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Albany, NY 12247

Speaker Carl Heastie  
188 State Street  
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Albany, NY 12248

June 9, 2025

We the undersigned 56 organizations and individuals -- representing civil legal services, domestic violence advocacy, LGBTQIA+ advocates -- urge the passage of **S.2431 (Sen Hoylman-Sigal) / A.3925 (AM Lavine)**. By providing all name change petitioners with privacy during their name change proceedings, this legislation will ensure that people who are changing their names using the Civil Rights Law in New York's courts get the same privacy treatment as all other name changes in the state, such as through marriage, divorce, or adoption. Because of e-filing, when a person uses the courts to change a name or gender marker, New York state makes the sensitive and confidential information contained in their filings -- including home addresses, birth certificates, birth dates, victimization history, and medical records -- available to the general public, risking endangering individuals who have turned to the courts often for their own safety. Notably, in most other court record contexts, this information would generally be considered Confidential Personal Information (CPI) and not subject to public scrutiny or disclosure. We know that that technology is already outpacing court processes, allowing this type of private information in E-Courts to be scraped and republished by online court data aggregator services and making this an urgent issue of safety, as well as privacy.

Adults and minors seek name changes for myriad personal reasons, including as a tool for safety and protection following victimization. People turn to the courts for their change of name so they can obtain the judicial court order necessary to update key identity documents, licenses, financial and other records, and more. The petition process requires the disclosure of sensitive information that, if disclosed publicly, could potentially place this sole category of name change petitioners at risk of privacy intrusion, identity theft, animus, discrimination, harassment, or danger. Court process should ensure that all name-change petitioners are not subjected to harm simply because they needed to avail themselves of legal relief.

These safety concerns are well recognized given the numerous legislative amendments to Civil Rights Law Section 64-a since 1994 specifically intended to increasingly safeguard vulnerable petitioners, such as victims of domestic violence and transgender people. Most recently, in

December 2024 the Office of Court Administration (OCA) implemented a useful new rule making ALL name changes filings temporarily sealed. This important change was intended to close gaps left by the previous court practices that allowed court data aggregators to swiftly sweep and then upload court documents, filings, and other private information onto their websites within mere hours of e-filing and before a court could even entertain the petitioner's request for temporary sealing. This allowed sensitive information to be accessible to and searchable by the general public and, although somewhat futile given things cannot truly be "erased" from the internet, required petitioners to seek pull down orders site-by-site. Seeking take downs and monitoring court data aggregator sites is burdensome for attorneys, but nearly impossible for pro se petitioners who may be wholly unaware of the dangers.

Though this new rule represents a very positive step, it does suffer from several limitations that can only be addressed legislatively. First, the new rule only applies to pending actions, so anyone who filed for a name change before its enactment remains unprotected. Second, under the 64-a, courts retain the discretion to deny sealing relief, even where a petitioner is able to satisfactorily demonstrate that failure to seal would jeopardize their personal safety. Given the potential for identity theft, release of sensitive medical information, or other privacy intrusions for any name change applicant, we believe that the release of this highly personal information through online court records in the name change context is indisputably harmful to everyone. However, failure to seal name change records is even more dangerous to historically vulnerable communities, including targets of domestic violence and stalking from known abusers, as well as transgender and gender non-conforming people who are at a heightened risk of threats, harassment, discrimination, stalking, and identity theft from known individuals and the public at-large.

By ensuring that the categorical privacy that applies to all other people in all other legal name changes in New York also applies to judicial name change proceedings under Article 6 of the Civil Right Law, **S.2431 (Sen Hoylman-Sigal) / A.3925 (AM Lavine)** will take critical steps in addressing and eliminating the privacy and safety concerns under the current sealing process that have impacted name change applicants, many of whom need the courts' protection the most. It will also create a clear statutory mechanism for petitioners who filed name change petitions prior to the effective date to ask that their matters be afforded privacy and taken down even if not ordered sealed by the original Judge. In addition, this bill will help alleviate the resource challenges that already-strained and backlogged courts face by eliminating intensive case-by-case sealing determinations and creating system-wide uniformity and efficiency. It will also reduce the chance of human error and the workload of clerks who must monitor sealing orders to administer these filings. Most importantly, this bill will protect New Yorkers, especially pro se filers, from the harms posed by disclosure of their court records. Notably, this bill does not change notice provisions currently contained in Civil Rights Law §62 and §64. Judges can still order notice as appropriate, and external actors may still show they have

good cause (i.e., a legitimate reason) to obtain information from a name change filing. These measures, over time, will improve court processes and improve access to justice.

The passage of **S.2431 (Sen Hoylman-Sigal) / A.3925 (AM Lavine)** is imperative given the growing threats from disclosure of personal information, particularly to vulnerable communities.

We urge you to take immediate action and advance this bill.

Sincerely,

## ***Signatories***

**Empire Justice Center**

**New York Civil Liberties Union**

**Volunteer Lawyers Project of CNY, Inc.**

Access Justice Brooklyn

Advocates for Trans Equality

Albany Damien Center

Ali Forney Center

Brooklyn Legal Services Corporation A

CAMBA, Inc./ CAMBA Legal Services,  
Inc.

Caribbean Equality Project

Center for Elder Law & Justice

Child and Family Services of Erie County -  
Haven House

City Bar Justice Center

Crime Victims Treatment Center

Erie County Bar Association Volunteer  
Lawyers Project

Free to Be Youth Project -UJC

Gender Equality New York, Inc.

Glitsinc.org

GLYS Western New York

Golden Psychology

Her Justice

Housing and Family Services of Greater  
New York, Inc.

Human Rights Campaign of Greater New  
York

Individual Board HRC

Lambda Independent Democrats of  
Brooklyn

Legal Aid Bureau of Buffalo, Inc.

Legal Momentum, The Women's Legal  
Defense and Education Fund

Make the Road New York

New Pride Agenda  
New York City Anti-Violence Project  
New York Lawyers for the Public Interest  
New York Legal Assistance Group  
New York Legal Services Coalition  
New York State Coalition Against Domestic  
Violence  
NMIC  
Pace Women's Justice Center  
Planned Parenthood Empire State Acts  
Prism Counseling & Advocacy  
Pro Bono Net  
Reclaim Pride Coalition, Inc  
Rural Law Center of New York  
SAGE - Advocacy & Services for LGBTQ+  
Elders  
SAGE Upstate  
Sanctuary for Families  
The Door - A Center of Alternatives, Inc.  
The Legal Aid Society  
The Legal Project  
The Pride Center of WNY  
Urban Justice Center  
Volunteers of Legal Service  
WAVE Women Inc  
Western New York Law Center

**Individuals:**

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Jill Paperno  
Midnight POWER  
Rebecca Braddell