A handwritten signature in black ink, consisting of a stylized capital letter 'P' followed by a long horizontal flourish that tapers to the right.

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H 8155

Name Changes: Removing Barriers and Increasing Safety

Sponsored by Representatives Robert Craven, Carol McEntee, and Justine Caldwell

Having identity documents that accurately reflect who you are - including your name - is important for day-to-day things like cashing a check or applying for a job. For transgender people, a legal name change can be essential to living fully as themselves.

Rhode Island has long had a process for an individual to legally change their name. Yet for many transgender people, as well as for people leaving a marriage, or survivors of domestic violence, barriers remain that make the process inaccessible and even a risk to their safety.

H 8155 removes these barriers and makes legal name changes more accessible and safer for those who need them.

H 8155 will:

- Make Rhode Island's statute on name change during divorce gender inclusive
- Allow court costs for name change to be waived for those who cannot afford them
- Remove the requirement for public notice or publication of a name change
- Allow the court to seal name change records if doing so is warranted by the person's safety needs, based on their circumstances, which can include a person's status as transgender or a survivor of domestic violence

These changes will:

- Allow more people safe and affordable access to the name change process.
- Ensure transgender people's legal identity can reflect their lived reality, without undue burdens and without having to out themselves to their local community, which could invite harassment or discrimination.
- Enable survivors of domestic violence to have their name change records sealed, without needing to relive their trauma to get a special exception.
- Ensure everyone is included in Rhode Island's statutory scheme on post-divorce name changes.

