



JUDICIAL COUNCIL OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

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ADVISORY COMMITTEE ON PROVIDING ACCESS AND FAIRNESS

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

Date:	March 15, 2018
Time:	10:00 a.m.–4:00 p.m. Judicial Council of California
Location:	Sequoia, 3 rd Floor 455 Golden Gate Avenue San Francisco, CA 94102
Public Call-In Number	1-877-820-7831 and enter Passcode: 1456449 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

No meeting minutes to approve.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least one hour prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to accessfairnesscomm@jud.ca.gov or mailed or delivered to Judicial Council of California located at 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Kyanna Williams. Only written comments received by 10:00 a.m. March 14, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-6)

Item 1

Nominations and Annual Agenda

Item 2

Liaisons Update

Item 3

Futures Commission Early Education Work and Self-Help Funding

Item 4

Gender Designation/Identity

Item 5

Report Back from Small Groups

Item 6

Wrap Up & Closing Logistics

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Opening Logistics

- *Take Attendance*
- *Review Meeting Agenda*
- *Public Comment*

Info 2

WORKING LUNCH

- *Introductions*
- *Open Discussion re. Emerging or Ongoing Issues of Diversity, Access, or Fairness in the Branch*

Info 3

Small Group Breakouts*

- *Racial Bias/Implicit Bias Education*
- *Mental Health Recommendations*
- *Futures Early Education Civil*

*(*Note: These breakout sessions are not subject to the Judicial Council's Open Meetings Rule and will not be open to the public.)*

V. ADJOURNMENT

Adjourn

Advisory Committee Providing Access and Fairness
Annual Agenda¹—2018
Approved by E&P:

I. COMMITTEE INFORMATION

Chair:	Hon. Kathleen E. O’Leary, Presiding Justice, Court of Appeal Fourth Appellate District, Division Three Hon. Laurie D. Zelon, Associate Justice of the Court of Appeal Second Appellate District, Division Seven
Lead Staff:	Ms. Kyanna Williams, Attorney II, Center for Families, Children & the Courts
<p>Committee’s Charge/Membership: Rule 10.55 of the California Rules of Court states the charge of the Advisory Committee on Providing Access and Fairness, which is to make recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. The committee also makes recommendations to the Governing Committee of the Center for Judicial Education and Research (CJER), proposals for the education and training of judicial officers and court staff.</p> <p>The Advisory Committee on Providing Access and Fairness (PAF) has 28 members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²:</p> <ul style="list-style-type: none"> - Participation in the <i>Justice Partner Remote Access to Court Records Joint Ad Hoc Working Group</i> - Participation in the <i>Remote Access to Court Records Joint Ad Hoc Working Group</i> 	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	Project Title: Futures Recommendations for an Early Education Program in Civil and Small Claims	Priority 1⁴
	<p>Project Summary⁵: Assess and develop recommendations as outlined in the Report of the Commission on the Future of California’s Court System (Futures Commission). Specifically, PAF will “develop a proposal for Judicial Council consideration of the structure, content, and resource requirements for an education program to aid the growing number of self-represented litigants (SRLs) in small claims where SRLs are most common.”</p> <p>This project is being done at the direction of the Chief Justice.</p> <p>Status/Timeline: December 2019</p> <p>Fiscal Impact/Resources: Center for Families, Children & the Courts (CFCC) staff; Legal Services Office staff; and Information Technology (IT) staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee staff; Information Technology Advisory Committee; TBD</p>	
2.	Project Title: Remote Access to Court Records	Priority 1(c)⁴
	<p>Project Summary⁵: Participate in a joint ad hoc working group to develop rules, standards, and guidelines for online access to court records for parties, their attorneys, local justice partners, and other government agencies. Two PAF members will participate in this joint working group.</p> <p>This task was included on the committee’s prior Annual Agenda.</p>	

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ³	
	<p>Status/Timeline: Ongoing; January 2019 goal for proposed rules.</p> <p>Fiscal Impact/Resources: CFCC staff; IT staff; Legal Service staff; and Criminal Justice Service staff.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Civil and Small Claims Advisory Committee; Information Technology Advisory Committee; Family and Juvenile Advisory Committee; Probate and Mental Health Advisory Committee; Criminal Advisory Committee; and Traffic Advisory Committee.</p>	
3.	Project Title: Permanent Medical Excuse from Jury Service	Priority 1(e)⁴
	<p>Project Summary⁵: Participate in joint working group to develop rules and forms for permanent excusal from jury duty persons with serious, permanent disabilities that prevent them from participating in jury service. The rules and forms are being developed in response to a bill that California State Senator Jerry Hill considered introducing in early 2017. Senator Hill agreed to postpone introducing the bill to allow the Judicial Council the opportunity to address this juror issue through the adoption of a uniform rule of court.</p> <p>In 2017, Justice Hull (RUPRO Chair) and Judge So (PCLC Chair) approved the formation of this joint working group.</p> <p>Status/Timeline: The rule and potential forms have an anticipated effective date of January 01, 2019.</p> <p>Fiscal Impact/Resources: Governmental Affairs staff; Judicial Council and Trial Court Leadership staff; CFCC staff; CJER staff; and Disability Rights California.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: TCJAC/CEAC Joint Rules Subcommittee</p>	
4.	Project Title: Form MC-410: Request for Accommodations by Persons with Disabilities	Priority 2(b)⁴
	<p>Project Summary⁵: Redesign Judicial Council form MC-410 to make it more user-friendly and in plain language. This will make it easier for court-users to understand the form and correctly complete it. This will also make it easier to translate the form into multiple languages.</p> <p>This task was included on the committee’s prior Annual Agenda.</p>	

#	New or One-Time Projects ³
	<p><i>Status/Timeline:</i> TBD in 2018 or 2019</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and CJER staff with disability expertise</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> TBD</p>

DRAFT

#	Ongoing Projects and Activities³	
1.	Project Title: Collaborate and Provide Subject Matter Expertise	Priority 1⁴
<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Serve as lead/subject matter resource for issues under the committee’s charge to avoid duplication of efforts and contribute to development of recommendations for council action. b) Serve as subject matter resource for other stakeholders on subjects under the committee’s charge to increase efficiency and avoid duplication of services within the branch. c) Provide education and technical assistance to the court self-help centers; make recommendations to the Judicial Council, as needed, regarding updates to the Guidelines for the Operation of Self-Help Centers in California Trial Courts as provided by California Rules of Court, rule 10.960(e). <p>This task was included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: This item may include collaboration with various Judicial Council advisory bodies, including, but not limited to: Traffic; Criminal Law; Civil and Small Claims; Information Technology; CJER Access, Ethics, and Fairness Curriculum Development; Family and Juvenile Law; Collaborative Justice Courts; Trial Court Presiding Judges; and Court Executive Officers.</p>		
2.	Project Title: Education in Subject Areas under PAF’s Purview	Priority 1⁴
<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Bias and Implicit Bias: Make recommendations to the Judicial Council for developing and expanding education for judicial officers and employees throughout the branch. b) Ongoing collaboration with CJER: Continue to collaborate with CJER staff on improving and expanding educational resources in areas under PAF’s purview. <p>This task was included on the committee’s prior Annual Agenda.</p>		

#	Ongoing Projects and Activities³	
	<p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff and CJER staff</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> CJER’s Judicial Branch Access, Ethics, and Fairness Curriculum Development Committee; TBD</p>	
3.	Project Title: Diversity in the Branch	Priority 1⁴
	<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Explore strategies for sharing high-quality outreach information with judicial officers and branch leaders who are interested in performing outreach to diverse communities. This may include the development of an online resource. (Note: In 2016, PAF members identified updating the publication, <i>Pathways to Achieving Judicial Diversity in the California Courts</i> as a priority. This project developed in response to that need.) b) Review and consider ideas and recommendations that come out of the 2016 Judicial Diversity Summit. (The Judicial Council co-hosted the summit. The Interagency Judicial Summit Planning Committee for the summit consisted of representatives from the State Bar’s Council on Access and Fairness, the Judicial Council, the California Judges Association, and staff from the State Bar and Judicial Council.) c) Collaborate with the State Bar of California on matters related to diversity in the branch. <p>This task was included on the committee’s prior Annual Agenda.</p> <p><i>Status/Timeline:</i> Ongoing</p> <p><i>Fiscal Impact/Resources:</i> CFCC staff</p> <p><i>Internal/External Stakeholders:</i> State Bar of California; Interagency Judicial Summit Planning Committee; TBD</p> <p><i>AC Collaboration:</i> None</p>	
4.	Project Title: Mental Health Recommendations	Priority 1⁴

#	Ongoing Projects and Activities³	
	<p>Project Summary⁵: Continue to review and implement recommendations referred to PAF from the Mental Health Issues Implementation Taskforce. <u>Final Report of the Mental Health Issues Implementation Taskforce.</u></p> <p>The Chairs of Executive and Planning Committee and Rules and Projects Committee (RUPRO) referred mental health recommendations to various advisory committees, including PAF. This task was also included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC staff and CJER staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Family and Juvenile Law Advisory Committee; Collaborative Justice Courts Advisory Committee; CJER Governing Committee; TBD</p>	
5.	Project Title: Improving Access and Fairness for SRLs in Traffic Court	Priority 1(e)⁴
	<p>Project Summary⁵: Continue collaborations with the Traffic Advisory Committee (TAC), Criminal Law Advisory Committee (CLAC), and other relevant Judicial Council advisory bodies and staff on recommendations to improve access and fairness in traffic court. This includes completing work on the ability to pay rule and forms.</p> <p>In 2017 Justice Hull (RUPRO Chair) directed PAF to collaborate with TAC and CLAC on recommendations to improve access and fairness in traffic court. This task was also included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: The Ability to Pay rule and forms are expected to go into effect April 1, 2018. The rest of the work under this item is ongoing.</p> <p>Fiscal Impact/Resources: CFCC staff and Criminal Justice Services staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: TAC; CLAC</p>	

#	Ongoing Projects and Activities³	
6.	Project Title: Improving Access and Fairness through Technology	Priority 2⁴
<p>Project Summary: PAF will do the following:</p> <ul style="list-style-type: none"> a) Continue coordinating with the Judicial Council’s Information Technology Advisory Committee (ITAC) on developing a Self-Represented Litigant E-Portal. (See item #5 on ITAC’s 2017 Annual Agenda. (See also, The Critical Role of the State Judiciary in Increasing Access for Self-Represented Litigants: Self-Help Access 360) b) Discuss and explore with ITAC other intersections between access, fairness, and technology. <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC staff and IT staff</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: Information Technology Advisory Committee</p>		
7.	Improving Access and Fairness for Low and Moderate-Income Court Users (Economic Access)	Priority 2⁴
<p>Project Summary⁵: PAF will do the following:</p> <ul style="list-style-type: none"> a) Continue to consider ways that simplification of court processes can be used to improve court services for low and moderate-income court-users. b) Continue to consider ways to fully implement the Judicial Council’s 2001 Access Policy for Low and Moderate-Income Persons. (See item 2, Judicial Council minutes approving the policy.) c) Cosponsor one or more conferences with the Legal Aid Association of California (LAAC) and/or other relevant stakeholder(s), for court administrators, self-help center attorneys, family law facilitators, legal aid attorneys and paralegals, court and legal services information and technology experts, and other appropriate court and legal services staff on issues related to self-represented litigants and to encourage sharing of resources and best practices. <p>This task was included on the committee’s prior Annual Agenda.</p> <p>Status/Timeline: Ongoing</p> <p>Fiscal Impact/Resources: CFCC staff</p>		

#	Ongoing Projects and Activities³	
	<p><i>Internal/External Stakeholders:</i> LAAC; self-help centers; TBD</p> <p><i>AC Collaboration:</i> None</p>	
8.	Project Title: Assessing the Use of Temporary Judges	Priority 2⁴
	<p><i>Project Summary⁵:</i> Assess how the use of temporary judges is affecting access to justice. Determine whether to make any recommendations for improving the use of temporary judges.</p> <p>This task was included on the committee’s prior Annual Agenda.</p> <p><i>Status/Timeline:</i> December 2018</p> <p><i>Fiscal Impact/Resources</i> CFCC staff</p> <p><i>Internal/External Stakeholders:</i> None</p> <p><i>AC Collaboration:</i> TBD</p>	

III. LIST OF 2017 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Ability to Pay Rule and Forms <ul style="list-style-type: none"> - PAF collaborated with CLAC and TAC on the development of the Ability to Pay rule forms. – Status: The committees anticipate the rule and forms going into effect April 1, 2018.
2.	Working group on Senate Bill 185 <ul style="list-style-type: none"> - Two PAF members participated in a joint working group to make recommendations to the Judicial Council regarding Senate Bill 185, which relates to the ability to pay in infraction cases. – Completed: May 2017
3.	Economic Access work: <ul style="list-style-type: none"> - Made recommendations to CFCC staff for: improving outreach and education for Invitations to Comment; and encouraging individuals working with low and moderate-income communities to apply for Judicial Council advisory body positions. – Completed: April 2017 - Co-sponsored the 2017 National Self-Represented Litigant Network conference. – Completed: February 2017
4.	Collaboration with other Advisory Committees and Stakeholders: <ul style="list-style-type: none"> - PAF provide recommendations to the Appellate Advisory Committee on ways to improve the proposed rule and forms related to Settled Statements in Unlimited Civil Cases. – Completed: April 2017
5.	Developed workplan for Futures Commission recommendations on Early Education in Civil and Small Claims <ul style="list-style-type: none"> - Developed a workplan for the Futures Commission recommendations on Early Education in Civil and Small Claims. – Status: Workplan sent to the Judicial Council’s Internal Committees in November 2017. PAF is awaiting approval of the workplan.
6.	Bias and Implicit Bias: <ul style="list-style-type: none"> - Lead Counsel to PAF: continued to provide education related to bias and implicit bias to branch stakeholders upon request; collaborated with CJER staff on development of an educational video for court staff titled <i>Exploring Implicit Bias</i>. – Status: Stakeholder education is ongoing; CJER video completed in April 2017.
7.	Diversity: <ul style="list-style-type: none"> - Lead Counsel to PAF continued to serve as the agency’s liaison to the State Bar’s Council on Access and Fairness. – Status: Ongoing.

RECOMMENDATION 1.2:
INCREASE AND IMPROVE
ASSISTANCE FOR
SELF-REPRESENTED
LITIGANTS

Civil litigation across America is changing, with more parties coming to court on their own. As the National Center for State Courts (NCSC) recently concluded, “The idealized picture of an adversarial system in which both parties are represented by competent attorneys who can assert all legitimate claims and defenses is an illusion.”³⁷ While this observation has long been true in family law cases, it is increasingly so in other civil matters as well. Figures from a 2013 NCSC survey show that there were self-represented litigants (SRLs) in over 76 percent of civil cases nationally.³⁸ A 2003 California survey showed that the SRL rate in unlawful detainers was 34 percent, and up to 90 percent if landlords were excluded from the count. In some other types of civil litigation the rate was as high as 50 percent.³⁹

Today, most of the civil cases in which SRLs appear and the great majority of civil cases overall have a low monetary value. The 2013 NCSC survey of civil courts shows that the average judgment obtained in all civil cases was \$10,000.⁴⁰ The California experience is similar. Seventy-five percent of civil cases filed in fiscal year 2014–2015 involved claims of under \$25,000, with most claims under \$10,000.⁴¹ Given the proliferation of lower value cases and the increasing cost of litigation, it is not surprising that more parties are unable to afford attorneys and are forced to represent themselves. This is particularly true in unlawful detainer and small debt collection matters.

Although the case values are low, the legal processes are not simple, making self-representation challenging. SRLs face a variety of challenges, including the technicalities of specialized legal language, applicable rules and procedures, complex requirements for notice and proof of service, and procedural rules that vary among types of cases. SRLs’ lack of knowledge of due dates and filing timelines can cause them to be unprepared and to incur unnecessary, time-consuming continuances or outright dismissal of their cases. Also, SRLs frequently do not understand court orders or how to enforce them. These barriers can inhibit

informed decisions about cases or the forfeiture of meritorious claims and defenses.

The inability to afford legal representation should not preclude litigants from obtaining justice. The challenge is to make sure the courts are accessible to all. As the neutral adjudicator, the court is not in a position to advise or represent SRLs. However, the court system does have a role in ensuring that SRLs are provided with the knowledge necessary to better represent themselves. This approach not only provides more meaningful access for SRLs, but also allows courts to run more efficiently and effectively, enhancing the experience and just outcomes for all court users.

The Futures Commission recommends:

1. Developing an early education program for SRLs in small claims and civil cases where SRLs are most common (i.e., unlawful detainers, small-value debt collection, automobile accidents, and employment cases).
2. Creating a Center for Self-Help Resources (Resource Center).

BACKGROUND

Currently, there are limited resources to help SRLs. The “Equal Access” webpage on the California Courts website, maintained by the Judicial Council (Council), includes video tutorials and instructional materials, access to “smart” forms (automated document assembly), and assistance in creating self-help programs.⁴² However, it is a static webpage and infrequently updated. Council staff also assist with various partnership projects between courts and legal services providers, but again resources are insufficient to provide adequate assistance to this important population.⁴³

“The idealized picture of an adversarial system in which both parties are represented by competent attorneys who can assert all legitimate claims and defenses is an illusion.”

National Center for State Courts
*The Landscape of Civil Litigation
in State Courts*

This is particularly true in areas beyond family law and restraining orders.

Having a structure to help SRLs navigate court processes benefits both courts and litigants. In 2004, the Council adopted a *Statewide Action Plan for Serving Self-Represented Litigants*. This plan recognized that court-based assistance should be a core function. It included a recommendation for court-based self-help centers in each court. In 2008, the Council adopted a rule of court identifying court-based assistance to SRLs as a core court function. (California Rules of Court, rule 10.960.) *Guidelines for the Operation of Self-Help Centers in California Trial Courts* were issued by the Council that same year and reaffirmed in 2011. While there are now self-help centers in courts throughout the state, only about a quarter of the necessary funding has been made available.⁴⁴

Currently, due to fiscal issues, self-help centers have been consolidated with the family law facilitators and provide help primarily in family law matters, restraining orders, and occasionally guardianships or conservatorships. While some

provide assistance with small claims and unlawful detainers, only a few provide any assistance in other civil matters.⁴⁵

RECOMMENDATIONS

The Futures Commission recommends:

1. Developing an early education program for SRLs in small claims and civil cases where SRLs are most common (i.e., unlawful detainers, small-value debt collection, automobile accidents, and employment cases).
2. Creating a Center for Self-Help Resources.

EARLY EDUCATION PROGRAMS

Early education can help litigants understand how cases are generally processed and the basic substantive laws relating to their cases. SRLs can become better informed in a manner becoming increasingly common: online, 24 hours a day. Elements of this recommendation include:

- Developing an education program for SRLs in small claims and civil cases, designed to be completed before the case is filed or within 30 days of filing a complaint or answer.
 - ◆ The program should be available online, via video and text. It should be integrated with smart complaint and answer forms that can be completed online, or at courthouse kiosks for those without access to technology.⁴⁶
 - ◆ It is not recommended that this program be mandatory, but should be strongly encouraged in an information sheet provided to all SRLs at the time the case is filed and served.
 - ◆ If possible, incentives should be provided for completing the program within a

certain time frame (e.g., early trial preference or early neutral evaluation).

- ◆ Course curriculum for this program should include available alternative dispute resolution processes, an overview of civil procedure, and requirements for parties before, during, and after trial. Flow charts of the steps required to proceed to trial would be particularly helpful and should be given to every party at the time of filing or service.
- Developing additional targeted information for high-volume case types (unlawful detainer, auto accident, consumer debt collection), including checklists for pleadings and the mandated exchanges of information recommended in this report.
- Developing virtual self-help centers with “real-time” interaction via chat or telephone support⁴⁷ as well as access to electronic resources like video tutorials and online clinics.
- Developing a summary of resources available within the courts and the local community.
- Developing targeted education partnerships with law libraries, law schools, local bar associations, volunteer attorneys, and legal services organizations.

CENTER FOR SELF-HELP RESOURCES

The branch should also consider the creation of a Resource Center to increase the scope of SRL services, expanding services currently provided by the Center for Families, Children, and the Courts. Resource Center activities should include the following:

- Coordinating and convening self-help providers throughout the state, and facilitating relationships with local courts.⁴⁸
- Connecting with established community organizations that currently provide services to SRLs and others.
- Developing and publishing best practices and guidelines for providing SRL assistance in all civil cases.
- Providing substantive and technical assistance to courts implementing programs and technology for self-help tools.
- Providing ongoing expertise to support court self-help centers.
- Maintaining, updating, and expanding the California Courts Online Self-Help Center to provide 24/7 assistance to SRLs.
- Developing and maintaining interactive self-help programs, such as the early education programs recommended in this report.
- Developing and maintaining online support for e-filing modules as they are implemented by the courts, including online chat or telephone support.
- Developing an online small claims advising program for courts unable to support in-person small claims assistance, integrating website e-filing, online chat, and telephone support.
- Developing training programs and materials for non-lawyer facilitators to help SRLs in self-help centers or elsewhere.
- Creating a virtual clearinghouse of self-help resources covering all applicable case types.
- Maintaining and updating the “Equal Access” webpage on the California Courts website by providing self-help materials, videos, and other online resources.

- Providing language access information and assistance for self-help providers.

RATIONALE FOR THE RECOMMENDATIONS

BENEFITS AND EFFICIENCIES ACHIEVED FROM EARLY EDUCATION PROGRAMS

Most SRLs do not choose to go to court without counsel, but are forced to do so by economic realities.⁴⁹ Addressing some of the barriers faced by SRLs is challenging, but well worth the effort. Judicial officers and court staff can do their jobs more effectively and efficiently when litigants understand the process and correctly prepare filings. In many cases, courts experience long lines at front counters as SRLs try to file documents, only to be turned away when the filing is incomplete or procedurally improper. In many cases, these parties appear repeatedly. In many situations, SRLs and the courts may experience continuances and clogged calendars when litigants are unaware of legal requirements or unprepared for the proceedings. This is especially troubling when litigants have taken time off from work or incurred childcare expenses, only to be told to come back for a future hearing. SRLs frequently misunderstand orders and judgments, leading to unnecessary motions and needless appeals.

Providing critical information and support early in the process allows outcomes based on the merits unhindered by procedural mistakes. This also reduces the court workload and allows for more efficient case processing. Research on self-help efforts in family law matters has shown that providing services through one-on-one interaction with SRLs can save an average of 5 to 15 minutes of hearing time for every hearing held in the case, and one to one-and-a-half hours of court

staff time related to providing assistance to SRLs and to reviewing and rejecting judgments.⁵⁰ The most effective information is provided in multiple modalities: in person, telephonic, and online support, available 24 hours a day, seven days a week. Many SRLs have jobs or family responsibilities. Providing self-help assistance onsite during court operating hours is not effective in reaching this population.

Recommendations to the Conference of Chief Justices urge that litigants in high-volume civil cases “have access to accurate and understandable information about court processes and appropriate tools such as standardized court forms and checklists for pleadings and discovery requests.”⁵¹ The Institute for the Advancement of the American Legal System recommends that courts “increase availability of targeted self-help resources,” “explore virtual and innovative means of delivering self-help resources,” and “facilitate litigant awareness of available resources.”⁵²

BENEFITS AND EFFICIENCIES ACHIEVED FROM THE RESOURCE CENTER

The Resource Center will be particularly beneficial for smaller courts with reduced staff and resources.⁵³

In 2004, the Council’s Task Force on Self-Represented Litigants made three key findings in this area:

1. Court-based, staffed self-help centers, supervised by attorneys, are the optimal way for courts to facilitate the timely and cost-effective processing of SRL cases.
2. It is imperative for efficient court operation that well-designed strategies to serve SRLs and effectively manage their cases are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive services needed.⁵⁴

As the number of SRLs increases, so does the need to effectively provide assistance while easing the corresponding demands on court time and resources. The implementation of a holistic approach to provide education and access will help SRLs navigate the litigation process. At the same time, providing courts with significant technical assistance will maximize the efficient use of administrative and judicial resources.

COSTS TO IMPLEMENT

EARLY EDUCATION PROGRAMS

The primary costs for education programs stem from the development of videos or interactive educational programs to be embedded in court webpages. Several such videos would be appropriate. Depending on the topic and issues covered, the videos will range from a single 15- or 30-minute piece or shorter videos on different aspects of litigating civil cases. Videos should be developed for limited and intermediate civil actions. They should cover the major types of cases in which SRLs are most likely to appear: unlawful detainer, auto accident, consumer debt, and employment law cases. The cost for a 30-minute video would range from \$60,000 to \$65,000.⁵⁵

The additional work needed to implement the early education programs, including the development of and assistance with the updating of proposed smart forms and informational sheets, would be included within the work of the proposed Resource Center and the respective advisory committees.

THE RESOURCE CENTER

Development of these programs will involve an investment by the judicial branch. A proposed staffing model⁵⁶ for the Resource Center would require current Council staff plus approximately \$1.5 million per year for new personnel. There would also be a one-time cost of approximately \$100,000 to convert the current self-help website to one enabled for mobile devices.

Development or expansion of self-help centers to provide the needed assistance will likely require additional funding. In 2006–2007, the Council conducted a survey of trial courts to assess the funding needs for fully staffed, civil self-help centers. The consolidated total yearly budget necessary to fully meet the needs of both the public and the courts was \$44,404,373. That level of funding has never occurred. Currently, state-wide funding for self-help centers in the courts is \$11,200,000 annually; courts also receive Assembly Bill 1058 funding for family law facilitators totaling \$15,040,301 annually.

Some courts fund self-help services from their local budgets, but many have been forced to reduce services due to significant reductions in funding. The self-help centers that exist are overcrowded and lack the means to expand. Once early education programs and new civil tiers are implemented, an evaluation of local needs based on case analytics and coordination with the services to be provided by the Resource Center should be conducted.

PUBLIC COMMENT

Several groups and a few individuals commented on these proposals. The California Commission on Access to Justice, the Legal Aid Association of California, and the Legal Aid Foundation of Los Angeles support expansion of self-help services and increased funding for self-help centers. The legal services groups would like to be involved with the proposed Resource Center.

The California Judges Association (CJA) raised concerns about the funding needed to develop and support these programs. The CJA also questioned whether providing education to SRLs involves providing legal advice. The Futures Commission notes that assistance to SRLs, including providing information and education, has been recognized as a core court function. (See California Rules of Court, rule 10.960.) Courts do have to strike a balance between providing information and aiding a party in litigation. That balance is struck by providing general information rather than making specific recommendations on procedural or strategic choices in a particular case.

SIMILAR PROPOSAL IMPLEMENTED ELSEWHERE

The Futures Commission studied several groups that furnish enhanced services to courts and self-help providers:

- *Center on Court Access to Justice for All*—An NCSC resource center offering information and assistance to advance access to justice, especially for low-income individuals. The center addresses a variety of areas including forms simplification and automation; accessible online information; e-filing; training of judges, clerks, and other court staff; using federal IV-D funding in child support cases; developing

a JusticeCorps volunteer program; setting up self-help centers or hotlines; and using pro bono assistance to help SRLs. See www.ncsc.org/microsites/access-to-justice/home.

- *Sargent Shriver National Center on Poverty Law*—The Shriver Center provides national leadership to secure justice and improve the lives and opportunities for people living in poverty. Its work includes an Advocate Resources and Training Program that trains and connects equal justice providers nationwide to strengthen capacity and help drive systemic change. See <http://povertylaw.org/>.

FEASIBILITY OF BRANCHWIDE IMPLEMENTATION

The early education programs could be developed on a statewide basis initially, then tailored to specific court procedures as courts choose to implement them. The Resource Center could oversee the development of the programs, with assistance from local self-help centers and input from pertinent Council advisory committees. The Resource Center itself would be, by definition, a statewide resource.

No specific legislation or rule-making is required to move this recommendation forward, although an increase in funding would be required.

Although factors for evaluating the success of the early education program would best be left to the group charged with implementing it, the Futures Commission suggests the following as potential factors for evaluation:

- Early education program measures:
 - ◆ Time from filing to case conclusion.
 - ◆ Number of hearings on discovery disputes.
 - ◆ Time consumed by trials or hearings.
 - ◆ Requests for relief from defaults.
 - ◆ Continuances necessitated by incomplete pleadings or failure to follow procedural requirements.
 - ◆ Number of defaults in consumer debt collection cases.
 - ◆ Level of satisfaction of SRLs and judicial officers.
- Resource Center evaluates:
 - ◆ Effectiveness of provider outreach activities, measured by meetings, webinars, conference calls, and other means connecting stakeholders, including local, statewide, and national legal services providers, law schools, law libraries, and court self-help centers.
 - ◆ Effectiveness of community outreach activities, measured by the number of contacts with established community organizations serving SRLs, including legal services providers and other community-based entities such as houses of worship, community-based hospitals, and social service programs.⁵⁷
 - ◆ Breadth of technical assistance provided, measured by the number of technical assistance contacts with court-based self-help resource centers.
 - ◆ Effectiveness of technical assistance provided, measured by a survey of self-help center administrators.
 - ◆ Utilization of the online tools accessed through the California Courts Online Self-Help Center and “Equal Access” webpages, and other sources of assistance.

- ◆ Levels of satisfaction with courts and self-help centers, through a survey of court administrators, self-help center staff, and targeted bench officers adjudicating cases with numerous SRLs.
- ◆ Levels of satisfaction with legal services providers, measured through a survey of those who participate in the Resource Center convening activities and those using the center's online tools.

CONCLUSION

Most civil cases in California's trial courts have a low monetary value and many have at least one self-represented party. The judicial process can be overwhelming for SRLs and challenging to navigate. Additional education programs for SRLs will allow them to make better-informed decisions and litigate their cases effectively. Implementing these recommendations will improve access to justice and increase court efficiencies, resulting in outcomes based on the merits of the litigation.

**SB-179 Gender identity: female, male, or nonbinary.** (2017-2018)

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Senate Bill No. 179

CHAPTER 853

An act to amend, repeal, and add Sections 1277 and 1278 of, and to add Section 1277.5 to, the Code of Civil Procedure, to amend Sections 103426 and 103440 of, to amend the heading of Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of, and to amend, repeal, and add Sections 103425 and 103430 of, the Health and Safety Code, and to amend Section 13005 of, and to amend, repeal, and add Section 12800 of the Vehicle Code, relating to gender identity.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 179, Atkins. Gender identity: female, male, or nonbinary.

(1) Existing law authorizes a person who was born in this state and who has undergone clinically appropriate treatment for the purpose of gender transition to obtain a new birth certificate from the State Registrar.

This bill would enact the Gender Recognition Act. For purposes of obtaining a new birth certificate under the provisions above, the bill would delete the requirement that an applicant have undergone any treatment, and instead would authorize a person to submit to the State Registrar an application to change gender on the birth certificate and an affidavit attesting, under penalty of perjury, that the request for a change of gender is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, the bill would create a crime, thereby imposing a state-mandated local program. The bill would authorize the change of gender on a new birth certificate to be female, male, or nonbinary.

(2) Existing law authorizes a person who has undergone clinically appropriate treatment for the purpose of gender transition to petition for a court judgment recognizing the change of gender, and to petition for a court order conforming the person's name to the person's gender identity. Existing law provides specific procedures to seek these orders and judgments, either separately or in combination.

This bill, commencing on September 1, 2018, would delete the requirement that a person have undergone any treatment to seek a court judgment to recognize a change of gender and instead would authorize the petitioner to attest, under penalty of perjury, that the request is to conform the person's legal gender to the person's gender identity and not for any fraudulent purpose. By requiring the affidavit to be attested to under penalty of perjury, the bill would create a crime, thereby imposing a state-mandated local program. The bill would authorize a change of gender in the court judgment to female, male, or nonbinary. The bill would provide modified procedures to obtain a court order for a change of name to conform to the petitioner's gender identity and a court judgment to recognize a change in the petitioner's gender. The bill would provide a separate procedure for a person under 18 years of age to petition for a court judgment to recognize a change of gender to female, male, or nonbinary.

(3) Existing law requires the Department of Motor Vehicles to issue a driver's license to an applicant when the department determines that the applicant is lawfully entitled to a license, and requires the license to contain, among other things, a brief description and engraved picture or photograph of the licensee for the purpose of identification. Existing law requires the application for an original driver's license or renewal of a driver's license to contain specified information, as provided by the applicant. Existing law also authorizes the department to issue identification cards and requires an identification card to adequately describe the applicant. Existing law requires the department, upon issuance of a new identification card or renewal of an identification card, to provide information regarding organ and tissue donation, including an enrollment form for the California Organ and Tissue Donor Registry that requires an applicant to mark his or her sex.

This bill, on January 1, 2019, would require an applicant for an original driver's license or renewal of a driver's license to choose a gender category of female, male, or nonbinary, as specified, and would require the department to adopt regulations to provide a process for an amendment to a gender category under these provisions. The bill would also require the enrollment form for the California Organ and Tissue Donor Registry to instead require an applicant to mark his or her gender.

This bill would make legislative findings and declarations in support of its provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Gender Recognition Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) It is the policy of the State of California that every person deserves full legal recognition and equal treatment under the law and to ensure that intersex, transgender, and nonbinary people have state-issued identification documents that provide full legal recognition of their accurate gender identity.

(b) Gender identification is fundamentally personal, and the state should endeavor to provide options on state-issued identification documents that recognize a person's accurate gender identification. It is the intent of the Legislature in enacting this legislation to provide three equally recognized gender options on state-issued identification documents—female, male, and nonbinary—and an efficient and fair process for people to amend their gender designation on state-issued identification documents so that state-issued identification documents legally recognize a person's accurate gender identification.

(c) "Intersex" is an umbrella term used to describe natural bodily variations, which can include external genitalia, internal sex organs, chromosomes, or hormonal differences that transcend typical ideas of male and female. Upper estimates of the number of intersex people are approximately 1.7 percent of the general population. In the United States, some children born with intersex traits have been subjected to involuntary and medically unnecessary surgical procedures in infancy in an attempt to erase aspects of their natural bodies, causing significant physical and psychological harm. Human rights authorities have condemned this practice as a form of torture and recognize that legal and ethical frameworks require intersex people themselves to make decisions concerning their own bodies. Thus, those human rights authorities recommended that physicians assign a provisional gender designation with the knowledge that the child may later identify differently. An option of a nonbinary gender designation on state-issued identification documents would allow intersex people, like transgender and nonbinary people, to be able to use state-issued identification documents that accurately recognize their gender identification as female, male, or nonbinary.

(d) The binary gender designations of female and male fail to adequately represent the diversity of human experience. Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant. Nonbinary gender identities have been recognized by cultures throughout history and around the world, as well as by legal systems in the United States and other countries, medical authorities, and researchers. Studies show that nonbinary

people face frequent discrimination, harassment, and violence in areas of life including education, employment, health care, and law enforcement.

(e) Transgender is an umbrella term used to describe people whose gender identity or gender expression do not match the gender they were assigned at birth. Some transgender people have medically transitioned, undergoing gender affirming surgeries and hormonal treatments, while other transgender people do not choose any form of medical transition. There is no uniform set of procedures that are sought by transgender people that pursue medical transition. Transgender people may identify as female, male, or nonbinary, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant. Studies show that transgender people disproportionately face discrimination, harassment, and violence in areas of life including housing, education, employment, health care, and law enforcement.

SEC. 3. Section 1277 of the Code of Civil Procedure is amended to read:

1277. (a) (1) If a proceeding for a change of name is commenced by the filing of a petition, except as provided in subdivisions (b), (c), and (e), the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order, unless the court orders a different time, to show cause why the application for change of name should not be granted. The order shall direct all persons interested in the matter to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. The order shall state that, if no written objection is timely filed, the court may grant the petition without a hearing. If the petition seeks to conform the petitioner's name to the petitioner's gender identity and no objection is timely filed, the court shall grant the petition without a hearing.

(2) A copy of the order to show cause shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation to be designated in the order published in the county. If a newspaper of general circulation is not published in the county, a copy of the order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is located, for a like period. Proof shall be made to the satisfaction of the court of this publication or posting at the time of the hearing of the application.

(3) Four weekly publications shall be sufficient publication of the order to show cause. If the order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

(4) If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the petitioner shall cause, not less than 30 days before the hearing, to be served notice of the time and place of the hearing or a copy of the order to show cause on the other parent pursuant to Section 413.10, 414.10, 415.10, or 415.40. If notice of the hearing cannot reasonably be accomplished pursuant to Section 415.10 or 415.40, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the nonconsenting parent. In that case, if the court determines that notice by publication is reasonably calculated to give actual notice to the nonconsenting parent, the court may determine that publication of the order to show cause pursuant to this subdivision is sufficient notice to the nonconsenting parent.

(5) If the petition for a change of name is sought in order to conform the petitioner's name to the petitioner's gender identity, the action for a change of name is exempt from the requirement for publication of the order to show cause under this subdivision.

(b) (1) If the petition for a change of name alleges a reason or circumstance described in paragraph (2), and the petitioner has established that the petitioner is an active participant in the address confidentiality program created pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, and that the name the petitioner is seeking to acquire is on file with the Secretary of State, the action for a change of name is exempt from the requirement for publication of the order to show cause under subdivision (a), and the petition and the order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and is on file with the Secretary of State pursuant to the provisions of the address confidentiality program.

(2) The procedure described in paragraph (1) applies to petitions alleging any of the following reasons or circumstances:

(A) To avoid domestic violence, as defined in Section 6211 of the Family Code.

(B) To avoid stalking, as defined in Section 646.9 of the Penal Code.

(C) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Section 1036.2 of the Evidence Code.

(3) For any petition under this subdivision, the current legal name of the petitioner shall be kept confidential by the court and shall not be published or posted in the court's calendars, indexes, or register of actions, as required by Article 7 (commencing with Section 69840) of Chapter 5 of Title 8 of the Government Code, or by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display.

(4) Notwithstanding paragraph (3), the court may, at the request of the petitioner, issue an order reciting the name of the petitioner at the time of the filing of the petition and the new legal name of the petitioner as a result of the court's granting of the petition.

(5) A petitioner may request that the court file the petition and any other papers associated with the proceeding under seal. The court may consider the request at the same time as the petition for name change, and may grant the request in any case in which the court finds that all of the following factors apply:

(A) There exists an overriding interest that overcomes the right of public access to the record.

(B) The overriding interest supports sealing the record.

(C) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.

(D) The proposed order to seal the records is narrowly tailored.

(E) No less restrictive means exist to achieve the overriding interest.

(c) A proceeding for a change of name for a witness participating in the state Witness Relocation and Assistance Program established by Title 7.5 (commencing with Section 14020) of Part 4 of the Penal Code who has been approved for the change of name by the program is exempt from the requirement for publication of the order to show cause under subdivision (a).

(d) If an application for change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), whether as part of a petition or cross-complaint or as a separate order to show cause in a pending action thereunder, service of the application shall be made upon all other parties to the action in a like manner as prescribed for the service of a summons, as set forth in Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2. Upon the setting of a hearing on the issue, notice of the hearing shall be given to all parties in the action in a like manner and within the time limits prescribed generally for the type of hearing (whether trial or order to show cause) at which the issue of the change of name is to be decided.

(e) If a guardian files a petition to change the name of the guardian's minor ward pursuant to Section 1276:

(1) The guardian shall provide notice of the hearing to any living parent of the minor by personal service at least 30 days before the hearing.

(2) If either or both parents are deceased or cannot be located, the guardian shall cause, not less than 30 days before the hearing, to be served a notice of the time and place of the hearing or a copy of the order to show cause on the child's grandparents, if living, pursuant to Section 413.10, 414.10, 415.10, or 415.40.

(f) This section shall become operative on July 1, 2014, shall become inoperative on September 1, 2018, and shall be repealed on January 1, 2019.

SEC. 4. Section 1277 is added to the Code of Civil Procedure, to read:

1277. (a) (1) If a proceeding for a change of name is commenced by the filing of a petition, except as provided in subdivisions (b), (c), and (e), or Section 1277.5, the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all

persons interested in the matter to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order, unless the court orders a different time, to show cause why the application for change of name should not be granted. The order shall direct all persons interested in the matter to make known any objection that they may have to the granting of the petition for change of name by filing a written objection, which includes the reasons for the objection, with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition for change of name should not be granted. The order shall state that, if no written objection is timely filed, the court may grant the petition without a hearing.

(2) A copy of the order to show cause shall be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation to be designated in the order published in the county. If a newspaper of general circulation is not published in the county, a copy of the order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is located, for a like period. Proof shall be made to the satisfaction of the court of this publication or posting at the time of the hearing of the application.

(3) Four weekly publications shall be sufficient publication of the order to show cause. If the order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

(4) If a petition has been filed for a minor by a parent and the other parent, if living, does not join in consenting thereto, the petitioner shall cause, not less than 30 days before the hearing, to be served notice of the time and place of the hearing or a copy of the order to show cause on the other parent pursuant to Section 413.10, 414.10, 415.10, or 415.40. If notice of the hearing cannot reasonably be accomplished pursuant to Section 415.10 or 415.40, the court may order that notice be given in a manner that the court determines is reasonably calculated to give actual notice to the nonconsenting parent. In that case, if the court determines that notice by publication is reasonably calculated to give actual notice to the nonconsenting parent, the court may determine that publication of the order to show cause pursuant to this subdivision is sufficient notice to the nonconsenting parent.

(b) (1) If the petition for a change of name alleges a reason or circumstance described in paragraph (2), and the petitioner has established that the petitioner is an active participant in the address confidentiality program created pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, and that the name the petitioner is seeking to acquire is on file with the Secretary of State, the action for a change of name is exempt from the requirement for publication of the order to show cause under subdivision (a), and the petition and the order of the court shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and is on file with the Secretary of State pursuant to the provisions of the address confidentiality program.

(2) The procedure described in paragraph (1) applies to petitions alleging any of the following reasons or circumstances:

(A) To avoid domestic violence, as defined in Section 6211 of the Family Code.

(B) To avoid stalking, as defined in Section 646.9 of the Penal Code.

(C) The petitioner is, or is filing on behalf of, a victim of sexual assault, as defined in Section 1036.2 of the Evidence Code.

(3) For any petition under this subdivision, the current legal name of the petitioner shall be kept confidential by the court and shall not be published or posted in the court's calendars, indexes, or register of actions, as required by Article 7 (commencing with Section 69840) of Chapter 5 of Title 8 of the Government Code, or by any means or in any public forum, including a hardcopy or an electronic copy, or any other type of public media or display.

(4) Notwithstanding paragraph (3), the court may, at the request of the petitioner, issue an order reciting the name of the petitioner at the time of the filing of the petition and the new legal name of the petitioner as a result of the court's granting of the petition.

(5) A petitioner may request that the court file the petition and any other papers associated with the proceeding under seal. The court may consider the request at the same time as the petition for name change, and may grant the request in any case in which the court finds that all of the following factors apply:

(A) There exists an overriding interest that overcomes the right of public access to the record.

- (B) The overriding interest supports sealing the record.
- (C) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed.
- (D) The proposed order to seal the records is narrowly tailored.
- (E) No less restrictive means exist to achieve the overriding interest.

(c) A proceeding for a change of name for a witness participating in the state Witness Relocation and Assistance Program established by Title 7.5 (commencing with Section 14020) of Part 4 of the Penal Code who has been approved for the change of name by the program is exempt from the requirement for publication of the order to show cause under subdivision (a).

(d) If an application for change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), whether as part of a petition or cross-complaint or as a separate order to show cause in a pending action thereunder, service of the application shall be made upon all other parties to the action in a like manner as prescribed for the service of a summons, as set forth in Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2. Upon the setting of a hearing on the issue, notice of the hearing shall be given to all parties in the action in a like manner and within the time limits prescribed generally for the type of hearing (whether trial or order to show cause) at which the issue of the change of name is to be decided.

(e) If a guardian files a petition to change the name of the guardian's minor ward pursuant to Section 1276:

(1) The guardian shall provide notice of the hearing to any living parent of the minor by personal service at least 30 days before the hearing.

(2) If either or both parents are deceased or cannot be located, the guardian shall cause, not less than 30 days before the hearing, to be served a notice of the time and place of the hearing or a copy of the order to show cause on the child's grandparents, if living, pursuant to Section 413.10, 414.10, 415.10, or 415.40.

(f) This section shall become operative on September 1, 2018.

SEC. 5. Section 1277.5 is added to the Code of Civil Procedure, to read:

1277.5. (a) (1) If a proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity is commenced by the filing of a petition, the court shall thereupon make an order reciting the filing of the petition, the name of the person by whom it is filed, and the name proposed. The order shall direct all persons interested in the matter to make known any objection to the change of name by filing a written objection, which includes any reasons for the objection, within six weeks of the making of the order, and shall state that if no objection showing good cause to oppose the name change is timely filed, the court shall, without hearing, enter the order that the change of name is granted.

(2) The proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity is exempt from any requirement for publication.

(b) A hearing date shall not be set in the proceeding unless an objection is timely filed and shows good cause for opposing the name change. Objections based solely on concerns over the petitioner's actual gender identity shall not constitute good cause. At the hearing, the court may examine under oath any of the petitioners, remonstrants, or other persons touching the petition or application, and may make an order changing the name or dismissing the petition or application as the court may deem right and proper.

(c) This section shall become operative on September 1, 2018.

SEC. 6. Section 1278 of the Code of Civil Procedure is amended to read:

1278. (a) (1) Except as provided in subdivisions (c) and (d), the petition or application shall be heard at the time designated by the court, only if objections are filed by a person who can, in those objections, show to the court good cause against the change of name. At the hearing, the court may examine on oath any of the petitioners, remonstrants, or other persons touching the petition or application, and may make an order changing the name, or dismissing the petition or application, as the court may seem right and proper.

(2) If no objection is filed at least two court days before the date set for hearing, the court may, without hearing, enter the order that the change of name is granted. If the petition seeks to conform the petitioner's name to the

petitioner's gender identity and no objection is timely filed, the court shall grant the petition without a hearing.

(b) If the provisions of subdivision (b) of Section 1277 apply, the court shall not disclose the proposed name unless the court finds by clear and convincing evidence that the allegations of domestic violence, stalking, sexual assault, or gender identity in the petition are false.

(c) If the application for a change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), the hearing on the issue of the change of name shall be conducted pursuant to statutes and rules of court governing those proceedings, whether the hearing is conducted upon an order to show cause or upon trial.

(d) If the petition for a change of name is filed by a guardian on behalf of a minor ward, the court shall first find that the ward is likely to remain in the guardian's care until the age of majority and that the ward is not likely to be returned to the custody of the parents. Upon making those findings, the court shall consider the petition and may grant the petition only if it finds that the proposed name change is in the best interest of the child.

(e) This section shall become operative on July 1, 2014, shall become inoperative on September 1, 2018, and shall be repealed on January 1, 2019.

SEC. 7. Section 1278 is added to the Code of Civil Procedure, to read:

1278. (a) (1) Except as provided in subdivisions (c) and (d), the petition or application shall be heard at the time designated by the court, only if objections are filed by a person who can, in those objections, show to the court good cause against the change of name. At the hearing, the court may examine on oath any of the petitioners, remonstrants, or other persons touching the petition or application, and may make an order changing the name, or dismissing the petition or application, as the court may deem right and proper.

(2) If no objection is filed at least two court days before the date set for hearing, the court may, without hearing, enter the order that the change of name is granted.

(b) If the provisions of subdivision (b) of Section 1277 apply, the court shall not disclose the proposed name unless the court finds by clear and convincing evidence that the allegations of domestic violence, stalking, or sexual assault in the petition are false.

(c) If the application for a change of name is brought as part of an action under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), the hearing on the issue of the change of name shall be conducted pursuant to statutes and rules of court governing those proceedings, whether the hearing is conducted upon an order to show cause or upon trial.

(d) If the petition for a change of name is filed by a guardian on behalf of a minor ward, the court shall first find that the ward is likely to remain in the guardian's care until the age of majority and that the ward is not likely to be returned to the custody of the parents. Upon making those findings, the court shall consider the petition and may grant the petition only if it finds that the proposed name change is in the best interest of the child.

(e) This section shall become operative on September 1, 2018.

SEC. 8. The heading of Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code is amended to read:

Article 7. Revision of Birth Records to Reflect Change of Gender

SEC. 9. Section 103425 of the Health and Safety Code is amended to read:

103425. (a) Whenever a person has undergone clinically appropriate treatment for the purpose of gender transition, the person may file a petition with the superior court in any county seeking a judgment recognizing the change of gender.

(b) If requested, the judgment shall include an order that a new birth certificate be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States.

(c) This section shall become inoperative on September 1, 2018, and shall be repealed on January 1, 2019.

SEC. 10. Section 103425 is added to the Health and Safety Code, to read:

103425. (a) A person may file a petition with the superior court in any county seeking a judgment recognizing the change of gender to female, male, or nonbinary.

(b) If requested, the judgment shall include an order that a new birth certificate be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States.

(c) This section shall become operative on September 1, 2018.

SEC. 11. Section 103426 of the Health and Safety Code is amended to read:

103426. The State Registrar shall issue a new birth certificate reflecting a change of gender to female, male, or nonbinary without a court order for any person born in this state who submits directly to the State Registrar an application to change the gender on the birth certificate and an affidavit attesting under penalty of perjury that the request for a change of gender to (female, male, or nonbinary) is to conform the person's legal gender to the person's gender identity and is not made for any fraudulent purpose. Upon receipt of the documentation and the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate reflecting the gender stated in the application and any change in name, if accompanied by a court order for a change of name.

SEC. 12. Section 103430 of the Health and Safety Code is amended to read:

103430. (a) The petition shall be accompanied by an affidavit of a physician attesting that the person has undergone clinically appropriate treatment for the purpose of gender transition, based on contemporary medical standards, and a certified copy of the court order changing the applicant's name, if applicable. The physician's affidavit shall be accepted as conclusive proof of gender change if it contains substantially the following language: "I, (physician's full name), (physician's medical license or certificate number), am a licensed physician in (jurisdiction). I attest that (name of petitioner) has undergone clinically appropriate treatment for the purpose of gender transition to (male or female). I declare that the foregoing is true and correct to the best of my knowledge."

(b) The petition shall be heard at the time appointed by the court. At the hearing, the court may examine on oath the petitioner, and any other person having knowledge of facts relevant to the application. At the conclusion of the hearing the court shall grant the petition if the court determines that the physician's affidavit shows that the person has undergone clinically appropriate treatment for the purpose of gender transition.

(c) If the judgment includes an order for a new birth certificate and if the petitioner was born in this state, a certified copy of the decree of the court ordering the new birth certificate, shall, within 30 days from the date of the decree, be filed with the State Registrar. Upon receipt thereof together with the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate for the applicant.

(d) The new birth certificate shall indicate the sex of the registrant as specified in the judgment of the court and shall reflect any change of name specified in the application if accompanied by a court order, as prescribed by Section 103425. No reference shall be made in the new birth certificate, nor shall its form in any way indicate, that it is not the original birth certificate of the registrant.

(e) This section shall become inoperative on September 1, 2018, and shall be repealed on January 1, 2019.

SEC. 13. Section 103430 is added to the Health and Safety Code, to read:

103430. (a) A petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary shall be accompanied by an affidavit from the petitioner and a certified copy of the court order changing the petitioner's name, if applicable. The petitioner's affidavit shall be accepted as conclusive proof of gender change if it contains substantially the following language: "I, (petitioner's full name), hereby attest under penalty of perjury that the request for a change in gender to (female, male, or nonbinary) is to conform my legal gender to my gender identity and is not for any fraudulent purpose."

(b) Except as provided in subdivision (e), unless a written objection is filed within 28 days of the filing of the petition and shows good cause for opposing a court order recognizing the change of gender, the court shall grant the petition without a hearing. If an objection is timely filed, the court may set a hearing, at a time designated by the court, only if the objection filed shows good cause for opposing the petition. Objections based solely on concerns over the petitioner's actual gender identity shall not constitute good cause. At the hearing, the court may examine on oath the petitioner and any other person having knowledge of facts relevant to the petition. At

the conclusion of the hearing, the court shall grant the petition if the court determines that the petition is not made for any fraudulent purpose.

(c) If the judgment includes an order for a new birth certificate and if the petitioner was born in this state, a certified copy of the decree of the court ordering the new birth certificate, shall, within 30 days from the date of the decree, be filed with the State Registrar. Upon receipt thereof together with the fee prescribed by Section 103725, the State Registrar shall establish a new birth certificate for the petitioner.

(d) The new birth certificate shall indicate the gender of the petitioner, as specified in the judgment of the court, and shall reflect any change of name specified in the court order, as prescribed by Section 103425. No reference shall be made in the new birth certificate, nor shall its form in any way indicate, that it is not the original birth certificate of the petitioner.

(e) (1) If a petitioner is under 18 years of age, the petition shall be signed by either at least one of the petitioner's parents or any guardian of the petitioner, or if both parents are deceased and there is no guardian of the petitioner, by either a near relative or friend of the petitioner or as provided in Section 7638 of the Family Code.

(A) If a petition filed by a petitioner who is under 18 years of age does not include the signature of both living parents, the petitioner shall serve the living parent who did not sign the petition with notice and an order to show cause pursuant to Section 413.10, 414.10, 415.10, or 415.40 of the Code of Civil Procedure, not less than 30 days after the petition was filed. If service cannot reasonably be accomplished pursuant to Section 415.10 or 415.40 of the Code of Civil Procedure, the court may order that service be given in a manner that the court determines is reasonably calculated to give actual notice to the living parent who did not sign the petition.

(B) The order to show cause shall direct the living parent who did not sign the petition to appear before the court at a time and place specified, which shall be not less than 6 weeks nor more than 12 weeks from the time of making the order to show cause, unless the court orders a different time, to show cause why the petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary should not be granted. The order to show cause shall direct the living parent who did not sign the petition to make known any objection to the granting of the petition by filing a written objection that includes the reasons for the objection with the court at least two court days before the matter is scheduled to be heard and by appearing in court at the hearing to show cause why the petition should not be granted. The order to show cause shall state that if the living parent who did not sign the petition does not timely file a written objection and appear in the court hearing, the court shall grant the petition without a hearing.

(2) (A) The court shall grant a petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary filed by a petitioner who is under 18 years of age without a hearing, unless a living parent who was required to be served with notice and an order to show cause in compliance with subparagraph (B) of paragraph (1) timely filed a written objection and appears in the court hearing.

(B) The court may deny a petition for a court order to recognize a change in the petitioner's gender as female, male, or nonbinary filed by a petitioner who is under 18 years of age, if both parents, if living, did not sign the petition, the living parent who did not sign the petition timely filed a written objection and appeared in the court hearing, and the court, after holding a hearing on the matter, finds that the change of gender is not in the best interest of the petitioner.

(f) This section shall become operative on September 1, 2018.

SEC. 14. Section 103440 of the Health and Safety Code is amended to read:

103440. The new birth certificate established pursuant to this article shall supplant any birth certificate previously registered for the registrant and shall be the only birth certificate open to public inspection. The application and supporting affidavit filed pursuant to Section 103426 shall be filed with the original record of birth, that shall remain as a part of the records of the State Registrar. All records and information specified in this article, other than the newly issued birth certificate, shall be available only upon written request of the registrant or an order of a court of record.

When a new birth certificate is established under this article, the State Registrar shall transmit copies of the newly established birth certificate for filing to the local registrar and the county recorder whose records contain copies of the original certificate, who shall forward the copies of the original certificate to the State Registrar for filing with the original certificate, if it is practical for the local registrar or the county recorder to do so. If it is

impractical for the local registrar or the county recorder to forward the copy to the State Registrar, the local registrar or the county recorder shall effectually seal a cover over the copy of the original certificate in a manner as not to deface or destroy the copy and forward a verified statement of the action to the State Registrar. Thereafter the information contained in the record shall be available only upon written request of the registrant or on order of a court of record.

SEC. 15. Section 12800 of the Vehicle Code, as added by Section 7 of Chapter 524 of the Statutes of 2013, is amended to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and, except as provided in Section 12801, social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

(l) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

SEC. 16. Section 12800 is added to the Vehicle Code, to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) (1) The applicant's true full name, age, gender category, mailing address, residence address, and, except as provided in Section 12801, social security account number.

(2) The applicant shall choose their gender category of female, male, or nonbinary.

(3) The department shall not require documentation for an original driver's license applicant's initial choice of a gender category or a licensed applicant's request for an amendment to a gender category other than the following:

(A) The applicant's self-certification of their chosen gender category.

(B) Documentation required by this code and the California Code of Regulations as necessary to establish that an applicant is lawfully entitled to a license.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

(k) The department shall adopt regulations to provide a process for an amendment to a gender category.

(l) This section shall become operative on January 1, 2019.

(m) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 17. Section 12800 of the Vehicle Code, as added by Section 8 of Chapter 524 of the Statutes of 2013, is amended to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, residence address, and social security account number.

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

- (i) Whether the applicant has ever previously been issued an identification card by the department.
- (j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.
- (k) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.
- (l) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

SEC. 18. Section 12800 is added to the Vehicle Code, to read:

12800. Each application for an original or a renewal of a driver's license shall contain all of the following information:

- (a) (1) The applicant's true full name, age, gender category, mailing address, residence address, and social security account number.
- (2) The applicant shall choose their gender category of female, male, or nonbinary.
- (3) The department shall not require documentation for an original driver's license applicant's initial choice of a gender category or a licensed applicant's request for an amendment to a gender category other than the following:
 - (A) The applicant's self-certification of their chosen gender category.
 - (B) Documentation required by this code and the California Code of Regulations as necessary to establish that an applicant is lawfully entitled to a license.
- (b) A brief description of the applicant for the purpose of identification.
- (c) A legible print of the thumb or finger of the applicant.
- (d) The type of motor vehicle or combination of vehicles the applicant desires to operate.
- (e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.
- (f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.
- (g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.
- (h) Whether the applicant understands traffic signs and signals.
- (i) Whether the applicant has ever previously been issued an identification card by the department.
- (j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.
- (k) The department shall adopt regulations to provide a process for an amendment to a gender category.
- (l) This section shall take effect on January 1, 2019, and shall become operative pursuant to subdivision (m).
- (m) This section shall become operative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 19. Section 13005 of the Vehicle Code is amended to read:

13005. (a) The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear the applicant's picture, and be produced in color or engraved by a process or processes that prohibit, as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a picture or photograph on the identification card without ready detection.

(b) (1) Upon issuance of a new identification card, or renewal of an identification card, the department shall provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7150.90 of the Health and Safety Code.

(2) The enrollment form shall be simple in design and shall be produced by the department, in cooperation with the California Organ and Tissue Donor Registrar, and shall require all of the following information to be supplied by the enrollee:

(A) Date of birth, gender, full name, address, and home telephone number.

(B) Consent for organs or tissues to be donated for transplant after death.

(C) Any limitation of the donation to specific organs, tissues, or research.

(3) The form shall also include a description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.

(4) The registry enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(6) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not further be disseminated by the registrar.

(c) A contract shall not be awarded to a nongovernmental entity for the processing of identification cards unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Glossary of Terms

Human Rights Campaign: <https://www.hrc.org/resources/glossary-of-terms>

Filed under: [Adoption](#), [Allies](#), [Bisexual](#), [Communities of Color](#), [Campus & Young Adult](#), [Children & Youth](#), [Coming Out](#), [Federal Advocacy](#), [Health & Aging](#), [HIV & AIDS](#), [International](#), [Parenting](#), [Religion & Faith](#), [State & Local Advocacy](#), [Transgender](#), [Transgender Children & Youth](#), [Workplace](#)

Many Americans refrain from talking about sexual orientation and gender expression identity because it feels taboo, or because they're afraid of saying the wrong thing. This glossary was written to help give people the words and meanings to help make conversations easier and more comfortable.

Ally | A person who is not LGBTQ but shows support for LGBTQ people and promotes equality in a variety of ways.

Androgynous | Identifying and/or presenting as neither distinguishably masculine nor feminine.

Asexual | The lack of a sexual attraction or desire for other people.

Biphobia | Prejudice, fear or hatred directed toward bisexual people.

Bisexual | A person emotionally, romantically or sexually attracted to more than one sex, gender or gender identity though not necessarily simultaneously, in the same way or to the same degree.

Cisgender | A term used to describe a person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Closeted | Describes an LGBTQ person who has not disclosed their sexual orientation or gender identity.

Coming out | The process in which a person first acknowledges, accepts and appreciates his or her sexual orientation or gender identity and begins to share that with others.

Gay | A person who is emotionally, romantically or sexually attracted to members of the same gender.

Gender dysphoria | Clinically significant distress caused when a person's assigned birth gender is not the same as the one with which they identify. According to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM), the term - which replaces Gender Identity Disorder - "is intended to better characterize the experiences of affected children, adolescents, and adults."

Gender-expansive | Conveys a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system.

Gender expression | External appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender-fluid | According to the Oxford English Dictionary, a person who does not identify with a single fixed gender; of or relating to a person having or expressing a fluid or unfixd gender identity.

Gender identity | One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Gender non-conforming | A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category.

Genderqueer | Genderqueer people typically reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation. People who identify as "genderqueer" may see themselves as being both male and female, neither male nor female or as falling completely outside these categories.

Gender transition | The process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized as another gender. Others undergo physical transitions in which they modify their bodies through medical interventions.

Homophobia | The fear and hatred of or discomfort with people who are attracted to members of the same sex.

Lesbian | A woman who is emotionally, romantically or sexually attracted to other women.

LGBTQ | An acronym for "lesbian, gay, bisexual, transgender and queer."

Living openly | A state in which LGBTQ people are comfortably out about their sexual orientation or gender identity – where and when it feels appropriate to them.

Outing | Exposing someone's lesbian, gay, bisexual or transgender identity to others without their permission. Outing someone can have serious repercussions on employment, economic stability, personal safety or religious or family situations.

Pansexual | Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way or to the same degree.

Queer | A term people often use to express fluid identities and orientations. Often used interchangeably with "LGBTQ."

Questioning | A term used to describe people who are in the process of exploring their sexual orientation or gender identity.

Same-gender loving | A term some prefer to use instead of lesbian, gay or bisexual to express attraction to and love of people of the same gender.

Sexual orientation | An inherent or immutable enduring emotional, romantic or sexual attraction to other people.

Transgender | An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

Transphobia | The fear and hatred of, or discomfort with, transgender people.

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OF CALIFORNIA

ADVISORY COMMITTEE ON PROVIDING
ACCESS AND FAIRNESS

2018 PAF MEETING SCHEDULE
(Second Wednesday of Every Other Month)

Toll Free: (877) 820-7831
Passcode: TBD
Time: 12:15–1:15 p.m.

1. **March 15, 2018 (in-person in San Francisco)**
2. May 9, 2018
3. July 11, 2018
4. September 12, 2018
5. November 14, 2018