

STATE OF INDIANA)
)
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT 6

CASE NO: _____

IN RE THE NAME AND GENDER CHANGE OF:

Person Filing

**VERIFIED REQUEST TO PROHIBIT PUBLIC ACCESS PURSUANT
TO INDIANA RULES ON ACCESS TO COURT RECORDS**

My current legal name is _____, and I respectfully petition this Court under Rule 6 of the Indiana Access to Court Record Rules (“A.C.R.”). I state:

1. I am seeking to change my name because I am transgender / nonbinary / gender nonconforming / other: _____ and I want my identity documents to match my gender identity and expression.
2. Along with that petition, I am submitting this request, in accordance with Rule 6 of the Indiana Access to Court Records Rules (“A.C.R.”), asking that the Court exclude this case from public access and waive the publication requirements of Ind. Code § 34-28-2-3.
3. I am making this request so I can avoid harm from the widespread publication of my request to change my name and to protect my confidential health information, privacy, and safety.
4. Based on my awareness of the high rates of violence and discrimination against transgender and gender non-conforming people in Indiana and nationwide, I believe that having to publish notice and having my case publicly available puts me at substantial risk of harm and presents a significant risk that I could be targeted by acts of discrimination or violence based on my gender identity and/or by being outed as transgender.
5. 2021 was the deadliest year for transgender and gender non-conforming people in the U.S. on record. Madeline Carlisle, *Anti-Trans Violence and Rhetoric Reached Record Highs Across America in 2021*, available at <https://time.com/6131444/2021-anti-trans-violence/>.
6. 2022 saw at least thirty-eight transgender people murdered. HRC, *Fatal Violence Against the Transgender and Gender Non-Conforming Community in 2022*, available at <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2022>.

7. In 2020, hate crimes against transgender people rose 20%. FBI Report Finds Increase in Hate Crimes Against Transgender People, available at <https://www.advocate.com/crime/2021/9/01/fbi-report-finds-increase-hate-crimes-against-transgender-people>.
8. 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>.
9. 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. Though the data on violence is staggering, the actual violence against transgender people is likely much worse, due to the underreporting of crimes.
10. The Court of Appeals is clear that these sobering statistics regarding the risks of harassment, violence, and homicide to the transgender population, both nationwide and in Indiana demonstrates significant risk of harm to warrant prohibiting public access. In re Name Change of A.L., 81 N.E.3d 283 (Ind. Ct. App. 2017); 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); In re Name & Gender Change of R.E., 142 N.E.3d 1045 (Ind. Ct. App. 2020).
11. Transgender people’s fear of harm “is common knowledge” and “easily sufficient to meet” the requirements to waive publication and seal court records. In re Name & Gender Change of R.E., 142 Last Updated July, 2023 Approved by the Coalition for Court Access Page 3 of 3 CCA-MI-0921-2058 www.indianalegalhelp.org N.E.3d 1045, 1054 (Ind. Ct. App. 2020) (admonishing a court for disregarding “unambiguous precedent” and “unmistakable opinions” and holding a petitioner to a burden not supported by case law).
12. A.C.R. Rule 6 requires judges to evaluate if a substantial risk of harm exists under the totality of the circumstances and to proactively protect applicants’ safety. Rule 6 does not require that Plaintiff endure

targeted threats, violence, or abuse before granting temporary and permanent sealing and a publication waiver. E.g. In Re M.E.B., 126 N.E.3d 932 at 934 (Ind. Ct. App. 2019).

13. I also fear for my safety because of my personal experience with violence and discrimination because:

14. There are no other parties or interested persons to this action.

WHEREFORE, Petitioner respectfully requests that, under Access to Court Records Rule 6 and 5, this case be excluded from public access by sealing the record of this proceeding and by waiving the publication requirements of Indiana Code § 34-28-2-3(a).

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

/s/ _____
Signature

Date

Printed Legal Name

Email Address