

KNOW YOUR RIGHTS:

SB 59 – THE TRANSGENDER RECORDS ACT



SB 59 is a new California law that protects the privacy of transgender and nonbinary people who change their name and/or gender marker through the courts. Although the law took effect immediately when it was signed by Governor Newsom on October 13, 2025, it will not be fully implemented until July 1, 2026. Below are answers to common questions about the law and guidance on how you can take advantage of these new protections now.

WHAT DOES SB 59 DO?

SB 59 makes all court records for name and gender marker changes **confidential** beginning **July 1, 2026**. The law also requires courts to make previously filed name and gender change records confidential upon request. This means your petition and related records will not be public and cannot be shared or posted online without your permission. The law also creates new legal protections if someone discloses or publishes your confidential records without your consent.

WEREN'T THESE COURT RECORDS ALREADY CONFIDENTIAL?

Partially. Under a previous law, court records for **minors** are confidential for petitions filed on or after January 1, 2024. SB 59 extends these same protections to **adults** beginning July 1, 2026.

WHAT IF I ALREADY CHANGED MY NAME OR GENDER MARKER?

Adults: If your petition was filed before July 1, 2026, your records will not be automatically made confidential. SB 59 created a simplified process for you to request confidentiality

Minors: Petitions filed on or after January 1, 2024 are already confidential automatically. However, petitions filed before that date require a request to make the records confidential.

WHEN DID THE LAW TAKE EFFECT?

SB 59 took effect immediately when it was signed on October 13, 2025, but automatic confidentiality for adult petitions does not begin until July 1, 2026. Until then, adults — and minors whose petitions were filed before January 1, 2024 — must file a request to make their records confidential. SB 59 creates a streamlined process to do so.

HOW CAN I MAKE MY COURT RECORDS CONFIDENTIAL NOW?

If your petition was filed before July 1, 2026 — and you are not already covered under the minor protections — you can ask the court to make your records confidential now by filing an “ex parte” request. An ex parte request is a simple written request that you can file on your own, without needing a formal hearing. Under SB 59, the court cannot charge a fee for this request, and the court must approve it.

To request confidentiality before July 1, 2026:

- **If you're filing a new petition now:**
Submit a request for confidentiality with your petition.
- **If your petition was filed earlier:**
File an ex parte request to have your records made confidential.

You can use the sample forms available at www.crla.org/programs/lgbtq-justice and tailor them to your needs. Once you have made changes that fit your situation, you can take them to court. These will help clearly show the court what you are asking for and cite the correct legal

authority under SB 59. The forms are for reference only and are not legal advice. In California, an ex parte request requires a declaration and a proposed order. Be sure to include those in your filing if you decide to draft your own request.

Please keep in mind: Courts are still updating their systems, forms, and procedures to comply with the new law, so experiences may vary by county. While you can request confidentiality now, you may need to advocate for yourself until statewide guidance is issued. If you need help, consider reaching out to an attorney or legal aid organization for assistance.

WILL MORE GUIDANCE BE COMING?

Yes. The Judicial Council (which oversees all California courts) must issue guidance by July 1, 2026 to ensure consistent implementation statewide. Until then, experiences may vary depending on which county or courthouse you file in. If you face obstacles, consider reaching out to an attorney or legal aid organization for assistance.

DO I NEED A LAWYER TO ASK FOR CONFIDENTIALITY?

No. You can file the request yourself, but it can help to bring a copy of SB 59 with you in case court staff are unfamiliar with it. If you encounter challenges, politely ask to speak with a supervisor and consider contacting an attorney or legal aid organization for support.

WHAT IF SOMEONE POSTS OR SHARES MY RECORDS WITHOUT MY CONSENT?

If someone posts, shares, or discloses your confidential court records without your consent — whether online, in print, or by sending them to others — they are violating the law under SB 59. These records are protected, and no one (including individuals, organizations, or data brokers) is allowed to make them public without your permission.

That said, you cannot bring a lawsuit or seek damages immediately. The right to take legal action under SB 59 — including the ability to recover money or other penalties — begins six months after the law's October 13, 2025 effective date.

If your confidential records are shared without your permission, reach out to an attorney or legal aid organization for help. They can explain your rights, guide you through next steps, and support you in preparing to take action once the enforcement period begins.

WHERE CAN I GET HELP?

YOU DON'T HAVE TO DO THIS ALONE. There are a number of legal aid and advocacy organizations that can help you understand your rights, file for confidentiality, or address problems with your court records. **Many offer free or low-cost assistance.**

Visit LAWHELPCA.ORG to find legal resources and organizations that can help.

