

FAQ FOR COURTS:

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 (HSC, § 103437 (i)). Below are answers to common questions about the law and guidance to assist the courts in implementing the law through its different phases of rollout.

WHAT DOES SB 59 DO?

SB 59 makes all court records for name and gender marker changes **confidential** beginning **July 1, 2026**. (HSC, § 103437 (c)(1)). The law also requires courts to make previously filed name and gender change records confidential upon request (HSC, §§ 103437 (c-d)). This includes name changes to conform with gender identity, combined name and gender marker changes, and standalone requests to update gender markers. This extends

protections to adults that were already provided for minors since January 1, 2024.

WHEN DID THE LAW TAKE EFFECT?

SB 59 took effect immediately when it was signed on October 13, 2025 (HSC, § 103437 et seq.), but automatic confidentiality for adult petitions does not begin until July 1, 2026 (HSC, § 103437 (c)(1)). Until then, adults — and minors whose petitions were filed before January 1, 2024 — must file a request to make their records confidential (HSC, §§ 103437 (c-d)). SB 59 creates a streamlined process to do so.

WHAT WILL THE PROCESS LOOK LIKE BEFORE JULY 1, 2026?

Petitioners can immediately file an ex parte request to make the records confidential (HSC, § 103437 (c)). Under the new law, the court cannot charge a fee for this request, and the court must approve it, so long as the case is a name change to conform with gender identity, a combined name and gender marker change or a standalone gender marker change (HSC, § 103437 (d)).

WHAT IS THE DIFFERENCE BETWEEN MAKING THE CASE CONFIDENTIAL AND SEALING THE RECORDS?

Most of the time, if a record is sealed, even the parties cannot access the case. On the other hand, the court records at issue

here will be confidential to the public, but still accessible to the parties.

WHO HAS ACCESS TO THE RECORDS WHEN SOMEONE FILES A PETITION FOR A NAME/GENDER MARKER CHANGE?

Before the court grants the name/gender marker change **for an adult**, the records are still required to be accessible to:

- The petitioner;
- Any other person who signed the petition;
- Any individual who is subject to service of an order to show cause related to the petition;
- Any attorney representing those individuals; and
- Any agents acting pursuant to written authorization from those individuals or their attorneys.

Before the court grants the name/gender marker change **for a minor**, in addition to the people above, the records are **ALSO** required to be accessible to:

- The minor subject of the petition;
- The minor's parents, guardians, and guardians ad litem;
- Any attorney representing those individuals; and
- Any agents acting pursuant to written authorization from those individuals or their attorneys.

After the court grants the name/gender marker change, **regardless of age**, the records are only to be accessible to:

- The petitioner;
- A minor who received a name/

gender marker change;

- Any adult who signed the petition;
- Any attorney representing those individuals; and
- Any agents acting pursuant to written authorization from those individuals or their attorneys.

WHAT RECORDS HAVE TO BE MADE CONFIDENTIAL?

All of them. This includes the index, register of actions, petition, and any other case information available through court systems used to provide the public with electronic access to court records [HSC, § 103437 (b)(1)]. The case itself should not be visible through the court's online records. If the documents are confidential, but the petitioner's name and case type is still posted, then the case is not confidential, as required by the law.

WHAT WILL THE PROCESS LOOK LIKE AFTER JULY 1, 2026?

After July 1, 2026, all newly filed name and/or gender marker changes will have to be made confidential based on the guidelines above immediately upon filing, without a need to file a separate request [HSC, § 103437 (c)(1)]. However, people involved in any case filed before July 1, 2026 will be able to continue to file no-fee ex parte requests that the records be made confidential in the same way that they can do now [HSC, §§ 103437 (c-d)]. By July 1, 2026, the Judicial Council is expected to provide forms for these purposes [HSC, § 103437 (i)].