



TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
In Support of Senate Bill 1045, An Act Protecting Personal Security
Massachusetts Joint Committee on the Judiciary
July 29, 2025

Dear Chair Edwards, Chair Day, Vice Chair Eldridge, Vice Chair Fluker-Reid, and distinguished members of the Joint Committee on the Judiciary:

Thank you for this opportunity to testify in strong support of Senate Bill 1045, An Act Protecting Personal Security. This bill is an important measure to ensure residents of the Commonwealth can secure legal name change decrees in a more fair, safe, and consistent manner. GLBTQ Legal Advocates & Defenders (GLAD Law) is grateful for the leadership of Senator Comerford, the lead sponsor of S 1045, as well as that of Representatives Sabadosa and Lewis, who are lead sponsors of the related bill, H 1973.

GLAD Law is New England's leading legal rights organization dedicated to ensuring equality for LGBTQ+ people and people living with HIV. We are deeply committed to supporting community members to thrive by ensuring access to essential tools such as legal name change. To this end, GLAD Law, with pro bono collaboration with Ropes & Gray, Goodwin Procter, Shipman & Goodwin, and Pierce Atwood, operates the ID Project, which provides free services to community members seeking to change their names or gender markers on federal and state identity documents. Since the program's launch in November 2016, we have helped thousands of people across New England to update their identity documents. In Massachusetts alone, the ID Project has supported 434 residents in securing a legal name change.

The Importance of Name Change

Name change is vitally important to many people in the Commonwealth. The ability to use one's accurate name and to choose one's name is a long-recognized right. As the Supreme Judicial Court clarified in *Secretary of the Commonwealth v. City Clerk of Lowell*, 373 Mass. 178, 190 (1977), the "common law principle of freedom of choice in the matter of names" is an enduring freedom in the Commonwealth. It is a long-settled principle that "a person may change his name at will, without resort to legal proceedings, by merely adopting another name, provided that this is done for an honest purpose." *Id.* at 183. This case discusses that the name change statute did not abrogate the common law and that legal name change in the courts operates to aid a person in securing an

official record of that name change. *Id.* at 185, 188. Whether first, middle, or surname, people in the Commonwealth enjoy the freedom to choose their name. See *id.* at 189.

Name change is particularly important to transgender and nonbinary people, as a legal name change decree is the first step in ensuring a person's identity documents are aligned with their gender identity. With a legal name change, a person is able to proceed to update their name and gender marker on other important identification, including their driver's license or state identification. Aligned documents are not only vital for ensuring access to voting, employment, and housing; indeed, having legal identification consistent with gender identity provides enormous positive benefits to transgender people that have been extensively recognized and documented by medical experts. See, e.g., Am. Med. Ass'n House of Delegates Resolution 223 (A-23), *Protecting Access to Gender Affirming Care* (2023); Jack Drescher & Ellen Haller, *Am. Psych. Ass'n Position Statement on Discrimination Against Transgender and Gender Diverse Individuals* (2018). Identification reflecting a person's gender identity yields critical and sometimes life-saving improvements in health and well-being and promotes the ability of transgender people to be stable, productive, and participating members of society. See generally, Richard A. Crosby, Laura F. Salazar, & Brandon J. Hill, *Gender Affirmation and Resiliency Among Black Transgender Women With and Without HIV Infection*, 1 *TRANSGENDER HEALTH* 87 (2016) ("concordant identification documents are a critical step in gaining social inclusion and legal legitimacy, which may have downstream effects on transgender health—particularly among those for whom access to medical transition might be limited due to resources (e.g., low-income transwomen)").

Current Barriers to Legal Name Change in Massachusetts

Unfortunately, the name change process in Massachusetts currently presents a number of barriers to community members, including transgender and nonbinary people. Those barriers include:

- A cumbersome and inconsistent process that requires motions to waive various components of the court-created process and varies across judges and counties;
- A requirement to publish notice in a newspaper, which is expensive, causes delays, and requires people to out themselves which threatens their safety and security;
- Human error leading to impounded files being made public and swept onto online platforms (e.g. Trellis); and
- Difficulty in accessing impoundment, including denials and impoundment for very short time periods.

These barriers make a process that is intended to be confirmatory and quick into a process that can drag on for months and subject residents to unnecessary expense and discrimination. These burdens—risk of exposure and prohibitively high cost—may prevent individuals from seeking name changes in the first place. This is concerning because legal name changes are crucial to updating and aligning identity documents.

An Act Protecting Personal Security Goals, Benefits, and Considerations

Since having an accurate legal name is so vital to Commonwealth residents, including for economic stability and safety, the bill aims to make that process less burdensome, less expensive and more safe for all people seeking name change. With this bill:

- Petitioners will no longer have to publish notice in the newspaper, lowering the cost of name change and increasing safety and privacy for many, including survivors of domestic violence and transgender people.
- Petitioners will be able to have their name change records remain private and not open. This increases safety and also reduces the opportunity for human error. Recent mistakes in impoundment procedure have left impounded files open to the public and swept onto online databases like Trellis.

These two simple changes – removal of newspaper publication and segregation of records – will make the name change process more safe and less burdensome in Massachusetts. These changes would align the Commonwealth with its sister states. According to the Movement Advancement Project, 27 states and the District of Columbia do not require publication for a name change. See *Identity Document Laws and Policies*, Movement Advancement Project, https://www.lgbtmap.org/equality-maps/identity_documents (last visited July 28, 2025). States that have recently removed the publication requirement for name changes for all residents include Illinois (2025); Rhode Island (2024); New Mexico (2023); Delaware (2022); Maine (2022); New York (2021), New Jersey (2020), and Oregon (2017).

It is important to note that this bill only removes the newspaper publication requirement, which is a step that is burdensome to litigants (expense, delay, outing/safety concerns) and not effective for noticing interested parties. Courts maintain their discretion to issue notice. For example, if there is a crime victim in the case, the court can notify that victim. Also, there are a number of examples in the code where the Legislature has provided for name changes to proceed without publication and with greater privacy. For example, Massachusetts law provides for legal name change at marriage, at divorce, and at adoption. None of those name changes require publication. See, e.g., G. L. c. 46, § 1D; G. L. c. 208, § 23; G. L. c. 210, § 6.

Furthermore, adding clarity that name change records are segregated from public view unless there is good cause ensures that we move away from an impoundment process for name change. Impoundment is governed by the Uniform Rules of Impoundment Procedure, and there is a very high bar for impoundment. It requires a litigant to file a motion, file documents sought to be impounded for in camera review, and often requires a hearing on impoundment in addition to a hearing on the name change. Impoundment also cannot be permanent, and judges seem to have struggled recently with making impoundment orders long enough to protect people. Segregation of records – as the Legislature has provided for family law records such as adoption and surrogacy

– is a more appropriate process for name change and will increase safety and efficiency in name change. See, e.g., G. L. c. 210, § 5C; G. L. c. 209C, § 27(k).

Stakeholder Engagement and Support

The Coalition in support of this bill, led by the Massachusetts Transgender Political Coalition (MTPC), and the lead sponsors have engaged deeply with stakeholders to ensure alignment around the language for this bill. Across many months, there have been meetings to discuss shared values and goals. Stakeholders have agreed on certain amendments to the bill that meet those shared goals of making the name change process quicker, safer, and more accessible. The suggested amendments are attached for this Committee’s review and consideration.

Conclusion

S 1045 is an important but straightforward bill to make legal name change more safe, fair, and consistent, and it would bring the Commonwealth into alignment with other states. GLAD Law hopes this Committee will favorably report this legislation. Thank you for your time and consideration, and please do not hesitate to contact me with any questions.

Respectfully submitted,



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