INSTRUCTIONS: ADULT NAME CHANGE

☐ Fill out the forms. There are two ways you can complete these forms:
(a) You can use a computer to fill in the form blanks. After you fill in the blanks
you must print out the forms; <u>or</u>
(b) You can print out the forms and handwrite your answers.
☐ Read your local court rules to find out how many copies you will need, and if there
are any additional forms or procedures required in your county.
\square Sign your forms and make copies.
☐ Take the originals and copies of your forms to the Clerk of the Court. The Clerk will
provide the case number and process the forms. The Clerk will stamp the forms with a
filing date and give you back a copy.
☐ The court will set a hearing date when you file your Petition. Make sure this date is
filled in on the Notice of Petition for Change of Name.
☐ You will need to take the Notice of Petition for Change of Name to the person who
handles legal notices in your local new spaper. This Notice must appear once a week for $% \left(1\right) =\left(1\right) =\left(1\right) $
three weeks. The last publication date must be at least thirty days before your hearing
date.
☐ The newspaper will send a proof of publication notice to you, which you will attach
to the Notice of Filing Proof of Publication and then file these forms with the Court. <i>If</i>
you feel unsafe putting this in the newspaper, see more instructions beginning on the eighth of
this packet.
☐ The newspaper will send a proof of publication notice to you. Attach the proof of
publication the newspaper sends to the Notice of Filing Proof of Publication (in this
packet) and file both forms with the Court.
Attend the hearing. <i>If you feel unsafe having a <u>public</u> hearing, see more instructions</i>
beginning on the eighth page of this packet.
Once your name has been changed, the court will send a copy of the final order to the state department of health and local county health department. It is your responsibility to inform other government agencies, your employer, your creditors, and other interested agencies and businesses of your new name.

STATE O	F INDIANA) IN THE <u>COUNTY NAM</u>)SS:	NAME OF COURT YOU WILL FILE IN. IF YOU DO NOT KNOW, LEAVE BLANK COURT
COUNTY	OF COUNTY NAI	ME) CAUSE NO. <u>LEAVE BL</u>	ANK
IN RE TH	IE NAME CHANGE	E OF)	
YOUR N	NAME)	
Petitioner)	
	AP	PEARANCE BY UNREPRESENT	TED PERSON
1.	My name is YOU	R NAME aı	nd I am the Petitioner, filing this case
on my	own behalf. I am no	ot represented by a lawyer.	
2.	Contact information by Court Rules.	n for receiving legal service of docur	ment and case information as required
	Address: YO	UR ADDRESS	
	<u> </u>		<u> </u>
CHECK THIS BOX IF YOU	^J Email address: YO	UR EMAIL ADDRESS	
WANT THE COURT TO CONTACT YOU <i>ONLY</i> BY EMAIL		ll accept service at the above email a	address.
EMAIL	Thone.	UR PHONE NUMBER UR FAX NUMBER	
	Fax: YO	OK FAA NUMBER	
3.	This is an MI case	type as defined in Administrative Ru	lle 8(B)(3).
4.	There are related ca	ases: (If yes, please indicate below)	
IF THERE ARE RELATED CHECK YES. IF NOT, CH	CASES, SECK NO. SECK NO.		
	□ No		
	Caption and case n	umber of related cases:	I IN THE INCODMATION ON THE
			LL IN THE INFORMATION ON THE Case No.:
	-		Case No.:
	Сарион.		case No
		tion as required by local rule: INFORMATION IS REQUIRED BY	Y LOCAL RULE, PUT IT HERE.
		SIGN HEI	RE
		Signature	

ATE OF INDIANA) IN THE	COURT
OUNTY OF)SS:) CAUSE NO	
RE THE NAME CHANGE OF:) THE FIRST FORM YO) INFORMATION HER	ABOVE THE DOTTED LINE, LOOK AT DU FILLED OUT AND COPY THE E.
titioner) 	
<u>VERIFIED</u>	PETITION FOR CHANGE (OF NAME
petitions the court to change HIS/	ME HER name. In support of this Pername is YOUR CURRENT, L	tition, Petitioner states as follows:
		·
	driver's license number/Indiana BER; and I will bring	identification card number is g my Indiana driver's license or
4. That my mailing address is:		
YOUR MAILING ADDRESS		
And if different, I	my residence address is: OTHER THAN YOUR MAILI	NG ADDRES, PUT IT HERE
5. The following is	a list of all of my previous name	es:
ALL YOUR PRIOR, LEGAL N	VAMES	
States citizen is <u>PROOF OF CIT</u> of name hearing for verification.	FIZENSHIP . I will be a giudgements of criminal convi	port. My proof that I am a United bring this document to my change ction of a felony under the law of I have stated immediately below
that I have no felony convictions	_	i have stated infinediately below
LIST ALL FELONY CONVIC	TIONS OR WRITE "I DO NO	ΓHAVE ANV FELONV

8.	That I am not seeking to defraud creditors by changing my name.		
9. publication as	That I have published notice of my request for change of name in a local as required by law, and will bring proof of publication to the hearing.		
10. Code 11-8-8.	That I am not a sex or violent offender who is required to register under Indiana		
11.	That I wish to change my name to: <u>NEW, REQUESTED NAME</u> .		
12.	That I request that (select one of the following):		
SELECT THE BOX THAT IS TRUE	The name on my birth certificate not be changed.		
	The name on my birth certificate be changed to my new changed name. Specifically, NEW, REQUESTED NAME (ONLY IF YOU CHECKED THIS BOX)		
	REFORE, I respectfully request that this Court grant my Petition for Name Change, ner just and proper relief. I affirm under penalties for perjury that the foregoing as are true. PRINT THIS FORM AND SIGN HERE IN FRONT OF A NOTARY Signature YOUR ADDRESS		
STATE OF IN			
	NDIANA) LEAVE THIS BLANK. TAKE THIS TO A NOTARY AND THEY WILL FILL THIS OUT WHEN YOU SIGN THIS FORM		
Before me County, State and being firs instrument are	, a notary public, of Indiana, personally appeared, t duly sworn upon his/her oath, says that the facts alleged in the foregoing e true.		
Date:			
Notary Public	;		
My Commiss	ion Expires		

STATE OF INDIANA) IN THE COUNTY	COURT TYPE COURT
COUNTY OF COUNTY) CAUSE NO. <u>LEAVE</u>	BLANK
IN RE THE NAME CHANGE OF:)	
YOUR NAME Petitioner)))	
<u>OI</u>	RDER SETTING HEAR	<u>ING</u>
Comes now <u>YOUR NAM</u> Petition for Change of Name, and the	E Court finds that the matter	, pro se, having filed a Verified r should be set for hearing.
IT IS THEREFORE ORDERED th	at this matter shall be hear	d on
LEAVE BLANK		
So ORDERED LEAVE BLANK	<u>. </u>	
	LEAVE BLAN	NK
	Judicial Officer	r
Distribution: YOUR NAME YOUR ADDRESS		

STATE OF INDIANA		COURT	
COUNTY OF)SS:) CAUSE NO		
IN RE THE NAME CHANGE OF:) THE FIRST FORM YO INFORMATION HERE		
Petitioner		T AFTER YOU HAVE GIVEN NOTICE II 	
NOTICE (OF FILING PROOF OF PUBL		
Petitioner, YOUR NAM	<u>ME</u>	pro se, states as follows:	
1. I have given notice of my 2-3(a).	Petition for Change of Name, pu	rsuant to Indiana Code 34-28-	
2. I have attached a copy of	the published notice herein as Ex	khibit A.	
3. The attached notice has b	een verified by the affidavit of a	disinterested person.	
4. More than thirty (30) day	4. More than thirty (30) days have passed since the last required publication of notice.		
WHEREFORE, I respect Change, and for all other just and foregoing representations are tru		nalties of perjury that the	
	PRINT THI	S FORM AND SIGN HERE	
	Signature <u>YOUR ADI</u>	DRESS	
		·	

STATE OF INDIANA) IN THE	COURT
COUNTY OF)SS:) CAUSE NO	
IN RE THE NAME CHANGE OF:	 FOR THE SECTION ABOVE THE DOTTED LINE THE FIRST FORM YOU FILLED OUT AND COPY INFORMATION HERE. 	
Petitioner)		
NOTICE O	F PETITION FOR CHANGE	OF NAME
YOUR NAME YOUR MAILING ADDRESS	, w	_
and if different, my residence add YOUR RESIDENTIAL ADDR		,
in the NAME OF COUNTY YOUR NAME COURT CO NEW, REQUESTED NAME	County, Indiana, hereby gurt requesting that HIS OR HER name be	gives notice that has filed a petition in the changed to
	at the hearing will be held on said	d Petition on
		<u>1E</u>
	Petitioner	
	LEAVE BL.	ANK
	Date	
	<u>LEAVE BL.</u> Judicial Offic	

STATE OF INDIANA) IN THE)SS:	COURT
COUNTY OF	,	
IN RE THE NAME CHANGE OF:	,	N ABOVE THE DOTTED LINE, LOOK AT YOU FILLED OUT AND COPY THE ERE.
Petitioner)	
ORDER ON VERI	FIED PETITION FOR CHA	
On LEAVE BLANK	, Petitioner, YOUR NA	ME .
Appeared for Change of Name Heari Court and having reviewed the Verifi Publication, and the evidence present	ng. Witnesses sworn and evided Petition for Change of Nam	ence presented. Comes now, the ne, Notice of Proof of
1. That Petitioner's current r	name is: YOUR CURRENT N	NAME
	oirth is: YOUR BIRTH DAT	
3. That Petitioner's Indiana filed with the Court and is preserved		a identification card number was
4. That Petitioner's mailing MAILING ADDRESS	address is:	
And if different, Petitione RESIDENTIAL ADDRESS	r's residence address is:	
5. That Petitioner has no oth PRIOR NAMES, IF ANY	er previous names, or Petitione	er's previous names are as
6. That Petitioner does/does	not hold a valid United States	passport.
7. That Petitioner has presen	ted proof of United States Citi	zenship.
8. That if Petitioner has a fel the appropriate agencies has been pro-		ten years, the required notice to
9. That Petitioner is not a second 11-8-8.	x or violent offender who is red	quired to register under Indiana

That Petitioner has presented proof of publication of notice to the Court.

10.

	11.	That pursuant to Indiana Code 34-28-2-1, Petitioner Wisnes to change his/her name.	
	12. NEW,	That Petitioner wishes to change his/her name to be REQUESTED NAME	
_	13.	That Petitioner	
HOOSE TH	E IS TRIJE	Wishes to change his/her name on his/her birth certificate toYOUR NEW, REQUESTED NAME IF YOU WANT IT CHANGED ON YOUR BIRTH CERTIFICATE	
OX IIIAT	IS TRUE	does not wish to change his/her name on his/her birth certificate.	
2 -	and Peti	EREFORE IT IS ORDERED that Petitioner's Petition for Change of Name is GRANTED, tioner's name is hereby legally changed to NEW, REQUESTED NAME.	
7	The nan	ne on Petitioner's birth certificate:	
CHOOSE THE	HE BOX RUE	should be changed to <u>YOUR NEW, REQUESTED NAME IF YOU WANT IT CHANGED ON YOUR BIRTH CERTIFICATION</u> should <u>not</u> be changed.	ΛTE
	so	ORDERED LEAVE BLANK	
		Judicial Officer	

You do not have to file the following documents, but you may want to. Read below and then decide whether you want to fill out and file them.

To get a name change, you are required to publish notice of your name change in a newspaper and the court records are public. However, court rules allow you to ask that the publication requirement be waived (not required), and the records be sealed (not available to the public) for your safety. If you feel unsafe publishing in a newspaper (for example, because you are transgender), or having this case public would put you at significant risk of substantial harm, fill out all of the following forms and submit them to the Clerk of Court <u>when you start your name change case</u>.

- 1. The first document is <u>Notice of Exclusion of Confidential Information</u>
 <u>From Public Access</u>. This lets the court know you want the court to keep the papers you file out of public view.
- 2. The second document is the <u>Verified Request to Prohibit Public Access</u>
 <u>Pursuant to Indiana Rules on Access to Court Records</u>. This is a request to the Judge to make your case confidential. This is where you should detail all the reasons you would feel unsafe having your name change made public
- 3. The third document is the Memorandum of Law in Support of Verified Request to Prohibit Public Access Pursuant to Rules on Access to Court Records. Indiana Legal Services wrote this memo to explain to the Judge why, in general, it can be unsafe for trans people to be outed, and why this means the name change of a transgender person should be sealed (confidential).
- 4. The fourth document is the <u>Public Notice of Hearing</u>. The law says that if you ask a judge to make the case confidential, there must be a public hearing on the sealing request (that's the second document listed above). To let the public know about the hearing, the court posts this notice in the courthouse at least 30 days before the hearing.
- 5. Finally, the fifth document is the <u>Order on Request to Prohibit Public Access Pursuant to Indiana Rules on Access to Court Records.</u> This is a document that you want the Judge to sign. If the Judge decides that your case should remain confidential, not viewable by the public, then the Judge will sign this document and your case will be *sealed*.

STATE OF INDIANA			COURT
COUNTY OF)SS:) CAUSE NO	
N RE THE NAME CHANGE OF:		1	ON ABOVE THE DOTTED LINE, LOOK AT M YOU FILLED OUT AND COPY THE HERE.
<u>N</u>	OTICE OF EXCLUSION	<u>OF CONFIDENTIAL INF</u> <u>ACCESS</u>	FORMATION FROM PUBLIC
1. 2. 3. 4. 5. 6. 7.	Appearance Verified Petition for Char Order Setting Hearing Order on Verified Petition Notice of Exclusion of Co Verified Request to Prohi Records Memorandum of Law in S	ge of Name for Change of Name infidential Information from bit Public Access Pursuant to	to Prohibit Public Access And/Or
 Waive Publication Pursuant to Rules on Access to Court Records Order on Verified Request To Prohibit Public Access Pursuant to Indiana Rules on 			
	Access to Court Records		
	N HERE		YOU SIGN
Signature		Date	

Printed Legal Name

STATE OF INDIANA) IN THE)SS:	COURT
COUNTY OF		
IN RE THE NAME CHANGE OF: Petitioner	,	ABOVE THE DOTTED LINE, LOOK AT DU FILLED OUT AND COPY THE E.
	PROHIBIT PUBLIC ACCESS	
	ON ACCESS TO COURT RE	
I, <u>YOUR NAME</u> Court to seal the record of my name the entire court record pursuant to In request, I state:	change proceeding, permanently	prohibiting Public Access to
1. I am requesting the court CHECK THE APPROPRIATE □ transgender BOX, OR FILL IN THE □ gender non-con BLANK □ nonbinary □ □	forming	
2. I am seeking to change m presentation.	y name to accurately reflect my	gender identity and
3. I am aware of the high rat transgender, gender non-conforming if the public knows my gender identi invasion of my privacy.		and nationwide and I fear that
4. I fear that if someone cou be targeted for discrimination and/or	ld find my name change request violence based on my gender id	
5. I also fear for my safety b discrimination.	pecause of my personal experience	ce with violence and
6. I have personally suffered bullying □ threats of violence CHECK THE APPROPRIATE BOY HAVE SUFFERED HERE.	K. YOU MAY CHOOSE TO EX	XPLAIN OTHER HARM YOU

7. I am attaching a Memorandum of Law in Support of Verified Request to Prohibit Public Access And/Or Waive Publication Pursuant to Rules on Access to Court Records by Indiana Legal Services as an Exhibit.

THEREFORE, I respectfully request that pursuant to the Indiana Rules on Access to Courts, this case be excluded from public access by sealing the record of this proceeding.

I affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

DATE YOU SIGN	SIGN HERE
Date	Signature
	YOUR NAME
	Printed Legal Name

MEMORANDUM OF LAW IN SUPPORT OF VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS AND/OR WAIVE PUBLICATION PURSUANT TO RULES ON ACCESS TO COURT RECORDS

- This memorandum of law was drafted by Indiana Legal Services' LGBT Project to support selfrepresented litigants who fear for their safety to a request pursuant to the Rules on Access to Court Records² to waive publication and sale the records of their case.
- 2. Name change cases are subject to the public access rules containing in Indiana Rules of Court Administration 9. Ind. Code § 34-28-2-2.5(b).

I. HAVING TO PUBLISH NOTICE IN A NEWSPAPER AND HAVING THEIR CASE PUBLICLY AVAILABLE PUTS PETITIONER AT SUBSTANTIAL RISK OF HARM.

- 3. The Court of Appeals is clear that the evidence of heightened risk of harassment, violence, and homicide to transgender individuals nationally and in Indiana is enough to demonstrate significant risk of harm warranting prohibiting public access. *In re Name Change of M.E.B.*, 19A-MI-118 at ¶ 11 (June 21, 2019).
- 4. The purpose of the Access to Court Records Rule is, among other things, to minimize an individual's risk of injury. The Commentary to the Rule recognizes "that unrestricted access to certain information in Court Records could result in an unwarranted invasion of personal privacy or unduly increase the risk of injury to individuals and businesses." Ind. Access to Court Records 1, cmt. ". . . The goal of the Rules on Access to Court Records is proactive; it seeks to *prevent* harm. To force petitioners to wait until they have already experienced that harm would vitiate the purpose of the rule." *Id.*; accord In Re K.H., 127 N.E.3d 257 (Ind. Ct. App. 2019)
- 5. A.C.R. Rule 6 requires Judges to look at the totality of the circumstances to evaluate if a substantial risk of harm exists and to proactively protect applicants' safety. Rule 6 does not require that Plaintiff endure targeted threats, violence, or abuse before granting temporary and permanent

² The Access to Court Records Rules replaced Administrative Rule 9 on January 1, 2020. Rules on Access to Court Records moved portions of Administrative Rule 9 and placed them in a more organized manner. A.C.R. Rule 6 is Administrative Rule 9(G)(4) without change.

sealing and a publication waiver. In Re M.E.B., 126 N.E.3d 932 at 934 (Ind. Ct. App. 2019); In Re

K.H., 127 N.E.3d 257 (Ind. Ct. App. 2019)

6. Part of the circumstances to consider is the reality that transgender people are disproportionately

impacted by violence and homicide. The United Sates is the third most deadly country for trans

people.

7. Between 2013 and 2015, hate crimes against transgender people increased 239 percent, with LGBT

people more likely than any other minority group to experience hate crimes in the United States.

Haeyoung Park and Iaryna Mykhyalyshyn, L.G.B.T. People Are More Likely to Be Targets of Hate

Crimes Than Any Other Minority Group, N.Y. TIMES, June 16, 2016.

8. The systemic violence transgender people experience neither begins nor ends with hate crimes,

physical assault or homicide. Transgender people are more likely than the general population to

experience discrimination, harassment, and violence in every facet of life, including family

relations, education, employment, housing, public accommodations, obtaining accurate

identification documents, and accessing adequate and appropriate medical treatment. . See e.g.

James et al., The Report of the 2015 U.S. Transgender Survey (2016), available at

http://www.ustranssurvey.org/reports/; National Coalition of Anti-Violence Programs, A Report

from the National Coalition of Anti-Violence Programs: Lesbian, Gay, Bisexual, Transgender,

Queer, and HIV-Affected Hate Violence in 2013 (2014), available at http://avp.org/wp-

content/uploads/2017/04/2013_ncavp_hvreport_final.pdf; Jaime M. Grant et al., *Injustice at Every*

Turn: A Report of the National Transgender Discrimination Survey 2 (2011), available at

http://www.thetaskforce.org/downloads/reports/reports/ntds full.pdf.

9. This is no less true in the state of Indiana. A survey of transgender people in Indiana conducted in

conjunction with the National Transgender Discrimination Survey found that 73% of respondents

reported harassment in their K-12 school; and 27% reported physical assault. National Center for

Transgender Equality and the National Gay and Lesbian Task Force, Findings of the National

Transgender Discrimination Survey: Indiana Results (2015), available at http://www.transequality.org/sites/default/files/docs/usts/USTSINStateReport% 281017%29.pdf.

- 10. In another study of Transgender Hoosiers, 74% of respondents reported experiencing harassment or mistreatment on the job. Christy Mallory and Brad Sears, *Employment Discrimination Based on Sexual Orientation and Gender Identity in Indiana*, August 2017, available at https://williamsinstitute.law.ucla.edu/research/in_discrimination_ aug_2017/.
- 11. In 2016, an Indiana transgender woman was shot in the face while their attacker yelled anti-transgender sentiments. Alleged Hate Group Member Charged in Shooting of Trans Woman in Indiana, The Advocate (July 17, 2016), available at http://www.advocate.com/transgender/2016/7/17/alleged-hate-group-member-charged-shooting-trans-woman-indiana. Across the nation, violence against transgender individuals is on the rise. Maggie Astor, Violence Against Transgender People Is on the Rise, Advocates Say, N.Y. TIMES, Nov. 9, 2017.
- 12. Though the data on violence is staggering, the actual violence against transgender people is likely much worse, due to the underreporting of crimes. See. E.g. Lucas Waldron, Deadnamed: The way cops in Jacksonville and other jurisdictions investigate the murders of transgender women adds insult injury and be delaying available to may justice, at https://www.propublica.org/article/deadnamed-transgender-black-women-murders-jacksonvillepolice-investigation; Emma Keith et. al, Lack of trust in law enforcement hinders reporting of LBGTO crimes, available at https://www.publicintegrity.org/2018/08/24/22138/lack-trust-lawenforcement-hinders-reporting-lbgtq-crimes.
- 13. The Court of Appeals is clear that these significantly higher rates of discrimination, harassment, and violence experienced by transgender people as compared to cisgender people (people who are not transgender) is enough to satisfy that there was clear and convincing evidence that the

Petitioner would face a significant risk of substantial harm if their transgender status was disclosed

to the public. *In re Name Change of A.L.*, 81 N.E.3d 283, 291 (2017).

14. The Court of Appeals rejected the trial court's reasoning that Rule 9 was not applicable because

the petitioner had not shown they were subjected to any specific threats or violence because of

their gender identity. Id. At 290-91. Trial courts have no jurisdiction to disregard appellate

precedent. Cf. Ross v. State, 877 N.E.2d 829, 835 (Ind. Ct. App. 2007) (appellate precedent is

binding on trial courts), trans. denied.

15. There—on an evidentiary record substantively identical to that submitted here—the court found

that the significant risk of harm came from the general public being able to access, on the internet,

in perpetuity, information about petitioner being transgender.³ Id.

II. COURT DOCUMENTS IDENTIFY PETITIONER AS TRANSGENDER, WHICH UNLAWFULLY DISCLOSES CONFIDENTIAL MEDICAL INFORMATION IN

VIOLATION OF A.C.R. 5(A)(1).

16. A.C.R. Rule 5(A)(1) mandates that records declared confidential by Indiana statue or court rule

must be excluded from public access. Both medical and mental health records are confidential and

protected from public disclosure.

17. That Petitioner's is transgender is protected medical information. I.C. § 16-39-3-10 declares a

patient's "mental health record or testimony related to a patient's mental health" offered in a legal

proceeding to be a confidential court record.

18. Gender transitions involve both physical and social elements. Social elements, such as wearing

clothing more readily associated with a specific gender, changing one's name and updating their

identity documents to reflect their experienced sex, are therapeutic treatments for the psychological

treatment of gender dysphoria. STANDARDS OF CARE FOR THE HEALTH OF TRANSSEXUAL,

³A publication notice in a local newspaper lives on past the three weeks in which it is published. All public notices published in Indiana are archived and searchable though the Hoosier State Press Association. Indiana Public Notice Search, available at http://www.indianapublicnotices.com/. Once publication is made or the court

file accessed, it cannot be undone.

TRANSGENDER, AND GENDER-NONCONFORMING PEOPLE, WORLD PROFESSIONAL ASSOCIATION

FOR TRANSGENDER HEALTH (7th ed. 2011), available at https://www.wpath.org/publications/soc.

19. The records in this case constitute protected health records that Indiana law requires trial courts to

keep confidential. See Ind. Code § 16-39-3-10 (a "mental health record or testimony related to a

patient's mental health" offered in a legal proceeding is a confidential court record). Trial courts

have no discretion, and therefore no jurisdiction, to order such records be made publicly available.

E.g. Groth v. Pence, 67 N.E.3d 1104, 1112 (Ind. Ct. App. 2017) ("as a matter of law," records

declared confidential by statute "shall not be disclosed"), trans. denied.

III. BEING OUTED AS TRANSGENDER VIOLATES PETITIONER'S PRIVACY INTERESTS PROTECTED BY THE ACCESS TO COURT RECORDS RULES AND

THE 4TH AMENDMENT OF THE US CONSTITUTION.

20. The purpose of the Rules on Access to Court Records is, among other things, to protect the privacy

interests of litigants. The Commentary to the Rule recognizes "that unrestricted access to certain

information in Court Records could result in an unwarranted invasion of personal privacy or

unduly increase the risk of injury to individuals and businesses." Ind. Access to Court Records

Rule 1, cmt.

21. Petitioner has a fundamental right of privacy in preventing the release of their highly personal and

intimate medical and mental health information and in deciding under what circumstances to

release information that has a statistically significant likelihood to subject them to substantial

harm. Whalen v. Roe, 429 U.S. 589, 599-600 (1977); Nixon v. Adm'r of Gen. Servs., 433 U.S. 425,

464-65 (1977) (instructed that intrusions on legitimate informational privacy expectations must be

weighed against the public interest in accessing that information); NASA v. Nelson, 562 U.S. 134,

138 (2011) (reaffirming *Nixon* balancing test); *Denius v. Dunlap*, 209 F.3d 944, 956 (7th Cir. 2000)

(holding 4th Amendment right to informational privacy protects the "clearly established

'substantial' right in the confidentiality of medical information that can only be overcome by a

sufficiently strong state interest").

22. The United States Supreme Court has recognized that a constitutional right to information privacy

protected by the 4th Amendment applies to the states under the 14th Amendment. Whalen v. Roe.

429 U.S. 589, 599-600 (1977). This constitutional right to privacy means one has a venerable right

"not to have intimate facts concerning one's life disclosed without one's consent." Bartnicki v.

Vopper, 200 F.3d 109, 122 (3d Cir. 1999). In fact, "the more intimate or personal the information,

the more justified is the expectation that it will not be subject to public scrutiny." Fraternal Order

of Police v. City of Philadelphia, 812 F.2d 105, 112 (3d Cir. 1987). This right to privacy has been

deemed by Federal Courts to include an individual's gender identity. See Powell v. Schriver, 175

F.3d 107 (2d Cir. 1999).

23. Denying Petitioner's Access to Court Records request would make public the fact that Petitioner

is pursuing therapeutic treatment for their gender dysphoria and reveal medical and mental health

information to a large number of disinterested persons with no legitimate interest in that

information, in violation of the 14th Amendment to the United States Constitution, I.C. § 16-39-3-

10, and the purpose of the Access to Court Records Rule.

Prepared in January 2020 for use by pro se parties by: LGBT Law Project

LGBT Law Project Indiana Legal Services

lgbtgroup@ilsi.net

STATE OF INDIANA		COURT	
COUNTY OF)SS:) CAUSE NO		
IN RE THE NAME CHANGE OF:	*	ABOVE THE DOTTED LINE, LOOK AT DU FILLED OUT AND COPY THE E.	
Petitioner) 		
<u>PU</u>	BLIC NOTICE OF HEARING	<u>3</u>	
Please take notice: Petitioner her Pursuant to Indiana Rules on Acc Indiana Rules on Access to Court entire case from public access, an matter for hearing on	ess to Court Records and for sea Records requesting that the Cou	ling the record pursuant to art enter an Order excluding the ed said motion, hereby sets the	
Dated	Judicial Officer		
Distribution: YOUR NAME YOUR ADDRESS			

STATE OF INDIANA		COURT
COUNTY OF)SS:) CAUSE NO	
IN RE THE NAME CHANGE OF: Petitioner)) FOR THE SECTION ABOVE THE DOTTED LINE, LOOK A) THE FIRST FORM YOU FILLED OUT AND COPY THE) INFORMATION HERE.)	
· · · · · · · · · · · · · · · · · · ·	<u>UEST TO PROHIBIT</u> LES ON ACCESS TO	<u>PUBLIC ACCESS PURSUANT TO</u> <u>COURT RECORDS</u>
Following a hearing on the matter Court now issues the following F	r, held on LEAVE BI indings and Order:	LANK the
1. Petitioner has demonstrated by Indiana Rules on Access to Court	9	vidence that the requirements of the met.
		ets served by prohibiting public access to excess interests served by the Rules on
3. Permanently prohibiting Public and duration to protect Petitioner		art record is the least restrictive means
	per is permanently prohi	the documents that comprise the entire bited and all Public access to all further
IT IS FURTHER ORDERED that are waived.	nat the publication requi	rements of Indiana Code §34-28-2-3(a)
So ordered this <u>LEAVE BLAN</u>	K	
	LEA	AVE BLANK
	Judio	cial Officer
Distribution: YOUR NAME YOUR ADDRESS		