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New York Appellate Court Strikes Down “Doctor's Note” Requirement for Transgender Name Changes

Lower Court's Requirement that NYC Transgender Name Change Applicants Provide Medical Evidence of Need for Name Change Held to be Beyond Scope of Law

NEW YORK, NY – A New York State appeals court today struck down a lower court's requirement that transgender people seeking to change their names provide medical evidence of their need for the name change. The ruling was handed down in an appeal filed by Transgender Legal Defense & Education Fund (TLDEF) on behalf of Olin Winn-Ritzenberg, a transgender man whose petition to change his name to Olin was denied by the lower court because he had failed to provide a letter from a doctor, therapist or social worker establishing his need to change his name.

But in its decision, the appellate court wrote, “[t]here is no sound basis in law or policy to engraft upon the statutory provisions an additional requirement that a transgendered-petitioner present medical substantiation for the desired name change.”

"The appellate court's ruling sends a powerful message that transgender people must be treated equally and that they cannot be subjected to different legal requirements than everyone else," said TLDEF executive director Michael Silverman. "People's names are fundamental to their identities. This ruling confirms that each one of us has the right to be known by a name we choose. That choice can't be second-guessed by doctors, therapists or anyone else just because someone is transgender," Silverman added.

"This ruling means that I can finally change my name and move forward with my life," said Mr. Winn-Ritzenberg. "My gender transition has been a very personal journey, and no one is in a better position to decide that I need to change my name than I am," he added.

Mr. Winn-Ritzenberg sought to change his name through TLDEF's Name Change Project, which provides free and low-cost name changes by matching transgender community members with lawyers in private practice who provide their services free of charge.

"The ruling in my case confirms that transgender people should be treated with the same dignity and respect as everyone else," Winn-Ritzenberg added.

The case is *In the Matter of the Application of LEAH URI WINN-RITZENBERG for Leave to Change His/Her Name To OLIN YURI WINN-RITZENBERG, Supreme Court, Appellate Term, First Department, New York County Clerk's Index No. 570442/09*. Brenna DeVaney, Benjamin Edwards, Daniel Gonen, and Janson Mao serve as co-counsel for Mr. Winn-Ritzenberg with TLDEF.

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Transgender Legal Defense & Education Fund is committed to ending discrimination based upon gender identity and expression, and to achieving equality for transgender people through public education, test-case litigation, direct legal services, community organizing and public policy efforts.