

Name Changes

THE NICHOLAS A. CIPRIANI AMERICAN INN OF COURT
APRIL 2, 2025

Statute/Case Law

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(a): General rule

“It shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court in accordance with subsection (a.1).”

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, non fraudulently, and exclusively”

Restrictions on Adult Name Changes

Following a felony conviction, a court can only grant the name change if at least two years have passed since the individual has completed their sentence and they are no longer on probation/parole.

There are certain felony convictions that will prevent the court from granting a name change even if the above criteria are met. A full list is provided in the statute at 54 Pa. C.S.A. §§ 702(c)(2).

Adult Name Change Procedure

Step One: New Name

- Discuss new name with client and reason for change.

Step Two: Fingerprint Card

- Client can go to the State Police or their local Municipal Police Department and request to be fingerprinted. The police will give client a fingerprint card.

Step Three: Gather Documentation/Info

- Client will need their original birth certificate, state issued ID, Social Security card, proof of residency for last 5 years, fingerprint card, money for publication, reason for name change.

The Petition

- Contents:
 - Client's current legal name
 - Client's desired name
 - Client's current address
 - All other addresses for client in the last 5 years
 - Reason for the name change
- Additional Contents
 - An Order for Publication
 - Notice of Name Change
 - A Decree for Change of Name
- Exhibits
 - Certified/Original Birth Certificate
 - Note: can submit a copy with filing and bring original to Court at time of hearing or prior to hearing.

Step Four: Publication

- After the petition is accepted, you'll receive the hearing date along with the Order for Publication
- You'll publish in the Legal Intelligencer, and a paper of general circulation, like the Daily New or Metro.
- You'll receive affidavits of publication for the papers which must be submitted to the Court prior to the hearing date.

Step Five: Judgment Search

- The Court requires civil judgment and family law judgment searches. This should be done within 30 days of hearing date.
 - If results come back showing outstanding judgments, proof the judgment is not your client's or that the creditor has been notified of the change is required.

Step Six: Hearing

- You will provide the Court with the affidavits of publication, the judgment search results, and client's original birth certificate, if not done previously.
- Generally, if no one objects and there are no outstanding judgments, the Judge will sign the order granting the name change petition. Copies of the Order may be available that same day.

Minor Name Change Procedure

- **Contents:** similar to adult name change petitions. However, your petition should also include
 - Adult client is the petitioner, their name, current address and relationship to child
 - The child's date of birth
 - Names of parents as they appear on birth certificate
 - a completed DRIS form
- **Filing**
 - File in Family Court at the Clerk's Office
- **Publication** is the same
- **Service**
 - The non-petitioning parent has the right to appear and be heard
 - They must be served and you must provide proof of service to the Court
- **Hearing** is generally the same
 - Best interest of the child standard

Delayed Birth Certificates

28 Pa. Code § 1.4 - Delayed registrations

- (a) If there is no record of birth on file with the Division of Vital Records and the birth occurred in this Commonwealth, a delayed registration of birth may be placed on file by the parents of a child up to 7 years of age without documentary evidence.
- (b) Delayed registrations filed for children from 7 to 18 years of age or deceased persons may be executed by either parent or someone familiar with the facts of birth at the time of birth.
- (c) Delayed registration for persons 18 years of age or older shall be filed by the subject.

Delayed Birth Certificates cont...

The delayed registration form shall be completed and sworn to in the presence of a notarizing official and submitted to the Division of Vital Records together with one of the following pieces of documentary evidence:

- (1) A certified copy of a county record showing the facts of birth.
- (2) A notarized statement sworn to by the doctor or midwife who delivered the child.
- (3) A baptismal certificate showing the facts of birth and certified by a priest or minister. The baptism shall have occurred 5 years prior to the date of application for delayed registration.
- (4) A decree or certificate of adoption which shows the name of the child and the date and place of birth.

Some registrations may a Court or Establishing Birth Facts

Petitions to Establish Birth Records

- **Contents:**
 - Name, Date of Birth, Gender Assigned at Birth
 - Parents' Names
 - Any subsequent changes (ex. by marriage) and any subsequent gender changes
 - Proposed Decree
 - **Exhibits:** Numident Report from SSA, any identifying documents like school records, marriage certificates, hospital live birth records, other medical records, divorce decrees, or any other public record. No Record Certification from PA DOH, documenting no record of client's birth. Can also use affidavits from family members and friends with first-hand knowledge of birth.
- **Filing**
 - CCP
- **Publication and Judgment Searches** – may not be necessary if not also requesting a change of name. However, Court may determine it to be necessary.
- **Hearing**
 - Requires presentation of supporting evidence

After Hearing/ Decree Granted

If the court approves the name change petition, the court will issue an order decreeing the name change.

The client may receive 5 certified copies of the court order that same day or in the mail. These copies are necessary to amend the client's current birth certificate and to update the client's name with various government agencies and documents like their Social Security Card, driver's license, passport, bank accounts, credit card agencies, etc.

Current Political Climate

- Federal Executive Orders, Policy and Potential Litigation
 - Under Executive Orders issued in January 2025, individuals can no longer update their gender on federal documents. This includes passports and social security cards.
 - <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/> (Sec 3 (d))
 - Previously issued passports are still valid legal documents. The Executive Order cannot invalidate the document itself. There is still uncertainty around future validity upon renewal or how certain state agencies may treat passports with an X gender marker since that designation is no longer available.
- State Legislation and Policy
 - State identification is not impacted by federal law. Currently, individuals can still change their name and gender marker on PA identification including Real ID. (Last updated March 2025, visit <https://www.pa.gov/services/dmv/change-a-driver-license-name-oraddress.html> for the most up-to-date information)

Current Political Climate

Access to legal name changes:

30% of individuals are verbally harassed, denied benefits, asked to leave, or assaulted when showing ID with a name or gender that does not match their gender presentation.

RESOURCES

- Citizens' Guide to Court Procedure Court of Common Pleas Name Change:
http://www.courts.phila.gov/pdf/guides/Citizens_Guide-Name_Change.pdf
- Sample Name Change Petition Package:
<http://courts.phila.gov/pdf/forms/civil/01-101a-name-change-petition-package.pdf>
- PA Dept. of Health Dept of Vital Records:
<https://www.health.pa.gov/topics/certificates/Pages/Vital%20Records.aspx>
- Advocates For Trans Equality (A4TE) ID Documents Center - <https://transequality.org/documents>
- Movement Advancement Project's Birth Certificate Map (as of March 17, 2025) – https://www.lgbtmap.org/equality-maps/identity_documents/birth_certificate (info on state name change and birth certificate requirements)

Questions???

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- Advocates For Trans Equality (AATE) ID Documents Center - <https://transequality.org/documents>
- Movement Advancement Project's Birth Certificate Map (as of March 17, 2025) - https://www.lgbtmap.org/equality-maps/identity_documents/birth_certificate (info on state name change and birth certificate requirements)

Questions???

CHAPTER 7
JUDICIAL CHANGE OF NAME

Sec.

- 701. Court approval required for change of name.
- 702. Change by order of court.
- 703. Effect on children.
- 704. Divorcing and divorced person may resume prior name.
- 704.1. Surviving spouse may resume prior name.
- 705. Penalty for violation of chapter.

Enactment. Present Chapter 7 was added December 16, 1982, P.L.1309, No.295, effective in 90 days.

Prior Provisions. Former Chapter 7, which related to the same subject matter, was added November 15, 1972, P.L.1063, No.271, and repealed December 16, 1982, P.L.1309, No.295, effective in 90 days.

Cross References. Chapter 7 is referred to in section 5105 of Title 23 (Domestic Relations).

§ 701. Court approval required for change of name.

(a) General rule.--Except as set forth in subsection (b), it shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court in accordance with subsection (a.1).

(a.1) Procedure.--

(1) An individual must file a petition in the court of common pleas of the county in which the individual resides. If a petitioner is married, the petitioner's spouse may join as a party petitioner, in which event, upon compliance with the provisions of this subsection, the spouse shall also be entitled to the benefits of this subsection.

(2) The petition must set forth all of the following:

- (i) The intention to change the petitioner's name.
- (ii) The reason for the name change.
- (iii) The current residence of petitioner.
- (iv) Any residence of the petitioner for the five years prior to the date of the petition.

(v) If the petitioner requests the court proceed under paragraph (3)(iii).

(3) Upon filing of the petition, the court shall do all of the following:

(i) Set a date for a hearing on the petition. The hearing shall be held not less than one month nor more than three months after the petition is filed.

(ii) Except as provided in subparagraph (iii), by order, direct that notice be given of the filing of the petition and of the date set for the hearing on the petition and that the notice be treated as follows:

(A) Published in two newspapers of general circulation in the county where the petitioner resides or a county contiguous to that county. One of the publications may be in the official paper for the publication of legal notices in the county.

(B) Given to any nonpetitioning parent of a child whose name may be affected by the proceedings.

(iii) If the court finds that the notice required in subparagraph (ii) would jeopardize the safety of the person seeking the name change or his or her child or ward, the notice required shall be waived by order of the court. Upon granting the request to waive any notice requirement, the court shall seal the file. In all cases filed under this

court shall seal the file. In all cases filed under this paragraph, whether or not the name change petition is granted, there shall be no public access to any court record of the name change petition, proceeding or order, unless the name change is granted but the file is not sealed. The records shall only be opened by order of the court in which the petition was granted based upon a showing of good cause or at the applicant's request.

(4) At the hearing, the following apply:

(i) Any person having lawful objection to the change of name may appear and be heard.

(ii) The petitioner must present to the court all of the following:

(A) Proof of publication of the notice under paragraph (3)(ii) unless petitioner requested the court proceed under paragraph (3)(iii) and the court granted the request.

(B) An official search of the proper offices of the county where petitioner resides and of any other county where petitioner has resided within five years prior to filing the petition showing that there are no judgments, decrees of record or other similar matters against the petitioner. This clause may be satisfied by a certificate given by a corporation authorized by law to make the search under this clause.

(5) The court may enter a decree changing the name as petitioned if the court is satisfied after the hearing that there is no lawful objection to the granting of the petition.

(b) Informal change of name.--Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively. The adoption of such name shall not, however, be in contravention of the prohibitions contained in section 702(c) (relating to change by order of court).

(June 18, 1998, P.L.638, No.83, eff. 60 days; Nov. 30, 2004, P.L.1684, No.214, eff. 60 days)

2004 Amendment. Act 214 amended subsec. (a) and added subsec. (a.1).

§ 702. Change by order of court.

(a) General rule.--The court of common pleas of any county may by order change the name of any person resident in the county.

(b) Procedure.--Prior to entry of an order of approval of change of name, all of the following shall apply:

(1) The court must forward to the Pennsylvania State Police a duplicate copy of the application for change of name and a set of the person's fingerprints. The person applying for the change of name is responsible for costs under this paragraph.

(2) The Pennsylvania State Police shall use the fingerprints to determine if the person is subject to 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(3) The Pennsylvania State Police shall:

(i) if the person is subject to 18 Pa.C.S. Ch. 91, note the name change on the person's criminal history record information; or

(ii) if the person is not subject to 18 Pa.C.S. Ch. 91, destroy the fingerprints.

(4) Within 60 days of receipt of the material under paragraph (1), the Pennsylvania State Police shall certify to the court what action has been taken under paragraph (3).

(5) The procedure in this subsection shall not apply to proceedings involving:

(i) An election to resume a prior surname pursuant to

section 704 (relating to divorced person may resume prior name).

(ii) Name changes involving minor children in adoption proceedings.

(iii) A name change involving a minor child whose name is being changed pursuant to section 703 (relating to effect on children) or because of the change of name of the child's parent.

(c) Convicted felons.--

(1) The court may order a change of name for a person convicted of a felony, subject to provisions of paragraph (2), if:

(i) at least two calendar years have elapsed from the date of completion of a person's sentence and that person is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole; or

(ii) the person has been pardoned.

(2) The court may not order a change of name for a person convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

(3) The court shall notify the Office of Attorney General, the Pennsylvania State Police and the office of the district attorney of the county in which the person resides when a change of name for a person convicted of a felony has been ordered. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the central repository as provided for in 18 Pa.C.S. Ch. 91.

(June 18, 1998, P.L.638, No.83, eff. 60 days; June 22, 2000, P.L.356, No.43, eff. 60 days; Nov. 30, 2004, P.L.1684, No.214, eff. 60 days)

2004 Amendment. Act 214 amended subsec. (b).

1998 Partial Repeal. Section 13 of Act 127 provided that subsection (b) is repealed insofar as it is inconsistent with Act 127.

References in Text. The Pennsylvania Board of Probation and Parole, referred to in subsec. (c)(1)(i), was renamed the Pennsylvania Parole Board by the act of June 30, 2021 (P.L.260, No.59).

Cross References. Section 702 is referred to in sections 701, 703 of this title; section 5105 of Title 23 (Domestic Relations).

§ 703. Effect on children.

(a) General rule.--Whenever an order is made under this chapter changing the surname of anyone who is at the time thereof the parent of a minor child or adopted minor child, then under the care of such parent, the new surname of such parent shall, unless otherwise ordered by the court, thereafter be borne likewise by such minor child.

(b) Further change on attaining majority.--Any minor child whose surname has been changed pursuant to subsection (a) upon attaining majority shall also be entitled to the benefits of section 702 (relating to change by order of court).

Cross References. Section 703 is referred to in section 702 of this title.

§ 704. Divorcing and divorced person may resume prior name.

(a) **General rule.**--Any person who is a party in a divorce action may, at any time prior to or subsequent to the entry of the divorce decree, resume any prior surname used by him or her by filing a written notice to such effect in the office of the prothonotary of the county in which the divorce action was filed or the decree of divorce was entered, showing the caption and docket number of the proceeding in divorce.

(b) **Foreign decrees.**--Where a divorced person has been the subject of a decree of divorce granted in a foreign jurisdiction, a certified copy of such foreign divorce decree may be filed with the prothonotary of the county where the person resides and, thereafter, the notice specified in subsection (a) may be filed with reference to such decree.

(Nov. 22, 2000, P.L.689, No.92, eff. 60 days; July 5, 2005, P.L.54, No.18, eff. 60 days)

Cross References. Section 704 is referred to in section 702 of this title.

§ 704.1. Surviving spouse may resume prior name.

A surviving spouse may, at any time, resume any prior surname used by him or her by filing a written notice to such effect in the office of the prothonotary of the county where the surviving spouse resides, accompanied by a certificate of death for the decedent. In counties where there is no prothonotary, the notice shall be filed in the office that performs the functions of the office of prothonotary as provided for in the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

(Nov. 19, 2004, P.L.842, No.105, eff. 60 days; July 5, 2005, P.L.54, No.18, eff. 60 days)

References in Text. The act of August 9, 1955, P.L.323, No.130, known as The County Code, referred to in this section, was repealed by the act of May 8, 2024, P.L.50, No.14. The subject matter is now contained in Title 16 (Counties).

§ 705. Penalty for violation of chapter.

Any person violating the provisions of this chapter for purpose of avoiding payment of taxes or other debts commits a summary offense.

§ 1.4. Delayed registrations.

- (a) If there is no record of birth on file with the Division of Vital Records and the birth occurred in this Commonwealth, a delayed registration of birth may be placed on file by the parents of a child up to 7 years of age without documentary evidence.
- (b) Delayed registrations filed for children from 7 to 18 years of age or deceased persons may be executed by either parent or someone familiar with the facts of birth at the time of birth.
- (c) Delayed registration for persons 18 years of age or older shall be filed by the subject.
- (d) The face of the delayed registration form shall be completed and sworn to in the presence of a notarizing official and submitted to the Division of Vital Records in Harrisburg, together with one of the following pieces of documentary evidence:
 - (1) A certified copy of a county record showing the facts of birth.
 - (2) A notarized statement sworn to by the doctor or midwife who delivered the child.
 - (3) A baptismal certificate showing the facts of birth and certified by a priest or minister. The baptism shall have occurred 5 years prior to the date of application for delayed registration.
 - (4) A decree or certificate of adoption which shows the name of the child and the date and place of birth.
- (e) In the event that none of the documents listed in subsection (d) are available, one recorded document at least 5 years old which conclusively establishes the correct name, date and place of birth shall be submitted.
- (f) In every instance, there shall appear on the delayed registration of birth a notation as to the nature and date of the documentary evidence which was submitted and the certificate and copies thereof shall be marked "delayed."

Source

The provisions of this § 1.4 amended July 6, 1979, effective July 7, 1979, 9 Pa.B. 2250. Immediately preceding text appears at serial page (3356).

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IN RE: Robert Henry McIntYRE. (1998)

Supreme Court of Pennsylvania.

IN RE: Robert Henry McIntYRE. Appeal of Robert Henry McIntYRE.

Decided: July 21, 1998

Before FLAHERTY, C.J., and ZAPPALA, CAPPY, CASTILLE, NIGRO and NEWMAN, JJ.

Luther E. Milspaw, Jr., and Helen Eichenwald Laux, for McIntyre.

OPINION

We granted allocatur to determine whether the trial court abused its discretion by denying Appellant's petition to change name. For the following reasons, we reverse.

Appellant, a fifty-three year old male, is a pre-operative transsexual who is undergoing hormonal therapy and psychotherapy in anticipation of sex-reassignment surgery. He has been struggling with personal gender identity issues since the age of ten. Appellant is the father of two adult sons and has been divorced since 1983.

In 1991, Appellant began dressing as a woman and held himself out to the community as a woman in all respects with the exception of his employment as a maintenance worker for the Harrisburg Parking Authority. He is generally known as Katherine Marie McIntyre, the name under which he leases his apartment, maintains various bank accounts and credit cards and is enrolled in membership in local organizations.

On August 25, 1995, Appellant filed a petition to change name from Robert Henry McIntyre to Katherine Marie McIntyre pursuant to 54 Pa.C.S. §§ 701-705.¹ A hearing was held where Appellant presented testimony establishing that a pre-requisite to sex-reassignment surgery is that the patient undergo the

“real-life test” whereby he lives for a minimum of one year in all aspects of his life in the gender he desires to be. Appellant argued that he is unable to satisfy this requirement because his employer will not recognize him as a female until it receives legal recognition of his name change.

The common pleas court denied the petition primarily on the ground that Appellant failed to present testimony or documentation of the statutory requirement that he be free of judgments.² See Act of December 16, 1982, P.L. 1309, No. 295, § 6(b).³ Appellant filed for reconsideration and submitted proof that he was, in fact, judgment free.

The common pleas court granted reconsideration but again denied the petition holding that it would not grant legal recognition of Appellant's name change until he undergoes sex-reassignment surgery. It found that granting the name change was premature and would be deceptive to the public and to Appellant's co-workers. It relied on prior common pleas court decisions where a similar result was reached. In re: Dowdrick, 4 Pa. D & C.3d 681 (1978) (granting feminine name change petition of pre-operative transsexual male does not comport with good sense, common decency and fairness to all concerned and the public); In re: Richardson, 23 Pa. D & C.3d 199 (1982) (same). The Superior Court affirmed on the basis of the common pleas court's opinion.⁴

Appellant contends that the trial court abused its discretion in denying his petition for name change absent a factual basis for doing so. He asserts that there was no objection to the petition, that the name requested is ordinary and that he is not attempting to avoid financial obligations or commit fraud.

He further contends that the trial court's refusal to grant the name change until the sex-reassignment surgery was completed was an arbitrary determination. We agree.⁵

The trial court has wide discretion in ruling upon a petition to change name and should exercise its discretion in a way as to comport with good sense, common decency and fairness to all concerned and to the public. Falcucci Name Change, 355 Pa. 588, 50 A.2d 200 (1947). Petitions for change of name may be denied upon lawful objection or if the petitioner seeks a name change in order to defraud the public. Id.

We must keep in mind, however, that the primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations. Commonwealth v. Goodman, 544 Pa. 339, 676 A.2d 234 (1996); see also In re: Grimes, 530 Pa. 388, 609 A.2d 158 (1992) (necessity for judicial involvement in name change petition centers on governmental concerns that individuals not alter their identity to avoid financial obligations). The penalty provision of the name change statute applies only to persons violating the act for the purpose of avoiding payment of taxes or other debts. 54 Pa.C.S. § 705.

Here, it was undisputed that Appellant was judgment free and was not seeking a name change to avoid any financial obligations or commit fraud.⁶ The fact that he is a transsexual seeking a feminine name should not affect the disposition of his request.

The Superior Court of New Jersey espoused a similar view in *The Matter of William Eck*, 245 N.J.Super. 220, 584 A.2d 859 (1991). The petitioner in *Eck* was a transsexual who sought to change his name from William to Lisa. The lower court denied the request, concluding that it was inherently fraudulent for a male to assume an obviously female name for the purpose of representing himself to society as a female.

The Superior Court of New Jersey reversed, holding that

[a]bsent fraud or other improper purpose a person has a right to a name change whether he or she has undergone or intends to undergo a sex change through surgery, has received hormonal injections to induce physical change, is a transvestite, or simply wants to change from a traditional "male" first name to one traditionally "female," or vice versa. Many first names are gender interchangeable . and judges should be chary about interfering with a person's choice of a first name.

Finally, we perceive that the judge was concerned about a male assuming a female identity in mannerism and dress. That is an accomplished fact in this case, a matter which is of no concern to the judiciary, and which has no bearing upon the outcome of a simple name change application.

Id. at 223, 584 A.2d at 860-861.

Likewise, we find that there is no public interest being protected by the denial of Appellant's name change petition. The details surrounding Appellant's quest for sex-reassignment surgery are not a matter of governmental concern. As the name change statute and the procedures thereunder indicate a liberal policy regarding change of name requests, *In re: Grimes*, 530 Pa. 388, 609 A.2d 158 (1992), we see no reason to impose restrictions which the legislature has not.

Accordingly, because Appellant has satisfied the statutory requirements, the trial court abused its discretion in denying his name change petition. The Order is reversed and the petition is granted.

I agree with the Majority that *Commonwealth v. Goodman*, 544 Pa. 339, 676 A.2d 234 (1996), is applicable to this case to the extent that it stands for the proposition that the primary purpose of the Judicial Change of Name Statute, other than with regard to minor children, is to prohibit fraud by those attempting to avoid financial obligations. I write separately, however, to emphasize that deterrence against financial fraud may be the primary, but is not the only, purpose behind the Name Change Statute.

Rather, there are other types of fraud, besides financial, that the Name Change Statute seeks to prevent.

Courts may face any number of situations, not financial in nature, where an individual is motivated to formally adopt a different name for improper reasons. For example, if evidence discloses that an individual is seeking to change his or her name in order to receive preference as a candidate on a university or employment application, the Statute would clearly compel the courts to deny that individual's name change petition.

However, under the circumstances of this case, I agree with the Majority that the record does not reflect that Appellant is seeking to change his name in order to perpetrate any type of fraud, financial or otherwise. Accordingly, I agree with the Majority's conclusion that Appellant's name change petition should be granted.

FOOTNOTES

1. Sections 701 and 702 provide as follows:§ 701. Court approval required for change of name(a) General rule.-It shall be unlawful for any person to assume a different name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court as provided by this chapter.(b) Informal change of name.-Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively.§ 702. Change by order of courtThe court of common pleas of any county may by order change the name of any person resident in the county.Sections 703 (Effect on children), 704 (Divorced person may resume prior name) and 705 (Penalty for violation of chapter) are not relevant to the instant case.
2. There was no objection to the petition for name change.
3. This section provides that “. the petitioner . shall present to the court . proof . showing that there are no judgments or decrees of record or any other matter of like character against said petitioner.”
4. Judge Olszewski filed a concurring memorandum wherein he agreed with the denial of the name change petition and noted that the social issue may be best resolved through legislative action.
5. The Superior Court recently addressed the issue of whether a pre-operative transsexual may legally change his name to reflect the opposite sex in *In re: Brian Harris*, 707 A.2d 225 (1997), but a majority of the panel did not agree on the resolution. Judge Olszewski found that the petitioner must establish that he is permanently committed to living as a member of the opposite sex before the name change petition is granted.)Judge Popovich filed a concurring statement wherein he found that the petitioner's commitment to living as a woman was irrelevant to the determination of whether his petition to change name should be granted. He asserted that the court inquiry ends after it is determined that the petitioner has complied with the statutory requirements and that the petitioner has no fraudulent intentions in changing his name.In his dissenting statement, Judge (now Justice) Saylor opined that a

transsexual's name change petition should not be granted until sex reassignment surgery was completed.

6. In *Falcucci Name Change*, we observed that if some medical practitioner petitioned for leave to change his name to that of an eminent and successful medical practitioner in the former's vicinity the court would properly deny the petition on the ground that a fraud on the public was intended. The same would be true if some member of the legal profession or some actor or a practitioner of some other profession would seek judicial authority to assume the name of an other person who gained renown in the petitioner's profession. When a petitioner for a change of name is a competitor of a highly successful person whose name he wishes to assume there is reasonable ground for suspicion that his motive in seeking a change of name is an unworthy one, and a due regard for both the public interest and for the person whose name is coveted would constrain a court to deny his petition. A court would also properly refuse a request for a change in name if petitioner asked for the privilege of assuming a name that was bizarre or unduly lengthy or which would be difficult to pronounce or would have a ridiculous offensive connotation. 355 Pa. at 592-593, 50 A.2d at 202. Appellant's request is not analogous to these circumstances where the public would be affected by the petitioner's choice of name.

ZAPPALA, Justice.

SAYLOR, J., did not participate in the consideration or decision of this case. NIGRO, J., files a Concurring Opinion.

Was this helpful?

Yes 

No 



Additional Name Change Case Law

FELONY BARRIERS

In re A.S.D., 175 A.3d 339 (Pa. Super. Ct. 2017) a. This case addresses the two-year felony bar issue b. The trial court denied a name change to A.S.D. even though she had satisfied the requirements of 54 Pa.C.S. § 702(c)(1), and also imposed an additional twelve-month waiting period for her to refile.

CHANGING LAST NAMES

In re Miller, 824 A.2d 1207 (Pa. Super. Ct. 2003). Confirms that court cannot deny unmarried same-gender couple's petition to change last names to match based on judge's beliefs. Less relevant following Whitewood v. Wolf (Pa. 2014) and Obergefell v. Hodges (U.S. 2015), but remains relevant for some families.

Costs of Name Changes

Required Item	Cost/Fee*	Waivable?
Fingerprints	\$20-50	No
Petition Filing	\$348.23	With IFP
Publication	\$214+	For Safety Reasons
Judgment Searches	\$58.52	With IFP
Certified Decrees	\$41.58/each	With IFP
Other Costs		No
ESTIMATED TOTAL	\$853.65+	

PRESIDENTIAL ACTIONS

DEFENDING WOMEN FROM GENDER IDEOLOGY EXTREMISM AND RESTORING BIOLOGICAL TRUTH TO THE FEDERAL GOVERNMENT

The White House

January 20, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, it is hereby ordered:

Section 1. Purpose. Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women's domestic abuse shelters to women's workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.

This unhealthy road is paved by an ongoing and purposeful attack against the ordinary and longstanding use and understanding of biological and scientific terms, replacing the immutable biological reality of sex with an internal, fluid, and subjective sense of self unmoored from biological facts. Invalidating the true and biological category of "woman" improperly transforms laws and policies designed to protect sex-based opportunities into laws and policies that undermine them, replacing longstanding, cherished legal rights and values with an identity-based, inchoate social concept.

Accordingly, my Administration will defend women's rights and protect freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.

Sec. 2. Policy and Definitions. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

(a) "Sex" shall refer to an individual's immutable biological classification as either male or female. "Sex" is not a synonym for and does not include the concept of "gender identity."

(b) "Women" or "woman" and "girls" or "girl" shall mean adult and juvenile human females, respectively.

(c) "Men" or "man" and "boys" or "boy" shall mean adult and juvenile human males, respectively.

(d) "Female" means a person belonging, at conception, to the sex that produces the large reproductive cell.

(e) "Male" means a person belonging, at conception, to the sex that produces the small reproductive cell.

(f) "Gender ideology" replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one's sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.

(g) "Gender identity" reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sec. 3. Recognizing Women Are Biologically Distinct From Men. (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

(b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give the terms “sex”, “male”, “female”, “men”, “women”, “boys” and “girls” the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.

(c) When administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term “sex” and not “gender” in all applicable Federal policies and documents.

(d) The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder’s sex, as defined under section 2 of this order; and the Director of the Office of Personnel Management shall ensure that applicable personnel records accurately report Federal employees’ sex, as defined by section 2 of this order.

(e) Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications or other messages. Agency forms that require an individual’s sex shall list male or female, and shall not request gender identity. Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.

(f) The prior Administration argued that the Supreme Court’s decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court’s decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities. In addition, the Attorney General shall issue guidance and assist agencies in protecting sex-based distinctions, which are explicitly permitted under Constitutional and statutory precedent.

(g) Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.

Sec. 4. Privacy in Intimate Spaces. (a) The Attorney General and Secretary of Homeland Security shall ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of Part 115.41 of title 28, Code of Federal Regulations and interpretation guidance regarding the Americans with Disabilities Act.

(b) The Secretary of Housing and Urban Development shall prepare and submit for notice and comment rulemaking a policy to rescind the final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs" of September 21, 2016, 81 FR 64763, and shall submit for public comment a policy protecting women seeking single-sex rape shelters.

(c) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate's appearance to that of the opposite sex.

(d) Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.

Sec. 5. Protecting Rights. The Attorney General shall issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964. In accordance with that guidance, the Attorney General, the Secretary of Labor, the General Counsel and Chair of the Equal Employment Opportunity Commission, and each other agency head with enforcement responsibilities under the Civil Rights Act shall prioritize investigations and litigation to enforce the rights and freedoms identified.

Sec. 6. Bill Text. Within 30 days of the date of this order, the Assistant to the President for Legislative Affairs shall present to the President proposed bill text to codify the definitions in this order.

Sec. 7. Agency Implementation and Reporting. (a) Within 120 days of the date of this order, each agency head shall submit an update on implementation of this order to the President, through the Director of the Office of Management and Budget. That update shall address:

(i) changes to agency documents, including regulations, guidance, forms, and communications, made to comply with this order; and

(ii) agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

(b) The requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda, including but not limited to Executive Orders 13988 of January 20, 2021, 14004 of January 25, 2021, 14020 and 14021 of March 8, 2021, and 14075 of June 15, 2022. These Executive Orders are hereby rescinded, and the White House Gender Policy Council established by Executive Order 14020 is dissolved.

(c) Each agency head shall promptly rescind all guidance documents inconsistent with the requirements of this order or the Attorney General's guidance issued pursuant to this order, or rescind such parts of such documents that are inconsistent in such manner. Such documents include, but are not limited to:

- (i) "The White House Toolkit on Transgender Equality";
- (ii) the Department of Education's guidance documents including:
 - (A) "2024 Title IX Regulations: Pointers for Implementation" (July 2024);
 - (B) "U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students";
 - (C) "U.S. Department of Education Supporting LGBTQI+ Youth and Families in School" (June 21, 2023);
 - (D) "Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela" (June 21, 2023);
 - (E) "Supporting Intersex Students: A Resource for Students, Families, and Educators" (October 2021);
 - (F) "Supporting Transgender Youth in School" (June 2021);
 - (G) "Letter to Educators on Title IX's 49th Anniversary" (June 23, 2021);
 - (H) "Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families" (June 2021);
 - (I) "Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*" (June 22, 2021);
 - (J) "Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students" (June 9, 2021); and
 - (K) "Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS" (Aug. 17, 2021);

(iii) the Attorney General’s Memorandum of March 26, 2021 entitled “Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972”; and

(iv) the Equal Employment Opportunity Commission’s “Enforcement Guidance on Harassment in the Workplace” (April 29, 2024).

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

THE WHITE HOUSE,

January 20, 2025.

The WHITE HOUSE

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State Senators Highlight Name Change Reform Legislative Package

March 31, 2025

HARRISBURG, PA – March 31, 2025 – A group of Pennsylvania Senators has reintroduced a set of bills designed to reduce the barriers transgender Pennsylvanians face when legally changing their names. Known as the Name Change Reform Package, the legislative effort championed by **Senators Amanda M. Cappelletti, Katie Muth, Tim Kearney, and Lindsey Williams**, includes five bills aimed at making the process more accessible, affordable, and secure—particularly for transgender individuals, who often face significant hurdles under the current system.

“At the end of the day, this is about treating people like people,” said **Senator Tim Kearney**. “Trans individuals already face incredible challenges just trying to live authentically. Our job as legislators should be to make things easier, not harder. That’s exactly what SB510, and this entire package is designed to do.”

Today, on Trans Day of Visibility, the senators joined their colleagues in the House and stood with advocates at a rally hosted at the state Capitol. The rally served as a timely and powerful call to action, highlighting the significant challenges facing the transgender community under the current political climate. As efforts to roll back protections and limit rights continue at the federal level, the Name Change Reform Package stands as a clear example of the senators’ ongoing commitment to support trans Pennsylvanians through inclusive, forward-thinking policy at the state level.

“Transgender people have the right to live freely and safely – and that includes having legal documents that reflect their authentic selves,” said **Senator Cappelletti**. “I’m proud to work with my Democratic colleagues in the Senate, Senators Muth, Kearney, and Lindsey Williams, on the Name Change Reform Legislative package which is aimed at removing barriers transgender individuals, gender non-confirming individuals, and members of the LGBTQ community face when changing their name in the Commonwealth. We will keep up the fight for these bills and other policies that uplift and support the trans community across Pennsylvania.”

Sponsored by **Senators Amanda M. Cappelletti, Katie Muth, Tim Kearney, and Lindsey Williams**, the package includes:

- **SB510 – Grants to LGBTQ Organizations**
 - Pennsylvania Senate Bill 510 (2025-2026) proposes creating the Compassionate Name Change Assistance Grant Program to help individuals—particularly those in the transgender community—afford the legal costs of changing their names.
- **SB477 – Removal of Sex Designation from Certain State Documents**
 - Pennsylvania Senate Bill 477 (2025–2026) proposes removing the requirement to include a person’s sex designation on certain state forms and documents. By allowing more inclusive and accurate identification options, the goal is to protect privacy and reduce barriers for transgender and nonbinary individuals.
- **SB521 – Elimination of the Publication Requirement for Name Changes**
 - Pennsylvania Senate Bill 521 (2025–2026), sponsored by Senator Katie Muth, aims to remove the requirement to publish a name change in a newspaper. This change would protect privacy and safety—especially for transgender individuals—by eliminating a public step in the legal name change process that can expose people to discrimination or harm.
- **SB448 – Administrative Name Change Streamlining**
 - Pennsylvania Senate Bill 448 (2025–2026), sponsored by Senator Amanda Cappelletti, focuses on streamlining the administrative name change process. The bill aims to make the process faster, more efficient, and less burdensome by cutting through unnecessary red tape and simplifying paperwork requirements—making it easier for people to change their names legally.

- **SB437 – Navigating PA’s Name Change Process**

- Pennsylvania Senate Bill 437 (2025–2026), sponsored by Senator Lindsey Williams, aims to make the name change process easier to understand and navigate. It would require the state to provide clear, accessible information and guidance to help people through each step of legally changing their name—especially those who may face barriers like language access or legal complexity.

Each bill targets specific obstacles in the name change process, from reducing unnecessary costs and public exposure to removing outdated requirements that can endanger trans individuals.

The senators emphasized that while comprehensive reform is still needed, these measures represent critical first steps in improving safety, privacy, and dignity for Pennsylvania’s trans community.

“As many basic human rights continue to be under attack in Washington, it is more important than ever for our Commonwealth to ensure that our transgender community is guaranteed the right to safe and authentic gender expression,”

Senator Muth said. “This package of legislation will finally remove some of the barriers and discrimination our LGBTQ+ community members continue to face when seeking to legally change their name. I am proud to work with my Senate Democratic colleagues on this important issue.”

“The current name change process is complicated, time-consuming, expensive, and opens trans and nonbinary people up to discrimination and threats,” said

Senator Williams. “My office is proud to have helped numerous individuals navigate a name change, and while we work to make the process better for everyone, we are here to be a continuing resource for the LGBTQ+ community, trans kids, and their families. If you or anyone you know is looking for help, please [contact](#) one of my offices. We would be honored to serve you, regardless of where you live in Pennsylvania.”

For more information about this press release, contact Senator Tim Kearney’s office

at 610-544-6120.

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8 December 2021

Reed Smith and Transgender Legal Defense & Education Fund prevail in name change challenge

Discriminatory Pennsylvania law keeps transgender people with past felony convictions from legally changing their names to align with who they are

PHILADELPHIA – Reed Smith, with co-counsel Transgender Legal Defense & Education Fund (TLDEF), late yesterday won the right for client Monae Alvarado to legally change her name.

Related Professionals: **M. Patrick Yingling, Luke E. Debevec**



Since 2019, Reed Smith has been on the frontlines fighting the unconstitutional Pennsylvania law preventing people convicted of felonies from changing their names. The statute and a decade-old felony conviction had

appeared to stand in the way of a legal name change for client Monae Alvarado, a transgender woman. However, following a hearing on December 7, Judge Sierra Thomas Street of the Court of Common Pleas in Philadelphia granted the petition for Alvarado to change her name.

“We presented arguments and expert testimony to demonstrate the unconstitutionality of the current statute, and we are pleased that the judge granted our petition,” said Patrick Yingling, partner at Reed Smith, who argued the case pro bono. “We believe that the felony bar does not withstand constitutional scrutiny. The impact on people like Monae, who have legitimate reasons for seeking a name change but are banned from obtaining one, is just devastating.”

Currently, Pennsylvania’s name change statute bars people with certain felony convictions from ever changing their names in court at any point in their lives. People with other felony convictions, such as Monae Alvarado, cannot change their names in court until at least two years have passed after they have finished their sentence. In addition to the name change petitions, Reed Smith and TLDEF attorneys filed a brief asking the court to hold that the law is inconsistent with Pennsylvania’s constitution. The brief also included an expert declaration outlining the harms of restricting transgender people from legally changing their names.

Expert witness Dr. Ayden Scheim explained to the court that Alvarado’s experience is shared by many transgender people across the United States and Canada. “The vast majority – 84 percent – of respondents to a 2019 study I undertook of 2,873 transgender Canadians reported that they had avoided public spaces or situations due to fears of being harassed or outed, and in the 2015 U.S. Transgender Survey, 36 percent had a negative experience when presenting identification documents that did not align with their gender presentation,” Dr. Scheim said.

Dr. Scheim explained that transgender women of color with criminal convictions already struggle to find work and housing – the wrong name on their IDs makes that struggle even harder, and this doesn’t help anyone. It can even put lives at risk. So far, in 2021 alone, at least four transgender people have been murdered in Pennsylvania.

“It takes deep self-love and fearlessness to stand in front of a judge demanding you be seen as your true identity,” said Casey Bohannon, Name Change Project Associate. “The name change process will be one of the most significant events in a trans person’s life, and the stress and anxiety of verifying everything is submitted correctly can be overwhelming. This is why TLDEF and our pro bono partners like Reed Smith continue to work tirelessly to remove some of the barriers and burdens our clients would otherwise face alone.”

Last year, TLDEF’s Name Change Project helped more than 550 people to legally change their names and is on pace to surpass that in 2021.

“Monae’s name change is a wonderful step forward,” said Gabriel Arkles, TLDEF’s senior counsel. “We won’t stop fighting until all transgender people can live as our authentic selves, without an unwanted name holding

us back or putting us in danger.”

Monae’s fight is just the beginning. On December 15, Reed Smith and TLDEF go to court again in Pittsburgh on behalf of two transgender women facing a lifetime felony bar, which prevents them from living with their true names.

About TLDEF

The Transgender Legal Defense & Education Fund is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts.

To learn more about TLDEF’s work, visit tldef.org.

About Reed Smith

Reed Smith is a dynamic international law firm dedicated to helping clients move their businesses forward. With an inclusive culture and innovative mindset, we deliver smarter, more creative legal services that drive better outcomes for our clients. Our deep industry knowledge, long-standing relationships, and collaborative structure make us the go-to partner for complex disputes, transactions, and regulatory matters. Now celebrating more than 140 years of service, our firm spans 30 offices with 3,000 people, including 1,700 lawyers.

For more information, please visit www.reedsmith.com.

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