

EXECUTIVE ORDER NO. 311

WHEREAS, pursuant to N.J.S.A. 2A:52-1, a person seeking to change their name may file an action to do so in Superior Court; and

WHEREAS, per a July 30, 2021 order that became effective on September 1, 2021, the New Jersey Supreme Court amended its court rules to exclude all records in name change actions from public access, see N.J. Court Rule 1:38-3(f)(10); and

WHEREAS, Rule 4:72-4 of the New Jersey Court Rules requires a certified copy of a Superior Court name change order to be filed with the Department of the Treasury; and

WHEREAS, name change orders filed with the Executive Branch prior to 1948 are publicly archived; and

WHEREAS, name change orders filed since 1948 are maintained by the Division of Revenue and Enterprise Services in the Department of the Treasury, and such orders are not currently treated as confidential; and

WHEREAS, as noted by the New Jersey Supreme Court, the privacy and safety interests of all individuals who have legally changed their names are served by maintaining the confidentiality of name change records; and

WHEREAS, for someone who is transgender, non-binary, or gender non-conforming, legally changing one's name can be a crucial aspect of that person's affirmation of their gender identity or gender expression; and

WHEREAS, the Supreme Court explained that its rule amendment excluding name change records from public access was proposed in consideration of "the safety concerns and privacy interests of transgender, non-binary, and gender non-conforming people who seek

name changes in affirmation of their gender identity as well as others who seek name changes through the courts"; and

WHEREAS, it is the policy of the State of New Jersey to take steps to protect transgender, non-binary, and gender non-conforming individuals from violence, discrimination, harassment, and invasions of privacy whenever possible; and

WHEREAS, in its report titled "Addressing Discrimination Against Transgender New Jerseyans," the New Jersey Transgender Equality Task Force, established pursuant to P.L.2018, c.60, noted that publicizing the name changes of transgender individuals rarely serves a public benefit; and

WHEREAS, the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 to -13 permits certain government records to be exempted from public access by Executive Order of the Governor, see N.J.S.A. 47:1A-1, -5, -9; and

WHEREAS, maintaining the confidentiality of name change records would serve to protect the privacy and safety of transgender, non-binary, and gender non-conforming New Jerseyans; and

WHEREAS, it is appropriate to align the procedures of the Executive Branch with respect to name change records with those of the Judicial Branch;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Within 14 days of the effective date of this Order, all name change orders filed with the Division of Revenue and Enterprise Services in the Department of the Treasury after December 31, 1948 shall be exempt from public access under OPRA.

2. Within 14 days of the effective date of this Order, the Division of Revenue and Enterprise Services in the Department of the Treasury shall treat all name change orders filed after December 31, 1948 as confidential, except for when a record of such order is requested by the person whose name was changed or by the person's parent or guardian, if the person is a minor at the time of the request, or otherwise for good cause shown.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
16th day of November,
Two Thousand and Twenty-two,
and of the Independence of
the United States, the Two
Hundred and Forty-Seventh.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor