

ASSEMBLY BILL

NO. 223

Introduced by Assembly Member Ward

(Principal coauthor: Senator Atkins)

(Coauthors: Assembly Members ~~Lee~~ *Cervantes, Lee, and Low*)

(Coauthors: Senators Eggman, Laird, *Padilla*, and Wiener)

January 10, 2023

An act to add Section 103447 to the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 223, as amended, Ward. Change of gender and sex identifier.

Existing law authorizes a person to file a petition with the superior court seeking a judgment recognizing their change of gender to female, male, or nonbinary, including a person who is under 18 years of age. Existing law authorizes a person to file a single petition to simultaneously change the petitioner's name and recognize the change to the petitioner's gender and sex identifier, as specified.

This bill would require any petition for a change of gender and sex identifier or a petition for change of gender, sex identifier, and name filed by a person under 18 years of age, and any papers associated with the proceeding, to be ~~filed under seal~~. *kept confidential by the court. The bill would require the court to limit access to these records to specified individuals, including, among others, the minor, the minor's parents, and their attorneys.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

DIGEST KEY

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

BILL TEXT

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

SECTION 1. Section 103447 is added to the Health and Safety Code, to read:

103447. If a person who seeks a change of gender and sex identifier pursuant to Section 103430 or a single petition for change to the petitioner's name and to recognize the change of the petitioner's gender and sex identifier pursuant to Section 103435 is under 18 years of age, the petition and any papers associated with the proceeding shall be ~~filed under seal.~~ *kept confidential by the court. The court shall limit access to the court records in the proceeding, including the register of actions, to the minor, any adult who signed the petition, the minor's parents or guardians or guardians ad litem, and any attorneys representing these individuals.*

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 103447 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

It is in the best interest for the public to ~~seal~~ *keep* these records ~~from the public~~ *confidential* to ensure the privacy and safety of transgender and nonbinary youth. Transgender and nonbinary youth are 2 to 2.5 times as likely to experience depressive symptoms, seriously consider suicide, and attempt suicide compared to their cisgender LGBTQ peers. Being outed is a traumatic event for any individual, especially for individuals under 18 years of age. Allowing our children to choose when and how they decide to share their personal details is vital in protecting their mental and physical health.