



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 23-162, Version: 1

Title

Rules and Forms | Family Law: Child Custody and Visitation Orders Involving Gender-Affirming Health Care (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending one rule of court, effective January 1, 2024, to implement Senate Bill 107 (Stats. 2022, ch. 810). Senate Bill 107 amends Family Code sections 3421 and 3424 and enacts a new public policy in Family Code section 3453.5 that supports a parent's ability to seek gender-affirming health care or gender-affirming mental health care for a child in the state of California without penalty. The amendments to the rule would provide procedures for situations in which a parent seeks emergency child custody or visitation orders in family court because the laws of another state prohibit that parent from providing gender-affirming health care or gender-affirming mental health care for their child.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend California Rules of Court, rule 5.151 to specify the procedures and forms that a parent or guardian must use to ask the court for temporary emergency orders when the issue relates to gender-affirming health care or gender-affirming mental health care--care that is prohibited by the law of another state or unavailable in another state. In addition, the committee recommends replacing certain terms in a separate, relevant section of rule 5.51 to make the rule easier to understand.