

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-A088
TITLE: Proposed Guidelines for Amending Church Records
PROPOSER: Standing Commission on Structure, Governance, Constitution and Canons
TOPIC: Gender Identity

Directly Related: (Attached)

2015-D036 Include Name Change Rite in Book of Occasional Services
2015-D037 Amend Church Records to Reflect Name Changes

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

Supplemental Documents: (Linked)

Proposed Guidelines: Amending Church Records, [The Archives of the Episcopal Church](#), 2016

(Blue Book) Report to General Convention, [Standing Commission on Structure, Governance, Constitution and Canons](#), see pages 372-377.

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

A088 Proposed Guidelines for Amending Church Records

Proposer	Standing Commission on Structure, Governance, Constitution and Canons
Topic	Gender Identity
Endorsed by	
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. N/A
HiA / Leg. Cttee	/
Current Status	Resolution Filed
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Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the 79th General Convention urge all dioceses to adopt a policy regarding amending names in church records. The guidelines below are commended to all dioceses as a model.
- 2 Guidelines for Amending Church Records
- 3 Introduction
- 4 The following Guidelines for amending church records are recommended for use across The Episcopal Church, particularly in congregations, regarding name changes in Church records. These guidelines seek to honor and respect the dignity of every human being while also complying with necessary canonical and ethical standards. In carrying out this policy all those with pastoral authority are urged to exercise pastoral sensitivity and discretion, noting that in many instances name changes offer an opportunity for a restoration of dignity after trauma.
- 5 Diocesan and parish staff are custodians of records that are vital to understanding the state of the Church and supporting its members. Custodians of the records have the responsibility to maintain authentic records, provide appropriate access and protect the privacy of individuals. As society is coming to recognize the rights of people to legally change their names in ways that maintain their privacy, these guidelines and standards allow the Church to honor requests while maintaining the canonical, ethical and historical trustworthiness of the record. The following proposal offers an overview of major areas of consideration for maintaining and amending trustworthy church records. It is based on standard principles for maintaining vital records, current practices in federal, state and local government of the United States and practices of other religious organizations.
- 6 Those affected by these guidelines include transgender people, adoptees, parents and guardians of minors with name and gender changes, divorcees, family members, ordained clergy in parishes and other administrative personnel. Congregations, dioceses, the general church offices, agencies of The Episcopal Church (e.g., the Archives, the Church Pension Fund) and other Episcopal

institutions all have records that could also come under these guidelines.

7 About records and data generally

- A record may include many different data elements, including multiple people's names (e.g., parents' names). The Church recognizes the prevailing societal understanding that individuals have an ownership interest in their name and other personal data, including the right to amend that information if it is inaccurate.
- Data elements subject to amendment are the name and gender fields. An individual's ownership interest is limited to name and gender, and does not extend to one's secondary participation in an event. The names of secondary participants (e.g., priests, parents, sponsors), places, and dates are not subject to amendment, unless they are the individual whose name was changed.

8 1.0 Records and data affected by 2015-DO37

9 1.1 Sacramental records (baptismal, confirmation, marriage, death/burial)

- Some sacramental records such as the baptismal certificate are accepted in lieu of state and municipal vital records and therefore require a degree of authenticity. Ordination certificates are also required by many states to permit clergy to officiate at weddings.
- The Episcopal Church and its records custodians have an ethical and canonical duty to ensure that no doubt can be cast on the authenticity of the baptismal certificate or the historical trustworthiness of the original records for marriage, confirmation, and burials. As defined in I.5.2 of the Constitution and Canons, 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."
- Certificates of baptism or other sacramental records are copies derived from the Parish Register. In other words, when a Church member receives a certificate, what is received is a certified (signed) copy. It is important that name and gender changes are made in the official register, from which any new certificate may be rendered upon request.

10 1.2 Congregational communicant lists and church membership rolls

- Records custodians should be conscious of any corresponding changes that should be made in non-sacramental membership lists or rolls when changes are made to sacramental records.

11 2.0 Requesting an amendment to a record

12 2.1 Who has the right to request an amendment?

- Persons may request an amendment to their own personal data in Church records.
- Parents/legal guardians may request an amendment on a minor's behalf.

13 2.2 Circumstances for amending a record

14 2.2.1 Name changes after a legal change in status

- An individual who has made a legal name change may make a formal request (see below) to amend
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sacramental records (i.e., Parish Registers).

- Marriage, divorce, and remarriage warrant routine name changes.
- Adoptees and their parents may request a name change.

15 2.2.2 Other name change requests

- Name changes to administrative records permit more flexibility. Church personnel may recognize a priority need for honoring new identity or protecting personal safety. Flexibility should be balanced with discretion as to avoid name changes for fraudulent purposes.
- Parish Registers and administrative records (e.g., personnel records) could be amended to add a “preferred name” field, if a name has not been legally changed.

16 2.2.3 Gender change

17 An individual may make a formal request (see below) to amend the gender assigned to the person in sacramental and administrative records.

18 2.2.4 Corrections

19 Corrections to the Parish Register or other original record are permissible when bona fide evidence of an error is identified.

20 2.3 A Valid Request

- A record should not be changed without the receipt of a formal request in writing directed to the priest in charge of the congregation or a delegated authority (e.g., recorder, archivist).
- Name change requests must be accompanied by a legal instrument from civil authorities, which may include a court order, driver’s license, passport or other legal document.
- Gender change requests must be accompanied by supporting documentation, as described below.

21 3.0 Procedure for making name and identity changes to sacramental records

22 3.1 Evidence should accompany requests for a name or gender change:

- Original records (documents that verify an individual’s original identity)
- Changed records (documents that verify an individual’s new/changed identity)
- Pastoral care (evidence satisfactory to the priest that the individual freely and fully understands the changes to be made to the records and the privacy expectations)

23 3.2 Original Name/Gender: Verifying documents/declarations:

- Original signed, government issued identification with photograph (e.g., passport), or original birth certificate, or driver’s license.
- Evidence from a member of the clergy of a continuing pastoral relationship in the individual’s home parish or the person’s agency relationship (e.g., chaplain).
- Special hardship cases (e.g., refugees, undocumented immigrants) for which the priest may consider other forms of evidence, such as student identification, refugee documentation or baptismal record.

24 3.3 New Identity: Verifying documents/declarations:

25 3.3.1 Name only, or Name and Gender (one of the following)

- Government-issued identification document with changes
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- Court order
- Divorce papers
- Marriage certificate
- Proof of adoption

26 3.3.2 Gender only

- Signed statements by a healthcare/mental health professional certifying that the new gender is the requester's stated gender (or that of a minor when the request is made by the person's parent or guardian).
- Congregations may consider accepting other types of verification, for example, an affidavit from a family member or member of the clergy.

27 3.4 Who is authorized to amend a Congregation record?

- Priest (or Bishop) in charge of the congregation (or designee) Officiating member of the clergy
- Administrative records: Priest (or Bishop) in charge of the congregation, official recorder or custodian

28 3.5 Best practices for amending a record

- Never write over, obliterate or remove any original information.
- Draw a single line through the original information. Keep the previous entry legible.
- Sign or initial and date the line-through. Add the new information adjacent to the original entry, in the margin, or other available space, including the current date.
- Change the index entry, if one exists, in the same manner as above and add a cross reference under the new name.
- Correction of electronic records should follow the same principles as paper. Keep the original entry legible in some form allowed by the software (i.e., edit/save new record). Use the software's note field to date and initial the record as an amended record and refer to the new record if necessary.
- A paper copy with signature should be generated for the Parish Register.
- In lieu of a paper copy, an e-signature must be affixed to meet canonical requirements. The importance of archiving electronic records cannot be overstated.

29 3.6 Retention and disposition of supporting documentation

- Supporting documentation is needed for changes to the Parish Register and personnel-type records, but once approved, supporting documentation that has personal information should be returned to the individual as retention places an undue security burden on the congregation.
- The recommended approach is to keep the formal request (letter or email) requesting amendments, which the priest or custodian initials as approved or declined. Duplicate copies of supporting documentation should be securely destroyed.

30 4.0 Privacy, Confidentiality and Access to Records

31 4.1 The right to view or receive a copy of sacramental or personnel-type records is restricted to:

- Principal individual
 - Parents and legal guardians of minors
 - Notarized designated delegate of the principal (such as family members or attorney)
 - Priest in charge of the congregation or a Priest's delegated administrator
 - Civil authorities (e.g., law enforcement or court official) upon referral from the Church attorney or chancellor or in response to a valid subpoena.
 - Pre-screened individuals seeking biological parent identity
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- Due diligence:
- 32 Verification of identity and proof of intent of the principal or other parties listed above are recommended prior to releasing personal information. Privacy concerns envelop issues of identity theft, the protection of the personal safety of transgender individuals, victims of domestic violence, unauthorized intrusion of family members and the safety of persons at risk. The need to be diligent should not be used, however, as an obstacle to honoring a straightforward, legitimate request.
- 33 4.2 Church bodies are obliged to protect the privacy of the record. The following standards are recommended.
- An individual's privacy extends across their personal history, including pre-amended and amended data.
 - Records with personal information should not be open to browsing by anyone but the authorized delegate or custodian.
 - Parish Registers and other records containing personally identifiable information should be held under secure lock.
 - Information systems (databases, spreadsheets) should be password protected with strong passwords, and accessed only on a need-to-know basis.
- 34 4.3 When records become historical and open to the public.
- State laws may make some records open to the public upon the passage of a certain number of years or the death of a person. You must verify your state's laws before allowing access to records because they are alleged to be "public." Any inquiry for historical records should have a legitimate purpose: such as genealogical research and legal inquiries regarding inheritance and scholarly inquiries.
 - Parish Registers should not be opened to external persons for browsing.
 - Church records belong to the congregation and are not to be exploited for commercial or personal gain for third-parties.

EXPLANATION

his resolution seeks to provide a policy to address an issue of privacy as it impacts access to full membership and ministry in this Church among those who have legally changed their name(s) and wish to keep that change private. People who take on a new legal name have often undergone profound life transitions of various sorts, including divorce and/or remarriage, adoption, and as part of the fuller claiming of a gender identity by members of the transgender community. While many people may not find it necessary to request a change in church records after they have legally changed their name, others may consider the potential disclosure of a previous name via church records a matter of privacy and even personal safety. The proposed policy is offered to dioceses as a way to honor the dignity of any person who has changed their name.



Resolution Number: 2015-D036
Title: Include Name Change Rite in Book of Occasional Services
Legislative Action Taken: Concurred as Amended
Final Text:

*Resolved, That the 78th General Convention direct the Standing Commission on Liturgy and Music to include a rite for the changing of a name in the comprehensive revision of the **Book of Occasional Services** that it has proposed over the next triennium; and be it further*
*Resolved, That the Standing Commission on Liturgy and Music consider the “Rite for Claiming a New Name” from the resource **Changes: Prayers and Services Honoring Rites of Passage** as one possible rite for inclusion in the **Book of Occasional Services**.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 902.



Resolution Number: 2015-D037
Title: Amend Church Records to Reflect Name Changes
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 78th General Convention request the Standing Commission on Constitution and Canons, in consultation with the Church Pension Fund, the officers of the National Episcopal Historians and Archivists, and transgender members of this Church, to study and make recommendations to the 79th General Convention regarding requests to amend church records and registries and to reissue church certificates to match the legal name changes of members of The Episcopal Church.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 450.