



What rights do transgender people have to change their names?

Georgia ruling in case of Rowan Elijah Feldhaus an extreme example of reality facing some trans people - few states have explicit rules on name changes

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Sunday 12 June 2016 07:00 EDT

In a clash that highlights the fraught legal landscape facing some transgender people, a man in Georgia is fighting against a judge's refusal to allow him to legally change his name.

"Name changes which allow a person to assume the role of a person of the opposite sex are, in effect, a type of fraud on the general public," the judge, J David Roper, wrote in an opinion handed down earlier this year. "Such name changes also offend the sensibilities and mores of a substantial portion of the citizens of this state." He also called such a change "dangerous".

The March decision came to light this week after the petitioner, who goes by Rowan Elijah Feldhaus and is seeking to legally make Rowan Elijah his first and middle name, sought to overturn the ruling in the Georgia court of appeals.

"The fear and the danger, if this case isn't overturned, is that the judge is justifying discrimination based on an unfounded conclusion that transgender people are somehow perpetrating fraud on the public," said Beth Littrell, an attorney with the Lambda Legal advocacy group who is representing Feldhaus in his appeal.

The ruling was an unusual one. Danny Kirchoff, who operates the legal helpline at the Transgender Legal Center and speaks to more than 2,500 clients a year, said he couldn't recall another petition being denied under the reasoning that a transgender person's right to change his or her name doesn't exist. Littrell cited only a handful of cases with similar outcomes in the appeal, including a ruling overturned by the Virginia supreme court last year.

Still, the ruling against Feldhaus can be seen as an extreme example of the reality facing every trans person who petitions for a name change: very few states have explicit rules establishing their right to change their names.

Every state but one requires a person seeking to change his or her name to petition a court for approval. Some state courts have case law instructing judges to err on the side of granting peoples' requests. Others simply have prohibitions. In general, courts forbid name changes that would endanger the public or help someone commit fraud.

Those parameters are generally understood to apply to convicted criminals. But a handful of courts have loosely applied those guidelines to trans individuals. In New York state, until just a few years ago, many courts required transgender people seeking a name change to show that they'd had transition surgery. Trans advocates gradually put a stop to those rulings, arguing the courts were being improperly intrusive and noting that transition surgery is not something all trans individuals undergo.

The Georgia courts have no precedent dictating whether trans people should be able to change their names. But nor is there a rule that prohibits an individual from changing their name from a traditionally female moniker to a male name. During the hearing, Roper said he would be willing to approve Feldhaus' chosen name if he chose a gender neutral middle name, instead of Elijah. The judge even recommended alternatives.

"I will allow a gender-neutral name change that will benefit the general public because I don't want them to have to go through the embarrassing issue of trying to figure out what to do with you when you present, in your appearance today, with a female name, particularly if you had on a uniform and you were dressed like a man," Roper said, according to a transcript of the hearing.

"It's blatant sex discrimination," Littrell said. "There's nothing in any law or statute establishing gender-based restrictions. This was based purely on this judge's opinion and his belief that he has unlimited discretion in granting or denying a name change."

Hawaii is the only state in the US that has a process less cumbersome than going to court. Its residents can simply submit a request to the office of the secretary of state. But other states don't recognize Hawaii's process as legitimate, and so changing one's legal name in Hawaii won't help someone trying to update a birth certificate or driver's license issued in another state.

In some places, the process is more complicated. Some courts require individuals to post notice of their new name in a local paper - a requirement which, for trans people, may out them to their community. The petition may involve a fee. In California, where Kirchoff works, the fee is \$435 throughout most of the state and \$450 in San Francisco. Trans rights groups publish sample forms for some states, but not in others.

"ID, document, and name changes are about 60% of the calls that I get," said Kirchoff. "It can be incredibly confusing for people to navigate on their own."

But many press on for their own safety. "It can be a huge deal to not have to show an ID with a different name than the one you use publicly, to a bartender or a security guard," he continued. "And people just find it to be so incredibly affirming, to be able to have this document that says yes, you are who you say you are. We believe you."

In the Georgia ruling, the judge made clear his distress over the transgender rights movement in general, writing that "use of restrooms and other facilities designed for one sex are of particular concern, particularly where children use such facilities unsupervised".

Feldhaus is a 24-year-old Augusta resident and a sergeant in the US army reserve. He said the judge's opinion had him feeling "insulted and objectified".

Feldhaus chose his first name, which his friends, family, and coworkers all use to address him, after a close friend said he thought "Rowan" suited him. At the time, he was in the process of coming out, he told the Associated Press. "It was a very grounding moment."

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