

STATE OF INDIANA)
)
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT 6

CASE NO: _____

IN RE THE NAME AND GENDER CHANGE OF MINOR:

Name of Minor

Name of Person Filing

Select One: Mother Father Other _____

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

Comes now _____, the parent/guardian of the minor child
_____, 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 the name of the minor child because the minor child is transgender / nonbinary / gender nonconforming / other: _____ and I want the minor child's identity documents to match their 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 the minor child's name and gender and to protect the minor child's 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 the minor child's case publicly available puts the minor child at substantial risk of harm and presents a significant risk that the minor child could be targeted by acts of discrimination or violence based on their 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

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 the minor child’s safety because of their personal experience with violence and discrimination because:

WHEREFORE, _____ 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 Name

Email Address

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of this filing to the other person's attorney, or to the other person if they are not represented by an attorney, via:

Registered mail at this address: _____

Certified mail at this address: _____

Sheriff

Other: _____

/s/ _____
Signature

Date