

**Supreme Court of the County of Suffolk
State of New York - Part XL**

PRESENT:

HON. JAMES HUDSON

Acting Justice of the Supreme Court

X-----X

In the Matter of the Application of

J.A.L., JR.*, a/ka et. al*,

For Leave to Assume the Name of

L.G.L.*

*The Names Have Been Changed to Protect the Party's
Identity

X-----X

INDEX NO.:10138/2016

SEQ. NO.:001-MG

NOAH E. LEWIS, ESQ.

Attorney for Petitioner

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Upon the following papers numbered 1 to 4 read on this Motion/Order to Show Cause for a Name Change; Notice of Motion/ Order to Show Cause and supporting papers 1-4; ~~Notice of Cross Motion and supporting papers 0~~; ~~Answering Affidavits and supporting papers 0~~; ~~Replying Affidavits and supporting papers 0~~; Other 0; (and after hearing counsel in support and opposed to the motion), it is

The matter *sub judice* is an application by a transgender person for leave to change their birth name. The petitioner has requested that the publication requirements of Civil Rights Law §63 be waived.

Civil Rights Law § 64-a (1) states:

“If the court shall find that the publication of an applicant's change of name would jeopardize such applicant's personal safety, based on totality of the circumstances the provisions of sections sixty-three and sixty-four of this article requiring publication shall be waived and shall be inapplicable. Provided, however, the court shall not deny such waiver solely on the basis that the applicant lacks specific instances of or a personal history of threat to personal safety. The court shall order the records of such change of name proceeding to be sealed, to be opened only by order of the court for good cause shown or at the request of the applicant.”

The Court in the case of *In re E.P.L.*, 26 Misc. 3d 336, 891 N.Y.S.2d 619 (Sup. Ct. Westchester Co. 2009) was presented with a fact pattern virtually identical to that found in the instant application. Mr. Justice Giacomo's meticulously researched and eloquently written opinion demonstrated that "...there exist numerous documented instances of those targeted for violence based on their sexual orientation or gender identity" (Id. at 338)

The Petitioner in this case falls into the same category as the applicant in *In re E.P.L.* and will be afforded the same protection.

Accordingly, the Court finds that, based on the totality of the circumstances, the personal safety of the applicant will be jeopardized by publication. The publication requirements of Civil Rights Law Article § 63 are hereby waived. It is further

ORDERED, that pursuant to Civil Rights Law § 64-a (1), the Clerk of the Court is hereby directed to mark the records of this proceeding as **SEALED**, subject to further order of the Court. It is further

ORDERED, that the Clerk of the Court is directed to redact the name of the Applicant and amend the title of this action to read as "*In the Matter of the Application of J.A.L., Jr.*"

Serve a copy of this order on the Clerk of the Court.

The foregoing constitutes the decision and Order of the Court.

DATED: NOVEMBER 21, 2016
RIVERHEAD, NY



HON. JAMES HUDSON, A.J.S.C.