

NOTICE

NAME CHANGE APPLICATIONS – ELIMINATION OF THE REQUIREMENT OF NEWSPAPER PUBLICATION; AMENDMENTS TO RULE 4:72

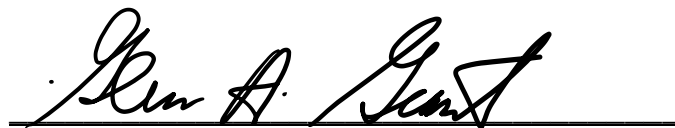
The Supreme Court has amended Rule 4:72-3 (“Notice of Application”) and 4:72-4 (“Hearing; Judgment; Publication; Filing”) so as to eliminate the requirement of newspaper publication of the notice of application and judgment granting a name change. The Court’s November 17, 2020 Order is attached.

The Supreme Court Committee on Diversity, Inclusion, and Community Engagement (formerly the Committee on Minority Concerns) in its 2017-2019 biennial report recommended eliminating the requirement of publication in minor name change actions in order to protect the privacy and safety of transgender, gender nonconforming, and nonbinary youth who seek a name change in affirmation of their gender identity. The Supreme Court Family Practice and Civil Practice Committees endorsed and expanded the proposal to eliminate the publication requirement for both minors and adults, citing the general barriers the publication requirement also imposes on self-represented litigants and litigants of limited economic means in addition to the safety and privacy concerns of transgender, gender nonconforming, and non-binary adults.

The September 14, 2020 notice publishing the proposal generated a number of comments, all of which supported the recommendation to amend Rule 4:72.

The Court’s November 17, 2020 action will expand equal access to the courts for people who are poor, self-represented, and members of the LGBTQ+ community, including transgender women of color who disproportionately continue to be targeted victims of violence throughout our nation. Amending Rule 4:72 advances the Judiciary’s goals of equal access, procedural fairness, and ongoing identification and elimination of obstacles to justice.

Questions about this notice may be directed to the Diversity, Inclusion, and Community Engagement Unit at (609) 815-2900 x52365 or the Civil Practice Division at (609) 815-2900 x54900.



Hon. Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: November 18, 2020

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 4:72-3 and 4:72-4 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen", written over a horizontal line.

Chief Justice

Dated: November 17, 2020

4:72-3. Notice of Application

The court by order shall fix a date for hearing not less than 30 days after the date of the order. [Notice of application shall then be published in a newspaper of general circulation in the county of plaintiff's residence once, at least two weeks preceding the date of the hearing.] Notice of application must be served by certified and regular mail, at least 20 days prior to the hearing to the Director of the Division of Criminal Justice to the attention of the Records and Identification Section. The court shall also require, in the case of a minor plaintiff, that notice be served by registered or certified mail, return receipt requested, upon a non-party parent at that parent's last known address.

Note: Source – R.R. 4:91-3. Amended July 7, 1971 to be effective September 13, 1971; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended August 1, 2016 to be effective September 1, 2016; amended November 17, 2020 to be effective immediately.

4:72-4. Hearing; Judgment; [Publication;] Filing

Except as otherwise provided in *R. 4:72-1(b)* and (c) regarding consent to a name change for a minor, on the date fixed for hearing the court, if satisfied from the filed papers, with or without oral testimony, that there is no reasonable objection to the assumption of another name by plaintiff, shall by its judgment authorize plaintiff to assume such other name from and after the time fixed therein, which shall be not less than 30 days from the entry thereof. At the hearing, plaintiff must present adequate proof of his or her current name. Within [20 days after entry of judgment, a copy thereof, from which plaintiff's Social Security number shall be redacted, shall be published in a newspaper of general circulation in the county of plaintiff's residence, and within] 45 days after entry of judgment, [the unredacted judgment and affidavit of publication of the judgment shall be filed with the deputy clerk of the Superior Court in the county of venue and] a certified copy of the [unredacted] judgment shall be filed with the appropriate office within the Department of Treasury. If plaintiff has been convicted of a crime or if criminal charges are pending, the clerk shall mail a copy of the judgment to the State Bureau of Identification.

Note: Source – *R.R. 4:91-4*; amended July 24, 1978 to be effective September 11, 1978; amended July 11, 1979 to be effective September 10, 1979; amended July 22, 1983 to be effective September 12, 1983; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended June 20, 2003 to be effective immediately; amended August 1, 2016 to be effective September 1, 2016; amended July 27, 2018 to be effective September 1, 2018; caption and text amended November 17, 2020 to be effective immediately.