

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT OF COLUMBIA COUNTY
STATE OF GEORGIA

REBECCA ELIZABETH)
FELDHAUS,) Case No.
)
Petitioner) 2015D0607
)

TRANSCRIPT OF PROCEEDINGS
PETITION FOR NAME CHANGE

Before the Honorable J. David Roper
Superior Court Judge, Augusta Judicial Circuit
Columbia County Justice Center
Evans, Georgia

Held on Wednesday, February 17, 2016
Commencing at 10:12 a.m.

APPEARANCES:

FOR THE PETITIONER: ROBERT W. HUNTER III, ESQ.
266 Greene Street
Augusta, Georgia 30901

Shannon D. Flannery, CCR-2854, CVR
Official Court Reporter
Augusta Judicial Circuit
735 James Brown Boulevard, Augusta, Georgia 30901
(706) 849-3753

INDEX TO PROCEEDINGS

1		
2		PAGE
3	TESTIMONY OF PETITIONER	6
4	RULING BY THE COURT	12
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24	[ph] - transcribed phonetically	
25	[sic] - transcribed as stated	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO WITNESSES

PAGE

WITNESSES:

REBECCA ELIZABETH FELDHAUS

DIRECT EXAMINATION BY MR. HUNTER

6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS

TENDERED ADMITTED

FOR THE PETITIONER

EXHIBIT NO.	DESCRIPTION
P-1	Affidavit of Cheryl Carswell

-- 5

1 A. I went to the bookstore and, also, I went online.
2 Q. Do you know the website that you went to?
3 A. I can't recall.
4 Q. If I show you this paper, would that refresh your
5 memory?
6 A. Yes, sir.
7 Q. Okay. What's the name of the website?
8 A. It is namemeaning.com.
9 Q. Did you do this in preparation of selecting the name?
10 A. Yes, sir.
11 Q. When you went to that website, did you find that it
12 was probably equally -- how did you find the percentage of the
13 name Rowan as a name for boys and girls?
14 A. I just did a name search and it came up as
15 gender-neutral. It showed the statistics of how popular it was
16 for both, among female and male. In the 1950's, it was more
17 popular among men than it was -- I mean, it was more popular
18 among females than it was men.
19 Q. According to the Social Security Administration, is
20 it probably equally used as a male and female name?
21 A. Yes, sir.
22 THE COURT: Who's that?
23 MR. HUNTER: The Social Security Administration.
24 THE COURT: How did we go from that website to the
25 Social Security Administration?

1 MR. HUNTER: In that website, she was just --

2 THE PETITIONER: He.

3 MR. HUNTER: Okay.

4 BY MR. HUNTER:

5 Q. At this website, did it indicate that to you?

6 A. Yes, sir.

7 Q. And what was the website?

8 A. The website? The namemeaning.com.

9 Q. In that record -- in that website, did it indicate
10 the popularity of the name of Rowan?

11 A. Yes, sir.

12 Q. Okay.

13 A. And it had a statistical reference from Social
14 Security [sic], I believe.

15 Q. Administration?

16 A. Yeah.

17 Q. Are you seeing a therapist?

18 A. I am.

19 Q. What are you seeing a therapist for?

20 A. Gender dysphoria?

21 Q. Would you tell the Court about that.

22 A. Gender dysphoria is a diagnosis they give to people
23 who don't identify as their sex assigned at birth. It is a
24 psychological diagnosis that, like I said, is used to diagnose
25 people who don't conform with their sex assigned at birth.

1 Q. So you're seeing a therapist?

2 A. Yes, sir.

3 Q. Did she prepare an affidavit in support of your --

4 A. She did.

5 Q. Have you talked to her about your name change?

6 A. I have. When I first met her, she asked me if there

7 was any preferred name that I would like to go by and I told

8 her that it would be Rowan. She identified me as such from

9 thereon. And then I told her about the conflict I had with

10 changing my name.

11 Q. Did she recommended to you that your name be changed?

12 A. Yes, she did, on the basis that it is crucial to

13 people who have -- are diagnosed with gender dysphoria and that

14 don't identify with the sex they are -- the sex that they don't

15 identify with at birth.

16 She said that it is dangerous for me to have a female

17 sounding because it could be a potential hazard for people who

18 look at my ID: potential employers and people -- potential

19 lessors, and anybody that looks at my ID.

20 Q. Are you also taking medical therapy?

21 A. I am taking hormone replacement therapy with

22 testosterone shots.

23 Q. Have you ever been charged with a crime?

24 A. No, sir.

25 Q. Do you have any criminal history, beyond traffic

1 violation or anything like that?

2 A. No, sir.

3 Q. Are you asking the Court to change your name --

4 A. Yes, sir.

5 Q. -- to Rowan Elijah Feldhaus?

6 A. Yes, sir.

7 MR. HUNTER: I have no further questions, Your Honor.

8 THE COURT: What's that affidavit going to tell me?

9 MR. HUNTER: That affidavit is basically going to say
10 that the therapist recommends that the name change is part
11 of the therapy and she's been diagnosed with the dysphoria
12 and that that's part of the recommended treatment plan.

13 THE COURT: Okay.

14 And what was the percentage on the use of Rowan?

15 Just tell me.

16 MR. HUNTER: It looks like --

17 THE COURT: You testify about it.

18 We sort of jumped from the document into the Social
19 Security Administration to something else.

20 THE PETITIONER: The website has statistical
21 references for the Social Security Administration of the
22 United States showing that both -- among female and male,
23 that is both equally distributed.

24 THE COURT: Now?

25 THE PETITIONER: Yes. There is a spike after 2010

1 that shows that they are within the same --

2 THE COURT: I'm sorry. Because of the door, I didn't
3 hear what you said.

4 But what was it about a spike? You said --

5 THE PETITIONER: There was a spike after -- it looks
6 like after 2005 that has become popular about both female
7 and male names.

8 THE COURT: Well, is there a -- does it tell me or
9 tell you what the percentages are today or sometime in the
10 recent, within the last five years?

11 THE PETITIONER: I could calculate a percentage,
12 yeah. It just has the popularity chart. It's a point
13 graph chart.

14 MR. HUNTER: It tells how many people in a year are
15 named this and how many people are -- as a male and how
16 many as a female.

17 THE COURT: Well, how many?

18 MR. HUNTER: I was just pointing that out, Judge. I
19 can --

20 THE PETITIONER: 2015, 700 are popular among girls
21 and close to 1,250 for males.

22 THE COURT: All right.

23 Anything else?

24 MR. HUNTER: No, Your Honor.

25 //

1 superior court the discretion to approve name changes and
2 disapprove name changes. I disapproved one last week that
3 didn't have anything to do with the issue that we have
4 before us today. But I think it would have been
5 misleading to the public and I think the guy was trying to
6 be smart. I think he was trying to be smart. And I would
7 not allow one part of the name change that he wanted to
8 make. But he was happy when we left court. He still got
9 his last name changed. Well, actually, his whole name was
10 changed, if you want to know the truth.

11 In any event, you brought up -- I believe you brought
12 up the issue that -- the reason that I will allow a name
13 change to something that I find to be
14 significantly -- significant enough to be gender-neutral
15 is not for your benefit. You are a collateral beneficiary
16 of the reason I do it.

17 The reason I do it is because of the people that have
18 to look at your ID, the people that have to look at your
19 name, the people that have look at you and say, what's
20 going on here, the 17-year-old kid who's ringing you up at
21 the grocery store and when you want to cash a check, or
22 whatever it is, and you produce a credit card or an ID
23 that is obviously inconsistent with your appearance and he
24 or she doesn't know what to do.

25 I do it for the -- almost contrary to my position

1 that it has confusing to the general public, I will allow
2 a gender-neutral name change that will benefit the general
3 public because I don't want them to have to go through the
4 embarrassing issue of trying to figure out what to do with
5 you when you present, in your appearance today, with a
6 female name, particularly if you had on a uniform and you
7 were dressed like a man. You would pass as male.

8 I have other reasons. I have reasons that relate to
9 impure motives that some people have in changing their
10 identity so that they will have access to public
11 facilities that they would not otherwise have access to.

12 But I will not -- I am not going to change your name
13 to Rowan Elijah. You've got to come up with something
14 else. I'll take Rowan. And it's thin on that. But I
15 agree that it is -- that it could be -- I would always
16 assume it to be male, but you've made your point. I mean,
17 if seven against 12 are female, then that's close. It's
18 similar to other such names. I'm not talking about names
19 like Bobby or whatever that are commonly -- maybe Shawn or
20 some other name that is commonly given male or female.

21 There are more today than there were 50 years ago
22 that are -- Morgan is an acceptable female name today.
23 You would have never -- 50 years ago, you would have never
24 heard of a female being named Morgan. So there are names
25 out there.

1 So I am not -- I want you to know that I'm not
2 totally denying your petition. I'm not just going to slap
3 a denial on it, unless you tell me that you want to go
4 forward with this name, and then I'll deny it and you can
5 appeal me to the court of appeals and we'll see.

6 But I think that the Court -- if this Court does not
7 have the discretion to rule on name changes that is before
8 it, then the legislature needs to change -- it's not for
9 me to say, it is for the legislature to say. And the
10 legislature is not going to touch this with a 10-foot
11 pole.

12 But it is something that needs to be changed by the
13 legislature, not by the courts. I'm not here to make the
14 law. I think I have the discretion. If I didn't, then
15 they would give this job to the clerk, instead of to a
16 superior court judge, and all you would have to do is go
17 in and fill out some papers with the clerk or the probate
18 court or whatever and change your name. That's not our
19 system.

20 MR. HUNTER: So it's possible to amend with another
21 middle name?

22 I need to talk to my client about that.

23 THE COURT: But, you know -- I'm sorry. I'm not
24 sorry, but I'm sorry that I can't resolve this case today
25 in a manner that would be acceptable to y'all and

1 acceptable to me. But when you go to a name of Rowan
2 Elijah, I mean, nobody is going to ever say that that is
3 not a male name, regardless of the fact that Rowan is used
4 both ways.

5 I understand Elijah can be used as a middle name. It
6 could have been her mother's name or something like that.
7 But that's not what we've got here today and so I don't
8 have to rule on it.

9 MR. HUNTER: I'll talk to my client.

10 In those terms, I believe that most --

11 THE COURT: Don't speculate on the record. Talk to
12 your client.

13 MR. HUNTER: Thank you, Your Honor.

14 (WHEREUPON, Counsel and Petitioner conferred.)

15 THE COURT: I'm not going to accept that. I mean,
16 I'm just -- I don't know anybody named Elijah who's
17 female. I'm not going to do that. I've never heard of
18 that. And I know who Elijah was, one of the greatest men
19 that ever lived.

20 All right.

21 MR. HUNTER: Thank you, Your Honor.

22 (WHEREUPON, the proceedings were concluded at 10:31 a.m.)

23 //

24 //

25 //

IN THE SUPERIOR COURT OF COLUMBIA COUNTY
STATE OF GEORGIA

In Re: Rebecca Elizabeth Feldhaus)
) Civil Action File No.:2015D0607
)

AFFIDAVIT OF EXPERT WITNESS

PERSONALLY APPEARED before me, the undersigned officer, duly authorized to administer oaths, CHERYL CARSWELL, who, after having sworn, deposes and says as follows:

1.

My name is Cheryl Carswell.

2.

I am over 18 years of age.

3.

I am employed by Georgia Family Crisis Solutions, Inc., located at 4145 Columbia Road, Martinez, Georgia 30907, as Director and Psychotherapist.

4.

I received my Bachelors of Arts in Psychology at Augusta State University and my Masters of Science in Foundations of Education with concentration in Counseling and Psychology from Troy University.

5.

I have been employed in the field of psychotherapy since 2004 and am licensed as a Licensed Professional Counselor with the State of Georgia.

6.

I have received training from Troy University in providing therapy to transgender individuals and those experiencing symptoms of Gender Dysphoria.

7.

I have served as the psychotherapist to the Petitioner, Rebecca Elizabeth Feldhaus since July 30, 2015 on a regular basis.



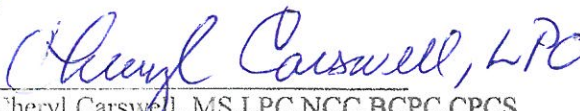
8.

That based on my review and counseling with the Petitioner, it is my opinion that the Petitioner is transgender, meaning that his self-identity does not conform to the sex assigned to him by doctors at birth and is therefore diagnosed with Gender Dysphoria, a condition recognized in the *Diagnostic and Statistical Manual of Mental Health Disorders* as a diagnosis used by psychologists and physicians to describe people who experience significant distress between the sex and gender they were assigned at birth and their gender identity.

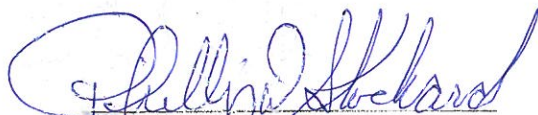
9.

The name change for which the Petitioner has requested is critical among the recommended treatment criteria in order to alleviate the symptoms of Gender Dysphoria and securing a legal name is necessary in making the legal identity and lived experience of the Petitioner match.

THIS 16th day of February, 2016.


Cheryl Carswell, MS, LPC, NCC, BCPC, CPCS
Director, Georgia Family Crisis Solutions, Inc.

Sworn to and subscribed before me
this 16th day of February, 2016.


Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

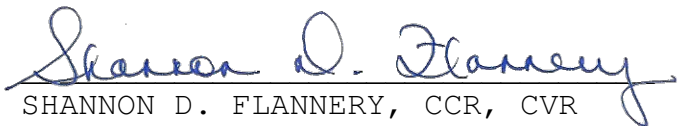
C E R T I F I C A T E

STATE OF GEORGIA
COUNTY OF COLUMBIA

I hereby certify that the foregoing transcript consisting of pages numbered 1 through 18 is a true and correct transcript of the proceeding held before me on February 17, 2016; that said proceeding was reported by the method of Stenomask.

I further certify that I am not kin or counsel to the parties in the case, I am not in the regular employ of Counsel or said parties, nor am I otherwise interested in the result of said case.

This the 24th day of February, 2016.



SHANNON D. FLANNERY, CCR, CVR
Certified Court Reporter
Georgia Certificate # 2854

