

Governor Phil Murphy

Governor Murphy Signs Executive Order Requiring Name Change Order Confidentiality

11/16/2022

TRENTON – Governor Phil Murphy today signed Executive Order No. 311, exempting all name change orders filed with the New Jersey Department of the Treasury after 1948 from the Open Public Records Act (“OPRA”) and requiring Treasury to treat all such name change orders as confidential.

“A person’s name change can be a critical step in gender transition or affirmation of their gender identity, but many who wish to change their name have legitimate safety and privacy concerns with maintaining legal records of their name change,” said Governor Murphy. “I am proud to sign an executive order today, during Transgender Awareness Week, that will help protect privacy, and support New Jerseyans who wish to change their names without fear for their safety.”

In addition to signing Executive Order No. 311, Governor Murphy has partnered with members of the Legislature to reduce additional barriers to changing one’s name. Currently, after securing a name change order from the court, a person is required to file the order with the Division of Revenue and Enterprise Services in Treasury and pay a \$50 fee. This week, the Legislature introduced a bill (S3332/A4888) to waive the fee. Primary sponsors of the bill include Senator Joseph Vitale and Assemblywoman Annette Quijano.

“I am also proud to work with our Legislative partners to reduce financial impediments to changing one’s name,” continued Governor Murphy. “In our state, we are committed to ensuring that affordability does not pose an obstacle to someone’s desire to express their identity. We will continue to build a stronger and fairer New Jersey where every individual is given the right to live their truth openly and freely.”

“With transgender rights coming under fire around the country, New Jersey continues to lead the way in protecting and supporting all members of the LGBTQIA community,” said Senator Joe Vitale, Chair of the Senate Health, Human Services, and Senior Citizens Committee. “Today’s executive order, coupled with the legislation we’ve introduced, will ease safety concerns and remove financial barriers for those seeking to change their name.”

“There are many reasons why people choose to change their names. For members of the transgender community, the decision to change one’s name is often empowering and identity affirming, but the process of legally doing so can be burdensome,” said Assemblywoman Annette Quijano. “This legislation will allow us to eliminate a financial barrier that currently stands in the way of New Jersey residents planning to change their names. No matter the reasoning behind a resident’s decision, all New Jerseyans deserve the opportunity to embrace who they are and live authentically.”

In 2021, the New Jersey Supreme Court amended its rules to exclude all records in name change actions from public access. EO 311 will align Treasury’s practice with that of the Judiciary. Although EO 311 directs that name change orders be kept confidential, there are exceptions for when the requestor is the person who changed their name, their parent or guardian (when that person is a minor), or where good cause is otherwise shown.

“Legal name changes are critical in the gender affirmation process,” said Christian Fuscarino, Executive Director of Garden State Equality. “We applaud Governor Murphy for taking this step to ensure someone’s personal journey is kept confidential and can no longer be accessed by any member of the public. New Jersey continues to lead the nation on LGBTQ equality by being one of the first states to implement this protective measure.”

“We at the Bayard Rustin Center for Social Justice applaud our dear friend & stalwart ally Governor Murphy as he takes this direct action to recognize & respect our transgender/nonbinary/gender non-conforming community members,” said Bayard Rustin Center for Social Justice Chief Activist Robt Martin Seda-Schreiber. “The dual difficulties of financial consideration & the need for anonymity are often obstacles to our queer folk asserting who they are & who they have always been. Eradicating these barriers is an impactful step to allow all to continue an important personal journey & especially meaningful during Transgender Awareness Week which celebrates how far we have come but also absolutely recognizes how far we have yet to go.”

“With the ever rising acts of violence against people who are gender diverse, it is critical to protect the identify of those who have changed their name as part of their transition. We commend the Governor’s commitment to help ensure the safety and well-being of the transgender and gender diverse communities” said Laurie Litt, Chief Executive Officer of EDGE NJ.

“It is important to address a person who identifies as a certain gender by the name they have chosen, whether or not they have taken hormones or had surgery, they should be referred to by the name of the gender they identify as without pushback,” said LGBT RAIN Foundation Executive Director Elaine Helms. “I am pleased that Governor Murphy has put in place an EO to ensure those who seek name changes will be kept confidential. This is a much needed safety precaution for the LGBTQ+IA community. Thank you, Governor Murphy, for your continuous support to make this a safe state for every human being.”

For a copy of Executive Order No. 311, click here (https://nj.gov/infobank/eo/056murphy/pdf/EO-311.pdf).

Governor Phil Murphy

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