

Publication Processes with Name Change Petitions

Trans Lifeline Microgrants



A BIG NOTE

This presentation is not legal advice; we are not lawyers and are not capable of giving you legal advice.

This presentation is a general summation of the publication process, not the exact process in any place. Some publication processes are EXTREMELY specific and it is important you ask a lot of questions of the court in which you are getting your name changed. We have done a good amount of research into these processes and publications, but there may be things we have missed as this info constantly changes.

When in doubt, seeking legal services is an option. We are available to try to connect you with legal resources in your area to support you in this process.

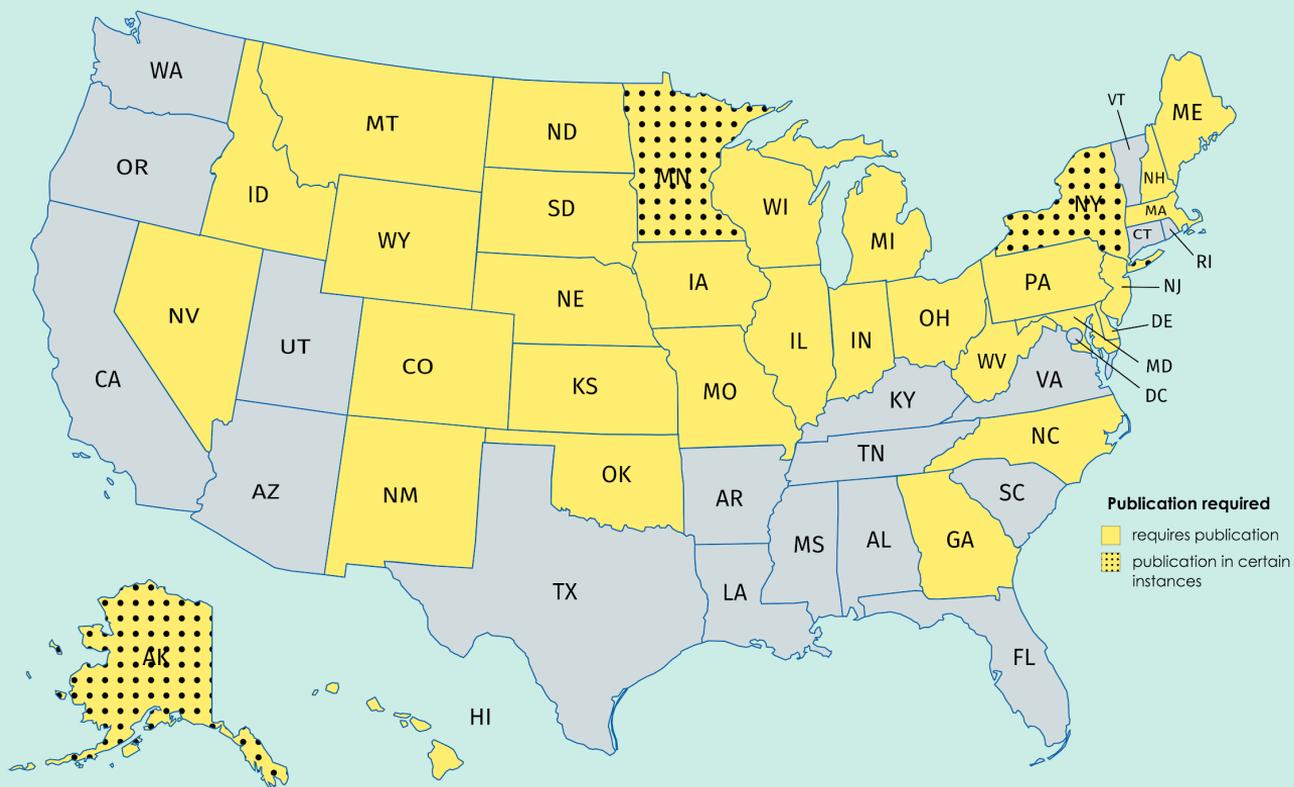
Publication? What?

Congrats on beginning your legal name change journey! If you have looked into the process and are in one of the states that require **publication**, you may have a lot of questions. We are here to help!

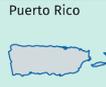
A publication requirement means that you are required to publish your proposed name change in a newspaper, legal journal, or other publicly circulated printed item.

This piece of the process can be confusing, expensive, and can sometimes pose a safety risk. We have been researching these processes and will offer as much info as we have to help you feel more prepared.

Where Is Publication Currently Required?



33 states & four territories

 Guam	 Northern Mariana Islands	 Puerto Rico
 American Samoa	 United States Virgin Islands	

Please note this is not the same everywhere- this is a general summation of the process, certain places are very specific

The publication portion of a legal name change usually goes something like this:

1. There are often publication forms that need to be filed at the same time as the Name Change Petition
 2. The petition will get filed & then you will need to publish the notice, typically once there is a hearing date
- ❖ There are different things that happen at this point depending on the court:
 - Either the clerk will create a Public Notice document that you will give to the newspaper;
 - OR the judge will have to approve an Order for Publication, after which you will have to publish;
 - OR you have to create your own notice and put it in the paper;
 - OR the paper itself will type out the notice;
 - OR the clerk will send the notice straight to the paper
 - ❖ The publication office sometimes uses this Public Notice as a way to determine how much it costs to publish
 - ❖ The notice sometimes needs to be published within a certain number of days or a certain number of times before the hearing

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The Publication process-ish Cont.

- You will then need Proof of Publication. Either the publication will mail that to you directly, or mail it to the court house. If they don't do this you may have to buy physical copies of the publication (newspaper) where your notice is listed. So if you had to publish 3 times, and the newspaper publishes weekly, you would have to buy each paper from those 3 weeks with your notice inside.
- You will then bring whichever form of confirmation of publication to your hearing or to the clerk's office
- Sometimes, the court will ALSO require publication of Notice of Name Change after it is approved, or ONLY require it after it is approved

Where Do I Publish My Name Change?

Generally, publication is required in a newspaper or journal that is public and widely circulated. Often, courts are only concerned with county-wide circulation, and sometimes city-wide suffices. Some courts are very specific about the requirements: like the publication must reach a certain number of miles, or it must be in both a newspaper and a legal journal, etc.



It is best to ask the court if they have certain publications they approve of. Sometimes, there is only one specific paper the court says it can be published in.



We have compiled a good amount of information on where to publish in our [Resource library](#)!

What Information You Need For Publishing:

This is the information we ask the court when we are researching a publication requirement. Keep in mind, every court tends to have their own twists and turns with this process!

- ❖ Where the court suggests publishing, or where folks have published in the past
- ❖ At what step in the name change process does publication need to happen?
- ❖ How often does the name change notice need to be published?
- ❖ How do you get the notice of publication from the court?
- ❖ How does you submit confirmation/proof of publication to the court after it has been published?
- ❖ Is it possible to get the publication waived, and how to do that (& if there are forms for this as well)
- ❖ Is it possible to get the name change filing fee waived & how to do that (sometimes this can waive the publication fee as well)

About The Publication

Here is the information you might need about the actual publication, either from the court or from the publication itself:

- Newspaper Company Name
- Contact information
 - ◆ Usually the person/people you will need to talk to is in the legals department (and you might have to find them by contacting the classifieds)
- The cost for printing the notice of a name change
 - ◆ Might be a flat fee, or it might be by the word or line count
- Instructions
 - ◆ How to submit the notice (might be an online upload, scan & email, or bring in person)
 - ◆ How to pay (could be cash only, money order only, or pay online)
- Any other helpful information!

Cost Of Publishing A Name Change

Publishing a name change can be pricey for a few reasons:

- Sometimes a publication cost is priced by line (for example, it costs ~\$20 per line, and the notice comes out to 10 lines =\$200)
- Sometimes a person is required to publish for a few consecutive weeks (for example, you are expected to publish the notice for 4 consecutive weeks, and it's \$80 per week =\$320)

If this cost is a financial burden to you, you might be able to request that the court waive the publication fees along with your name change filing fee. You may still have to publish, but sometimes they will waive just the fees. See the following slides for information on waiving the publication requirement altogether!

Waiving The Publication Requirement!

- ★ If you are worried that publicly announcing your name change where you live could compromise your safety, waiving this requirement is a good place to start!
- ★ Often it is possible to **waive** the publication requirement, which means you wouldn't have to publish. This is **not** the same as sealing the name change record from the public, though in some places that can be requested as well. It is important to note that some states will not allow a publication waiver request.
- ★ A big focus of the research in Microgrants has been on this possibility for our community; our [Resource Library](#) has information on where to publish, as well as some information on waiving the publication requirement. If you have applied for a Microgrant for your name change process with us, the volunteer processing your application will pass you any info that we have compiled around this.

How Can I Get The Publication Requirement Waived?

Publication is most often waived when there is 'evidence' that publishing would cause harm to the person seeking a name change. This evidence can look different according to different county and state courts; it is up to the judge's or clerk's discretion to approve the waiver or request.

Some courts have experience doing this, some don't. There can be an official form to complete, like a 'Motion to Waive Publication', or it might have to be personally requested of the clerk or judge.

The evidence that publishing would cause harm ranges:

- Sometimes an individual has to be on file or record as a victim of DV, have a restraining order against someone, or have legal evidence of stalking.
- Sometimes, the 'evidence' is more flexible, and can just be "because trans people face discrimination". For help with this, we recommend looking at any existing resources, following the language used on the waiver, and looking for other people's successful petitions online.

A great place to start is looking in our library to see if we already have this information; if you can't find anything there, try an internet search, calling the county clerk's office, and/or looking for legal help in your area (trans lawyers are everywhere, and pro bono work is a possibility!)



Here To Help!

We know this piece of the process can feel extremely overwhelming. Trans Lifeline Microgrants volunteers are here to offer support through the process! If you have any questions about this presentation or specific questions related to the process where you are located, email research@translifeline.org

You are not alone.

Our [Resource Library](#)

About the [Microgrants](#) Program

Trans Lifeline Hotline Number: 877-565-8860

