

Proposed Guidelines for Policy on Amending Church Records for Name and Gender Changes

Recognizing that personal identity is the essential component of being recognized within a community, the General Convention guidelines that accommodate requests for changes to Church records. The guidelines apply widely: General Convention in [2018-A088](#) urges “dioceses and other agencies and institutions of the church, including but not limited to, general church offices, the Recorder of Ordinations, and seminaries to utilize such guidelines.”

The recommendations developed here by The Archives of the Episcopal Church and approved by Executive Council respond to the need to observe in our recording processes the dignity of each member of The Episcopal Church and to recognize their affirmation of identity and membership within the Body of Christ. Allowing for name and gender changes in a safe, accommodating environment comports with the *Guiding Principles for the Inclusion of Transgender and Non-Binary People in Dioceses, Parishes, Missions, Schools and Camps* as approved in resolution [2018-C054](#).

Diocesan and parish clergy and other authorized individuals are involved in maintaining parish registers and member-based records to support congregational vitality and to capture information for a true understanding of the state of the Church. The guidelines are intended chiefly for his audience. The larger society now recognizes both a right to identity and a right to the privacy of personal information; indeed, the right to be forgotten is now actively promoted. Custodians of the record have the responsibility to respond to individuals’ desire to amend their name or gender and to protect their personal information.¹

It is prudent to remember that some church records, particularly signed, contemporaneous records of baptism, still offer evidential proof of identity for legal purposes. The following guidelines offer a standard for honoring requests to change church records while maintaining the canonical, legal, and historical trustworthiness of the record. Dioceses and parishes that follow these best practices can be assured that the records will retain their evidential value as authentic records. The research that underlies these recommendations is based on current practices and standards in federal, state and local government, professional associations, and other religious institutions.²

The persons affected by these provisions include a variety of individuals who present a request for a change to their identity in a church record. These include transgender and non-binary individuals, adoptees, parents and guardians of minors with name and gender changes, divorcees, those affected by abuse or under the protection of the courts, and other individuals who have made a convincing case for a legal or common law name change. Ordained clergy and administrators can ensure the respectful treatment of these individuals by recognizing requests for legitimate identity changes to their records.

Parishes, dioceses, offices, agencies, and institutions of The Episcopal Church all have records affected by these guidelines. Any number of unspecified administrative records may exist in a parish or other ecclesiastical jurisdiction such as informal mailing lists or published directories, or more complex and

¹ California Consumer Privacy Act. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB375; General Data Protection Regulation. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN>.

² Movement Advancement Project. "Equality Maps Snapshot: LGBTQ Equality By State." <https://www.lgbtmap.org/equality-maps/>. See also Appendix for “Bibliography of Sources Consulted.”

detailed such as membership or personnel databases. Some records with personal identifying information are specifically required by the Church Canons, and others may be stipulated in diocesan canons.³

Implementation principles

A majority of states in the United States and many foreign countries now accept and accommodate requests for changes to name and gender identifiers in personal records. The Episcopal Church recommends that its dioceses, parishes, and related agencies and entities provide a similar accommodation in amending personal information in records including parish registers, membership records, applications, and databases. The principal elements of such requests are:

- the request is made by the person or a legal representative who can be identified as being the person represented by the record (or can attest to that fact)
- that in cases of minors or dependents the parent or guardian can demonstrate legal authority to represent the requester
- that evidence of legal name change be presented for validation at the time of the request
- the request is made in writing from the requestor or legal guardian accompanied by a brief statement of sincere intention, and an understanding of the permanent status of the record.
- requests made in prohibitive situations by individuals who can demonstrate an attempt to change their legal name but have been denied by a particular jurisdiction or prejudicial error.

The significance of carefully changing name and gender in church records is the impact on identifying individuals in the future for purposes of meeting vital personal concerns of health, residency, marriage, travel, and similar basic aspects of individual rights and responsibilities. They need to be carefully encoded in reliable recording media that can both preserve their original historical mark and document any legitimate subsequent revision to them. Changes to an original record should not cast doubt on the authenticity and trustworthiness of the record as a whole.⁴

In cases where either personal identifying information (PII) or sensitive identifying information (SII) are recorded, the record creator and custodian are under an ethical responsibility not to release personal information without the consent of the individual for purposes unrelated to the original action. Protecting personal information, which is given for a specific purpose and especially with an assumed level of confidence (i.e. with a level of confidentiality), is a basic aspect of trust within any community and should be carefully observed by the Church's authorized representatives. (See best practices section.)

³ Some relevant canonical requirements for record keeping on individuals include: III.6.4(b) Register of postulants; III.6.6(d) Declaration of Conformity; III.6.5 Of Candidates to Ordination as priest or deacon; III.8.5 Of Candidates to Ordination as priest or deacon; I.17.4 Baptism; III.9.7(e) Registers and permanent records; I.18.5 Marriage; I.1.6(a) Official list of ordinations; I.6.1, I.17.4(b), I.18.5, III.9.6(c) Parish registers; III.7.10, III.9.12, III.12.7 Releases and Removals. *Constitution and Canons of The Episcopal Church, 2018.*

⁴ As defined in Canon I.5.2, Church records are "all fixed evidential information, regardless of method, media, format, or characteristics of the recording process, which have been created, received or gathered by the Church, its officers, agents or employees in pursuance of the legal, business and administrative function and the programmatic mission of the Church. Records include all original materials used to capture information, notwithstanding the place or conditions of creation, or the formality or informality of the characteristics of the record. The records and archives of the Church are not limited by the medium in which they are kept and include such formats as paper records, electronic records, printed records and publications, photo-reproduced images, and machine-readable tapes, film and disks." *Constitution and Canons of The Episcopal Church, 2018.*

Types of records affected by requests for identity changes

1. Sacramental Records in the Parish Register (baptism, confirmation, marriage) are the most important and permanent place for making a name or gender change. No record is more important as evidence of admission to the Christian community than the record of baptism. In conjunction with other sacramental acts, these records are used to maintain a current view of the state of a parish and of the Church in general and to issue certificates of membership and transfer. Baptismal and marriage records are accepted in lieu of some civil vital records and therefore require a degree of authenticity and formality when entering an original record or amending it.

2. Membership Records include communicant lists, membership rolls or databases, pledge and giving records, and directories. Changes made in sacramental records require the authorized individual who is the recorder to make corresponding changes to other membership and administrative records.

3. Ordination Records for deacons, priests, and bishops are maintained by the dioceses during the formation process and in databases, by the Recorder of Ordinations, the Registrar of General Convention, the Secretary of the House of Bishops for their official Roll of Bishops, and by the official publishers of the Episcopal clerical directory.

4. Administrative and Personnel Records are created to serve the mission and ministry needs of The Episcopal Church. These include personnel files for lay and clerical employees, chaplains service files, recruitment, selection and placement records held by ministry deployment agencies, records of volunteers, administrative rosters, and mailing lists.

Receiving and verifying a request to amend an official record

1. Making a Request to change a name or gender identity must originate with the person who is directly represented by the record, or by a legal surrogate. While an individual has the right to request a name change, the keeper of the record is obligated to certify that the reason for the change is serious, thoughtful, and does not involve a legal jeopardy for the Church. Parents/legal guardians may request an amendment on behalf of a minor or dependent person under 16 years of age.⁵ This measure of care is intended to eliminate informal or fraudulent requests.

2. Circumstances for Making Changes are varied and include marital status, court approved name changes, adoption, and citizenship. Changes may also be the result of gender considerations, legal protection, and valid correction of errors. Church personnel are counseled to recognize that for the individuals concerned, honoring their identity changes and protecting personal safety are serious and consequential requests.

Parish registers and administrative records (e.g. personnel records) do not need to be changed to satisfy preferences for what a person wishes to be called or addressed. Nicknames, diminutives, hyphenated surnames, and forms of address may be accommodated in keeping informal records such as mailing lists.

3. Persons who may amend a Church record. Permanent Church records should be entered and revised by authorized individuals who can attest to their authenticity. These include members of the

⁵This age requirement is in keeping with Canon I.12.1(b) that “Members sixteen years or age and over are to be considered adult members.” *Constitution and Canons of The Episcopal Church, 2018.*

clergy and trained administrative officers specifically charged with keeping records of the congregation, diocese, and similar ecclesiastical entities.

4. Original records and signed certificates. Individuals requesting changes to their records may request the reissue of a certificate of baptism or other sacramental record. Individual certificates are a true copy record derived from the Parish Register. It is important that name and gender changes are made in the official register first before issuing a new certificate.

Name amendments to the parish register

Regardless of the reasons for requesting a name change, the procedures involve bringing forward three pieces of evidence: an expression of serious intent, former identity, and new identity change.

1. An intentional request in writing. The request should be addressed to the priest in charge or other authorized individual. It should state briefly the person's original name and the reason for the request. The individual should anticipate a meeting in-person or by video to verify of their previous and new identity.

2. Documents that give proof of one's former identity. At the time of the in-person verification, the individual should bring one of the following pieces of identification:

- Original signed, government issued identification with photograph (e.g., driver's license, passport), or original birth certificate, *or*
- Special cases (e.g., refugees, undocumented aliens) for which the priest in charge or other authorized individual may consider other evidence, such as student identification, refugee documents, baptismal record, bank records, a medical insurance record.

Some evidence should be presented of the former identity, although in hardship cases, affidavits may also be honored from licensed professionals (e.g., doctor, lawyer, clergy) who can attest to a person's former identity. These identity papers should be retained by the requester.

3. Documents that give proof of one's identity change. At the time of the in-person interview, bring original copies of verifying documents or declarations to show the priest or authorized individual the change in identity. These documents will be kept by the requester. Only one of the following is required:

- Government-issued photo identification showing the new name
- New citizenship papers
- Court order (either for or against a request)*
- Marriage certificate
- Divorce papers
- Proof of adoption

*In hardship cases where, for instance, a court order, official administrative decision, or prohibiting law denies an individual's bona fide request for a name change, individuals may demonstrate to the priest in charge that a prejudicial error was committed. Name changes are advisable in these situations so long as there is no indication of fraud.

4. Limitation to personal changes. Changes are typically limited to those persons who are directly affected by the change of name and not generally permitted for the personal names of sponsors, parents, witnesses and others not the direct beneficiaries of the sacrament.

Gender amendments to the parish register

Requesting a gender identity change in the parish register is somewhat different. Here too, it begins with an intentional written request. The request should be addressed to the priest in charge. It should state briefly the person's desire to amend their gender identification in the original record. The individual should anticipate an in-person verification of their previous and new documents of identity. Here are some different ways that a change can be accomplished.

1. Some individuals will have a current government issued ID that demonstrates they have changed their gender and name identifier. These individuals can make both a gender and name change at the same time following the procedure (above) for a name change. In this instance, the priest in charge or other authorized individual may make the gender change to the parish register without any additional documents.
2. Individuals, who have already changed their gender identifier on a government issued ID, may have retained their given name. Such individuals can simply show the ID to the priest or to an authorized individual during an in-person request.
3. Individuals may wish to change their gender identity marker, but are unable to obtain a government issued ID. Persons without ID can seek a change to their record by presenting a signed affidavit attesting to their identity. The priest in charge or other authorized individual may accept and retain this request as valid on the basis of the person's sworn declaration.
4. Some individuals may request that their gender identifier be changed to a non-binary marker that is frequently indicated by an "X". Current civil standards recommend this change be accommodated.
5. Other requests that may be received include gender-neutral entries such as "spouse" in a marriage record or "parent" in place of mother or father on a baptismal record. Both of these entries should ideally be accommodated prospectively. Retrospective changes to the record should only be permitted for individuals who are the actual beneficiaries of the sacrament.

Best practices for amending and keeping an authentic record

- For parish registers and other permanent paper records, draw a single line through the original information, while keeping the previous entry legible. Sign or initial and date the strike-out. Add the new information adjacent to the original entry, in the margin, or other available space, including the current date. Parish registers less than 80 years (US census regulation) should be treated as private records and not open to unauthorized viewing.

- For sacramental acts kept as electronic records, a paper copy for signature should be generated for the Parish Register. In lieu of a paper copy, an e-signature must be affixed to meet minimum canonical requirements. The importance of archiving electronic records cannot be overstated.
- Change index records (paper or electronic) and add a cross reference under the new name and keep these private.
- Amendments and corrections in electronic records should follow the same principles as paper. In editing the electronic database for permanent membership and personnel records, do not overwrite the old record but create a new record. Retire the original entry to a restricted section of the database. Be mindful that records of the old identity are typically considered private and not open to third party inquiry.
- Former identity/name data in routine administrative records should simply be deleted and replaced with the new data.
- Supporting documentation with personally identifiable information should be returned to the individual, but evidence of an individual's original request for a parish register change should be retained confidentially for a reporting period of the current year plus one additional calendar year.
- Individuals have an ownership interest in their name and other personal data, including the right to amend that information if it is inaccurate. Generally, however, original entries affecting the identity of secondary participants (e.g., priests, parents, sponsors), places, and dates are not subject to amendment.

Appendix: Bibliography of Sources Consulted

The Archives of the Episcopal Church consulted a broad range of laws, regulations and guidelines for this report and has included here a representation of the most helpful sources.

Federal Standards

Department of Health and Human Services, Center for Disease Control. National Center for Health Statistics. "Model State Vital Statistics Act and Model State Vital Statistics Regulations, 2011 revision." Accessed January 14, 2016, <<http://www.naphsis.org/Documents/FinalMODELLAWSeptember72011.pdf>.>

This model is a widely cited standard for vital record keeping. Endorsed by the National Association for Public Health Statistics and Information Systems. A copy is available from The Archives of the Episcopal Church.

Social Security Administration. "Program Operations Manual System RM 10212.095, Evidence of Name Change based on US Issued Amended or Corrected Birth Certificate. Last modified December 28, 2018. Accessed June 19, 2020. <https://secure.ssa.gov/poms.nsf/lnx/0110212090>.

Social Security Administration document requirements for name changes.

Social Security Administration. "Program Operations Manual System RM 10212.200, Changing Numident Data for Reasons Other than Name Change." Last modified June 13, 2013. Accessed June 19, 2020. <https://secure.ssa.gov/poms.nsf/lnx/0110212200>.

Social Security Administration document requirements for other changes. This section specifically notes that surgery is not required for a change in gender identity.

U.S. Citizenship and Immigration Service. "Instructions for Petition to Remove Conditions on Residence, USIS." Last modified December 2, 2019. Accessed June 19, 2020. <https://www.uscis.gov/sites/default/files/files/form/i-751instr.pdf>.

This is the USCIS form for petition for change of residence status because of marriage. Pages 5-6 contain proof of relationship examples for thinking about what happens when one needs proof of identity but does not have a government issued ID (see number 5, the affidavits).

U.S. Department of State - Bureau of Consular Affairs, Travel. State.Gov: U.S. Passports/Already Have a Passport: Change or Correct a Passport. <https://travel.state.gov/content/travel/en/passports/have-passport/change-correct.html>.

This is an example where an affidavit can substitute as evidence of name change when a government issued document is not available.

U.S. Department of State - Bureau of Consular Affairs. “Manual 8 FAM 403.3.” Last modified June 27, 2018. Accessed June 19, 2020. <https://fam.state.gov/FAM/08FAM/08FAM040303.html>.

This manual includes a thoughtful guide for considering how changes of appearance affect the process of accepting gender identity changes, with advice for treating applicants with respect.

New York City Regulations

Rules of the City of New York. “Amendment of the General Vital Statistics Provisions (Sec. 207.05 of Article 207 of the NYC Health Code).” Accessed June 19, 2020. <https://rules.cityofnewyork.us/content/amendment-general-vital-statistics-provisions-sec-20705-article-207-nyc-health-code-0>.

This rule is an example of a municipality that permits applicants to self-attest for changes in gender markers for birth certificates, and allows the use of the marker “X” when neither an exclusively male or female identity is desired. It also states that the original record is not destroyed but sealed.

NYCourts.gov, New York City Civil Court. “Name Changes.” Accessed June 19, 2020. <https://www.nycourts.gov/courts/nyc/civil/namechanges.shtml>.

Where gender identity requirements have loosened, name changes often require a court order.

NYC Human Rights: Law: Legal Library, Text of the NYC Human Rights Law. “New York City Gender Identity/Gender Expression: Legal Enforcement Guidance.” Accessed June 19, 2020. <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>.

Includes an excellent glossary of gender terms and discusses the issue of gender identity from a inclusive perspective that aids in understanding the importance of the issue for those affected.

State Regulations and Resources

NYCourts.gov, Court Help, Name Change. “Name Change Basics.” Accessed June 19, 2020. <https://www.nycourts.gov/courthelp/NameChange/basics.shtml>.

New York State agencies, including the Department of Motor Vehicles, generally require a court order in their name change rules. License changes for gender still require a written statement by a licensed professional as proof of gender change.

NYCourts.gov, Court Help, Name Change. “Proof of Birth.” Accessed June 19, 2020. <http://www.nycourts.gov/CourtHelp/NameChange/proof.shtml>

The New York State Court system requires a birth certificate, but will accept other documents, including baptismal certificates under special circumstances.

New York State Senate. “Senate Bill S56B: Gender Recognition Act.” Accessed June 19, 2020. <https://www.nysenate.gov/legislation/bills/2019/s56>.

Current New York State rules does not allow for non-binary gender markers, but legislation is in committee for the current (2020) legislative session to permit “X” as a gender designation.

Oregon Health Authority, Public Health Division, Center for Health Statistics. “Application to Change the Name and/or Sex on a Record of Live Birth to Support Gender Identity Information Sheet.” Last modified January, 2018. Accessed June 19, 2020. <https://www.oregon.gov/oha/PH/BIRTHDEATHCERTIFICATES/CHANGEVITALRECORDS/Documents/OHA-2673.pdf>.

Oregon was the first to allow non-binary gender markers and self-attestation for gender changes.

Washington State Legislature. “WAC 246-490-075, Changing sex designation on a birth certificate.” Effective 01/27/2018. Accessed June 19, 2020. <https://app.leg.wa.gov/WAC/default.aspx?cite=246-490-075>.

This is an easy to understand example of the use of X as a gender designation.

Religious Sources

Anglican Church of Canada, Diocese of Toronto Archives. “Information for Parishes, Parish Registers.” Accessed June 19, 2020. <https://www.toronto.anglican.ca/parish-administration/archives/information-for-parishes/parish-registers/>

Episcopal Diocese of Olympia, Archives. “Confidential Records Policies and Procedures.” Accessed June 19, 2020. <https://ecww.org/about-the-diocese-of-olympia/departments/archives/archives-resources/archives-confidential-records-policies-and-procedures/>.

Episcopal Diocese of Utah. “Policy on the Diocesan Archives.” Approved September 13, 2014. Accessed June 19, 2020. <https://www.episcopal-ut.org/wp-content/uploads/2018/12/Policy-on-the-Diocesan-Archives-Current-1.pdf>.

Recommended Aggregation Sites: Sources of laws and procedures

Intersex and Genderqueer Recognition Project Resources: “Non-Binary Gender: Intersex.” <https://www.intersexrecognition.org/resources>

An up-to-date compendium of links to current laws, regulations and court cases pertaining to gender identity issues, particularly on the matter of using intersex as an accepted international gender marker.

Movement Advancement Project. “Equality Maps Snapshot: LGBTQ Equality By State.” Accessed June 19, 2020. <https://www.lgbtmap.org/equality-maps/>.

USLegal. “Name Change Laws By State.” Accessed June 19, 2020. <http://namechange.uslegal.com/name-changes-laws-by-state/>

Trans Legal Mapping Report: Recognition before the law, November, 2017. ILGA World (International lesbian, Gay, Bisexual, Trans and Intersex Association).

https://ilga.org/downloads/ILGA_Trans_Legal_Mapping_Report_2017_ENG.pdf

This document surveys name change and gender marker laws throughout the world with some gaps. Although somewhat dated, no site we found has been more up to date.

Transrespect versus Transphobia Worldwide by Trans Gender Europe.

<https://transrespect.org/en/map/legal-gender-recognition-change-of-name/>

This is a highly detailed map with information about international name change requirements for trans people. It fills some gaps but leaves others and should be consulted with other world survey sites such as the *Trans Legal Mapping Report* above.