

GENDER AND SEX ON JUDICIAL COUNCIL FORMS

MARCH 2018



WHAT'S GOING ON WITH GENDER AND HOW WILL IT AFFECT OUR FORMS?

- Recent legislation: SB 179 (Atkins)
- Judicial Council forms
- Designing with kindness
- A path for PAF?

SB 179

As of September 1, 2018:

- Adds a third gender category: *nonbinary*
- Establishes a process for minors to petition to change their gender
- Birth certificates and driver's licenses will reflect gender instead of sex

JUDICIAL COUNCIL FORMS

- Approximately 1300 forms total
- 49 forms ask "Sex: M/F" or "Sex _____"
- 2 forms ask "Gender _____"
- 2 forms ask "____ Boy/____ Girl"
- Of these 53 forms, 28 have at least one translation

WHAT KINDS OF FORMS?

- Restraining orders (DV, CH, EA, GV, SV, WV)
- Law enforcement information forms (CLETS)
- Family law forms asking the sex/gender of children for dissolution, parentage and custody actions

DESIGN WITH KINDNESS

<https://events.drupal.org/neworleans2016/keynote-sara-wachter-boettcher>

Select Gender

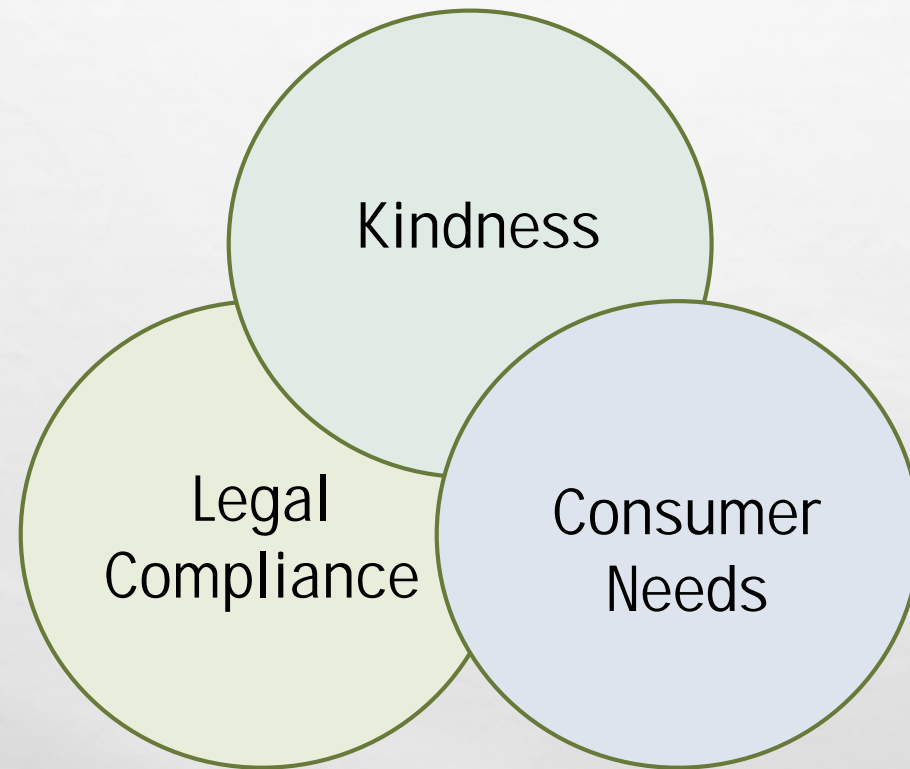
- Male
- Female

WHAT IS OUR GOAL?

To evaluate the Judicial Council forms with respect to questions relating to the identification of gender and sex and revise questions to ensure that they:

- Are legally compliant
- Meet the needs of the form consumers
- Are designed with the user in mind (i.e., They are kind!)

A POSSIBLE APPROACH



LEGAL COMPLIANCE

- Is there a statute, regulation or rule that requires us to ask this question?
- Does statute dictate *how* the question is asked or what the answers can be?

CONSUMER NEEDS

- Who consumes this form?
- If there is not a legal requirement to ask about sex or gender, is there an operational need for the information?
- Are there other ways to gather this information?

KINDNESS

- Do we need to ask this question at all?
- If we do need to ask this question, is there a better way to ask it?

POTENTIAL CHANGES

- Remove questions of gender whenever possible
- Change "sex" to "gender"
- Add third option of "nonbinary"

A POSSIBLE APPROACH

- Convene a working group
- Research best practices and strategies
- Develop recommendations and a suggested process for advisory committees that are revising their forms

OTHER HELPFUL GUIDANCE

- What pronouns should we embrace when drafting content that refers to people in the third person?
- How can our rules be made more gender neutral?
- How can we ensure that our videos and visual graphics are either gender neutral or provide balanced representation of gender categories?