



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-153

For business meeting on October 24, 2025

Title

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk

Report Type

Action Required

Effective Date

January 1, 2026

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 2.40;
approve form MC-420

Date of Report

October 1, 2025

Recommended by

Advisory Committee on Providing Access
and Fairness

Hon. Kevin C. Brazile, Cochair

Hon. Victor A. Rodriguez, Cochair

Contact

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Executive Summary

Senate Bill 949 (Stats. 2024, ch. 159) requires superior courts to grant court users who are participating in court proceedings a reasonable amount of break time to express milk for their infant children. The legislation also mandates that the Judicial Council create a confidential process for superior court users to request break time for that purpose. To implement the new law, the Advisory Committee on Providing Access and Fairness recommends a new rule of court and a new optional form.

Recommendation

The Advisory Committee on Providing Access and Fairness recommends that, effective January 1, 2026, the council adopt rule 2.40 and approve *Request for Accommodation to Pump or Express Breast Milk* (form MC-420).

The recommended rule and optional form are attached at pages 7–11.

Relevant Previous Council Action

The council has not taken any relevant previous action.

Analysis/Rationale

Under Labor Code section 1031 (Link A), superior courts that employ more than 50 people must provide a lactation room to their employees; superior courts that employ fewer than 50 people may be exempt if they can demonstrate that this requirement would impose an undue hardship.¹ It came to the Legislature's attention that although many attorneys spend the bulk of their day in superior courts, not all superior courts permitted attorneys or jurors to use lactation rooms because they are not employees of the court. To ensure that all superior court users have similar access to a lactation room as court employees, in 2022 the Legislature enacted Assembly Bill 1576 (Stats. 2022, ch. 200), which added section 69894 to the Government Code. Effective July 1, 2026, section 69894 requires any superior court that is required to provide access to a lactation room to its employees to also provide access to a lactation room to court users.²

To provide the greatest number of superior court users with access to lactation rooms in as many courthouses as possible, Assembly Bill 3280 (Stats. 2024, ch. 228) (Link B) amended section 69894 to clarify that a superior court may provide a lactation room that does not meet all the requirements an employer must satisfy in providing a lactation room for employees under Labor Code section 1031(d).³ Assembly Bill 3280 also mandates that superior courts must use the most cost-effective means possible to construct or renovate lactation rooms in courthouses.⁴

In 2024 the Legislature also enacted Senate Bill 949 (Link C), which added section 69894.1 to the Government Code. Effective July 1, 2026, this section requires superior courts to provide court users participating in ongoing proceedings with a reasonable amount of break time during the proceedings to express breast milk for their infant children.⁵ Government Code section 69894.1(b) requires the Judicial Council to adopt or amend rules of court or forms to provide a confidential process to request this break time by no later than January 1, 2026.

The recommended rule of court and optional form would provide a confidential process by which superior court users participating in proceedings may request break time to express or pump breast milk under new Government Code section 69894.1.

Rule 2.40, Requests for accommodations to pump or express breast milk

New rule 2.40 is modeled on current rule 1.100, which governs requests for accommodations by persons with disabilities. The recommended process for requesting an accommodation to pump or express breast milk and responding to those requests closely mirrors rule 1.100, as court staff and users are already familiar with the disability accommodation request process. Also similar to rule 1.100, new rule 2.40 contains definitions, a policy statement, a review procedure, and

¹ Lab. Code, § 1031(a) & (i).

² The operative date of the bill was originally July 1, 2024, but was changed to July 1, 2026, in 2023 by Senate Bill 133 (Stats. 2023, ch. 34).

³ Gov. Code, § 69894(b).

⁴ *Ibid.*

⁵ Gov. Code, § 69894.1.

provisions to maintain confidentiality. The new rule does not include the provisions of rule 1.100(f), which address denials of disability accommodation requests, because the statutory bases for denial of a disability accommodation request do not apply to requests for break time by lactating persons.

Unlike rule 1.100, which is located in title 1, rules that apply to all courts, the new rule would be located in title 2, rules that apply to superior courts, because Senate Bill 949 applies to superior courts only. Within title 2, the new rule would be located in new chapter 5, Accommodations.

Request for Accommodation to Pump or Express Breast Milk (form MC-420)

The committee recommends new optional *Request for Accommodation to Pump or Express Breast Milk* (form MC-420), a confidential form that a user may submit to the court but that should not be submitted electronically because it contains sensitive health data and does not become part of the court's case file.

The recommended form is in plain-language format. On the first page, court users would put their name and contact information in item 1 and indicate their role in court proceedings in item 2. In items 3 and 4, court users would indicate the proceedings for which they are requesting break time and give additional information regarding their request (duration, timing, etc.). Page 2 of the form is for the court to respond to the request.

Policy implications

The committee is recommending adoption of rule 2.40 and approval of form MC-420 to assist courts in complying with the requirements of Government Code section 69894 et seq. In providing a simple and uniform process, the rule and form will help achieve the judicial branch's goal of providing quality of justice and service to the public.

Comments

The new rule and form circulated for public comment from April 15 to May 23 in the spring 2025 invitation-to-comment cycle. The committee received seven comments. Two commenters agreed with the proposal, four commenters agreed with the proposal if modified, and one commenter did not indicate a position.

In general, commenters supported the proposal to implement SB 949. A chart of comments is attached at pages 12–17.

One superior court commented that form MC-420 should be a confidential document that can be filed in the case file to allow for better tracking of the request throughout the life of a case. The committee understands the concern but does not recommend making this change because form MC-420 will contain sensitive health information.⁶ As a best practice, this information should be

⁶ Health Insurance Portability and Accountability Act, 45 C.F.R. parts 160 & 164; HIPAA Privacy Rule, 42 U.S.C. § 1320d; Pregnancy Discrimination Act of 1978, 95 P.L. 555, 92 Stat. 2076; Gov. Code, § 12945; Cal. Code Regs., tit. 2, § 11035(d) (Lexis Advance through Register 2024, No. 46, Nov. 15, 2024).

stored separately to ensure access is limited to individuals involved in the accommodations process. If superior courts have overriding operational concerns that necessitate placement in the case file, they may create their own local form for court users to request accommodations.

As circulated, the proposal provided for accommodation requests to go to a judicial officer. One local court requested that the committee also allow nonjudicial officers to review lactation accommodation requests, similar to the procedure provided in rule 1.100. This procedure would assist individuals not assigned to a courtroom. The committee agreed with the suggested revision and modified the review procedure of recommended rule 2.40 to allow review by a judicial officer or nonjudicial court staff. The committee modified the signature line on page 2 of form MC-420 to remove the words “judicial officer” and conform to the wording of the signature line found on page 2 of *Disability Accommodation Request* (form MC-410).

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (“JRS”) suggested expanding the definition of “persons who are lactating” to include individuals not covered by Government Code section 69894.1, including individuals providing breast milk for a child who is not their own and those who have a medical condition that causes them to lactate. The JRS stated that this change would have no fiscal impact and result in only a de minimis operational impact on courts. The committee agreed and implemented this suggestion by modifying the definitions of “persons who are lactating” and “accommodations” in recommended rule 2.40 and revising the introductory language of form MC-420 to remove references to the user’s own infant child. The JRS also commented that there is no statutory requirement for these accommodations requests to be submitted five days in advance or in writing. The committee agreed that, although advance notice is helpful, it is not necessary and oral requests should be permitted. The committee recommends modifications to the rule and the instructions on page 1 of form MC-420 to incorporate JRS’s suggestions. Subdivision (c)(3) of recommended rule 2.40 now reads, “[r]equests for accommodations should be made in advance, if possible.” The instructions on page 1 of form MC-420 contain the plain language advisement, “[t]ry to make this request before the date you need the accommodation, if you can.”

Alternatives considered

The committee considered including requests for lactation accommodation in rule 1.100, the existing rule for requesting disability accommodation. The committee rejected this option because although the processes are similar, the applicable law and types of accommodations are different. In addition, the statute specifies that trial courts must provide lactation accommodations, while all courts must provide disability accommodations. For clarity, the committee recommends a new rule in a new chapter of title 2.

Regarding the title of the form, *Request for Accommodation to Pump or Express Breast Milk* (form MC-420), the committee considered shortening the name to *Request for Lactation Accommodation*. However, the committee decided against this title because it does not comport with plain-language principles and the committee was concerned that the title might cause confusion among the public.

The committee also considered which term to use for the process of expressing milk and decided to use the phrase “pump or express.” The committee considered using only the word “express” or only the word “pump,” but the former is not plain language, and the latter excluded methods such as manual expression.

Because the statute does not specify the amount of time the court should grant for any scheduled break time, stating only that it should be “reasonable,”⁷ the committee considered shortening the form and not including item 4, which allows the user to provide more details about their request. Instead, the committee considered including only a general statement that the user should request a “reasonable” amount of time. However, because what is reasonable will depend on the circumstances, the committee decided that allowing an applicant to provide more information would assist the judicial officer or court staff in determining the amount of break time to allow and the reasonableness of the request.

Before circulation, the committee considered making form MC-420 mandatory instead of optional but decided against doing so to give individual courts the flexibility to adopt their own local forms, which may better suit their needs. The committee also considered approving an optional form but not proposing any rule amendments or a new rule; however, it concluded that courts would benefit from guidance on processing these requests.

Finally, the committee did not consider taking no action because of the legislative mandate to create a confidential process including rules of court or forms by which users participating in superior court proceedings can request break time.

Fiscal and Operational Impacts

To implement the new process, courts will need to provide training to judicial officers and court employees, create local procedures for court operations, and otherwise update systems to incorporate the new form. These costs are a result of the legislation.

Attachments and Links

1. Cal. Rules of Court, rule 2.40, at pages 7–9
2. Form MC-420, at pages 10–11
3. Chart of comments, at pages 12–17
4. Link A: Lab. Code, § 1031,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=1031
5. Link B: Assem. Bill 3280 (Stats. 2024, ch. 228),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240AB3280&showamends=false

⁷ Gov. Code, § 69894.1(a).

6. Link C: Sen. Bill 949 (Stats. 2024, ch. 159),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB949&showamends=false

Rule 2.40 of the California Rules of Court is adopted, effective January 1, 2026, to read:

Title 2. Trial Court Rules

Chapter 5. Accommodations

Rule 2.40. Requests for accommodations to pump or express breast milk

(a) Definitions

As used in this rule:

- (1) “Persons who are lactating” means individuals who may need to express breast milk, including but not limited to those specified in Government Code section 69894 et seq.
- (2) “Applicant” means any court user who is participating in an ongoing court proceeding in a superior court.
- (3) “Accommodations” means providing break time from court proceedings in a superior court to pump or express breast milk. Accommodations may include making reasonable modifications in policies, practices, and procedures and providing access to a lactation room if the court has one.

(b) Policy

It is the policy of the courts of this state to ensure that persons who are lactating have equal and full access to the judicial system.

(c) Process for requesting accommodations to pump or express breast milk

The process for requesting accommodations to pump or express breast milk is as follows:

- (1) Requests for accommodations may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally.
- (2) Requests for accommodations must include a description of the accommodation being requested. The court, in its discretion, may require the applicant to provide additional information about the request.
- (3) Requests for accommodations should be made in advance, if possible.
- (4) The court must keep confidential all information of the applicant concerning the request for accommodation unless confidentiality is waived in writing by

1 the applicant or disclosure is required by law. The applicant's identity and
2 confidential information may not be disclosed to the public or to persons
3 other than those involved in the accommodation process. Confidential
4 information includes all medical information pertaining to the applicant and
5 all oral or written communication from the applicant concerning the request
6 for accommodation.

7
8 **(d) Permitted communication**

9
10 Communications under this rule must address only the accommodation requested
11 by the applicant and must not address, in any manner, the subject matter or merits
12 of the proceedings before the court.

13
14 **(e) Response to accommodation request to pump or express breast milk**

15
16 The court must respond to a request for accommodation to pump or express breast
17 milk as follows:

- 18
19 (1) In determining whether to grant an accommodation request or provide an
20 appropriate alternative accommodation, the court must consider but is not
21 limited by Government Code section 69894 et seq.
22
23 (2) The court must promptly inform the applicant of the determination to grant or
24 deny an accommodation request. If the accommodation request is denied in
25 whole or in part, the response must be in writing. The response to the
26 applicant must indicate:
27
28 (A) Whether the request for accommodation is granted or denied, in whole
29 or in part, or an alternative accommodation is granted;
30
31 (B) If the request for accommodation is denied in whole or in part, the
32 reason for the denial;
33
34 (C) The nature of any accommodation to be provided;
35
36 (D) The duration of any accommodation to be provided; and
37
38 (E) If the response is in writing, the date the response was delivered in
39 person or sent to the applicant.
40

41 **(f) Review procedure**
42

1 (1) If the determination to grant or deny a request for accommodation is made by
2 nonjudicial court personnel, an applicant may submit a written request for
3 review of that determination to the presiding judge or designated judicial
4 officer. The request for review must be submitted within 10 days of the date
5 the response under rule 2.40(e)(2) was delivered in person or sent.

6
7 (2) If the determination to grant or deny a request for accommodation is made by
8 a presiding judge or another judicial officer, an applicant may file a petition
9 for a writ of mandate under rules 8.485–8.493 or 8.930–8.936 in the
10 appropriate reviewing court. The petition must be filed within 10 days of the
11 date the response under rule 2.40(e)(2) was delivered in person or sent to the
12 petitioner. For purposes of this rule, only those participants in the proceeding
13 who were notified by the court of the determination to grant or deny the
14 request for accommodation are considered real parties in interest in a writ
15 proceeding. The petition for the writ must be served on the respondent court
16 and any real party in interest as defined in this rule.

17
18 (3) The confidentiality of all information of the applicant concerning the request
19 for accommodation and review under rule 2.40(f)(1) must be maintained as
20 required under rule 2.40(c)(4).

21
22 **(g) Duration of accommodations**

23
24 The accommodation by the court must be provided for the duration indicated in the
25 response to the request for accommodation and must remain in effect for the period
26 specified. The court may provide an accommodation for an indefinite period of
27 time, for a limited period of time, or for a particular matter or appearance.

28
29 **Advisory Committee Comment**

30
31 Nothing in this rule limits the rights of persons who are lactating to seek accommodation under
32 rule 1.100.

33
34 **Subdivision (f)(2).** Which court is the “appropriate reviewing court” under this rule depends on
35 the court in which the accommodation decision is made and the nature of the underlying case. If
36 the accommodation decision is made by a superior court judicial officer and the underlying case
37 is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate
38 division of the superior court. If the accommodation decision is made by a superior court judicial
39 officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such
40 as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of
41 Appeal.

If you need break time while at court to pump or express breast milk, you may use this form to make your request.

Clerk receives and date stamps here.

DRAFT
Not approved by
the Judicial Council



Try to make this request before the date you need the accommodation, if you can.

1 Your information

Name: _____
Address: _____
Phone: _____
Email: _____

Court Name and Address:

Case Number (if you know it):

Case Name or Type (if you know it):



Important! Provide complete and updated contact information. The court may contact you about this request. The contact will only be about this request, and you must not discuss the details of any court case.

2 How are you participating in the case?

☐ Juror ☐ Party ☐ Witness ☐ Lawyer
☐ Other (explain): _____

3 For which court event are you asking for break time?

a. ☐ Date or dates: _____
Department: _____ Courthouse: _____
b. ☐ Other (explain): _____

4 Explain your request

a. At what times or how often are you asking for the breaks to happen? (specify): _____
b. How much break time are you asking for? (give length in minutes of each break): _____
c. Would you like to provide more information about your request? ☐ Yes (explain below) ☐ No

☐ More information on this request is attached. (you may use form MC-025)
d. If the court has an available lactation room, would you like to use it? ☐ Yes ☐ No

Date: _____

Type or print your name

Signature

Confidential—do not place in court file.



Name: _____

Case Number (if you know it): _____

----- Court fills out below -----

(Optional)



Important! If your situation changes after you make this request and you do not need the break for the date or dates you listed in (3), please contact the court at:

Phone: _____ Email: _____

- ☐ Your request is **GRANTED**. The court will provide the accommodation requested.
- ☐ Your request is **GRANTED IN PART**. The reasons for denying part of your request are listed below.

The court will provide the accommodation as follows:

- ☐ Your request is **DENIED** for the reasons listed below.

The court's reasons for denying all or part of your request are:

The court will provide the accommodation:

- ☐ For the dates and times requested. ☐ For every court hearing in this case.
- ☐ On the following date or dates: _____
- ☐ More information on this decision is attached.

Date: _____

Type or print name



Signature

The court responded in person, by phone, or by mail/email on: _____



Please note: Form MC-420 is a confidential form that is not part of the case file. The form must be given to the ADA coordinator or designated person in your court. If you are submitting papers to the court electronically, you must not include form MC-420 with your filing.

You may be able to ask for a review of this decision. [California Rules of Court, rule 2.40\(f\)](#) explains how to do this.

Confidential—do not place in court file.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Renée Coe, Attorney	A	We strongly support the proposed process for confidentially requesting breastfeeding accommodation in court. Many of our clients are low-income parents and caregivers who must bring their children or need to pump while attending court proceedings. Ensuring access to lactation rooms and creating a confidential request process promotes dignity, health, and equal access to justice for these individuals.	The committee appreciates the feedback on this proposal.
2.	Orange County Bar Association by Mei Tsang, President	A	Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the feedback on this proposal.
3.	Rebekah Pasciuti [No location stated]	AM	I agree with the proposed changes if it were modified to include ALL female court users, and not just court employees. The judicial system is supposed to work for the people that it serves. It seems to me that the judicial system is fixated on themselves more than they are about stabilizing fairness and equality within the communities that they live and work in. There is mixed language in the proposal that implies "court users" and "court employees." However, not all "court users" are "court employees." "Court users" would imply lactating mothers that either work for the court or are requesting assistance from the court. The diversity in this scenario is the difference between "court employees" and "non-court employees." To be inclusive would include "all." The court has a "double-standard" responsibility and obligation to provide adequate access, during court proceedings, to lactating mothers and their infants.	The committee appreciates the feedback on this proposal. As proposed and recommended, the rule and optional form allow all court users, not just court employees, to request lactation accommodations and use a lactation room, if available.
4.	Superior Court of California, County of Los Angeles	AM	The Court does not believe the form should include any additional information. The proposal would not provide cost savings.	The committee appreciates the feedback on this proposal and thanks the commenter for providing this information.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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	Commenter	Position	Comment	Committee Response
	by Stephanie Kuo, Analyst		To implement, the form should be made a confidential document in the case management system. Otherwise, it will be a manual, cumbersome process. Additionally, it will limit access and provide a specific place to store these forms. It will also ensure the judicial officer is aware of the request. If the proposal moves forward with the manual process, then it will be very difficult for the proposal to work in large courts.	The committee understands the concern. As a best practice, optional form MC-420 does not become a part of the case file. Nothing in the proposal limits courts from entering it in their case management systems, provided that the storage in the case management system is compliant with rule 2.40(c)(4), which contains the same language as rule 1.100(c)(4) regarding storage of requests for accommodations for persons with disabilities.
5.	Superior Court of Orange County, Family Law and Juvenile Divisions by Katie Tobias, Analyst	NI	Does the proposal appropriately address the stated purpose? Yes, the proposal appropriately addresses the stated purpose.	The committee appreciates the feedback on this proposal.
			Should the form include any other information? If so, please specify. The form is well designed in plain language and easy to use; however, adding a checkbox to indicate whether the user is requesting access to a lactation room or plans to use their own space could enhance its usability.	The committee understands the concern, but believes that question 4d on form MC-420, which reads, “If the court has an available lactation room, would you like to use it? ☐ Yes ☐ No” sufficiently addresses the concern.
			Would the proposal provide cost savings? If so, please quantify. No, the proposal does not appear to provide cost savings. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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	Commenter	Position	Comment	Committee Response
			Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system. Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, two months would provide sufficient time for implementation in Orange County. How well would this proposal work in courts of different sizes? Our court is a large court, and this could work for Orange County.	
6.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	Q: Does the proposal appropriately address the stated purpose? A: Yes. Q: Should the form include any other information? If so, please specify. A: No. Q: Would the proposal provide cost savings? If so, please quantify. A: No. Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? A: Developing internal procedures and training staff. Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: Our court would request three months from Judicial Council approval, which has been provided in previous invitation cycles. Q: How well would this proposal work in courts of different sizes? A: It appears the proposal would work for courts of all sizes.	The committee appreciates the feedback on this proposal and thanks the commenter for the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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	Commenter	Position	Comment	Committee Response
			MC-420: Propose that item 4d be removed. The court is unable to guarantee the availability of a specific lactation room at any given time. Lactation rooms are available to employees and members of the public (including observers and media) on a first-come, first-served basis. Providing designated times for a specific room creates logistical issues.	The committee understands the concern but does not recommend making this change because it believes that the language of question 4d is sufficient as proposed. The question states that the user is requesting a lactation room if one is available, it does not create an obligation for superior courts to provide a specific room at a specific time. It also does not create an obligation for courts to provide access to a lactation room at all if one is not available.
			The Review Procedure and Report at pp. 2-3 implies that nonjudicial officers of the court, such as the ADA Coordinator, are prohibited from ruling on the accommodation request. This differs from Rule 1.100 and also may be susceptible to issues when requests are made by, for example, jurors not assigned to a courtroom, or individuals seeking assistance from Family Law Facilitators, Small Claims Legal Advisors, or other clinics located in the courthouse where there may be no case filed. It is unclear which judicial officer would review accommodation requests from these individuals. For these instances, it makes sense for the court to have the ability to have accommodation requests reviewed and ruled on by a nonjudicial court personnel, such as the ADA Coordinator.	The committee agrees with the suggested revision and has changed the review procedure of rule 2.40 to allow nonjudicial court personnel to review these requests.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

Access and Fairness: Accommodations for Court Users to Pump or Express Breast Milk (adopt Cal. Rules of Court, rule 2.40, and approve form MC-420)

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	Commenter	Position	Comment	Committee Response
			Propose that these be part of the case file but in the confidential portion, not accessible by the public. For example, Judge A grants one of these requests for the duration of the case, but then the case is assigned out for trial (i.e. long cause, or on the wheel) to Judge B. If there is no record of the order on the accommodation in the court file, and these are confidential, how would Judge B know that an accommodation of this kind has been granted? The court should know what orders are in place in the event that another judge covers a matter where this accommodation has been granted.	The committee understands the concern. As a best practice, the committee is recommending that optional form MC-420 not become a part of the case file. Courts may instead create a local form for court users to request accommodations. The storage of any request form should comply with rule 2.40(c)(4), which contains the same language as rule 1.100(c)(4) regarding storage of requests for accommodations for persons with disabilities.
			No additional comments.	No response required.
7.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (JRS)	AM	Although Government Code section 69894.1 limits the right to this accommodation to individuals pumping or expressing breast milk for their “infant child,” the proposed rule and form should be revised to not include the same limit by replacing instances of “infant child” with “persons who are lactating” and by broadening the definition in the rule of “persons who are lactating.” The need to pump or express breast milk is not limited to individuals with an infant child. It also applies for individuals who are wet-nursing or who have the medical condition of galactorrhea. It is within the Branch’s discretion to provide broader access than what is required by statute, and providing this accommodation to such individuals would better align with the Judicial Branch’s goal to provide equal access. This change would not result in any increased fiscal impact, and the increased operational impact would be de minimis.	The committee agrees with the suggested revisions and has expanded the definitions of “persons who are lactating” and “accommodations” in rule 2.40 and removed references to the user’s infant child from the introductory language of form MC-420.
			The required timeline and format for submission of these requests in section (c) of the rule appears to be modeled after the requirements in CRC, rule 1.100. However, accommodations for this purpose are different than accommodations	The committee agrees with the suggested revision and has removed the requirement in recommended rule

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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	Commenter	Position	Comment	Committee Response
			under that rule. The need to pump or express breast milk may occur at a specific time, but most court proceedings are scheduled for a window of time and not a specific time. The specific time the proceeding will occur may not be clear until the calendar has commenced. It is therefore unrealistic to expect individuals in such proceedings to submit these requests at least five days in advance as they do not yet know if they will need the accommodation. Further, the reason that rule 1.100 requires requests to be submitted in advance is that many accommodations under the rule require advance preparation by the court. No advance preparation is required to provide an accommodation under this rule.	2.40 for users to submit the form five court days in advance. The recommended rule now states that, "Requests for accommodations should be made in advance if possible." The committee has also updated the instructions on recommended form MC-420 to state, "Try to make this request before your court date, if you can."
			Lastly, Government Code section 69894.1 does not require the requests to be submitted in writing or in advance. The rule should therefore be modified to allow for verbal requests to be made confidentially to the judicial officer during a court proceeding or calendar, to comply with the statutory obligation and better conform to operational and accommodation realities.	The committee agrees with the suggested revision and has updated the recommended rule to allow for users to submit oral requests.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.