

AMENDED IN SENATE JUNE 5, 2023  
AMENDED IN ASSEMBLY MARCH 13, 2023  
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 957**

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**Introduced by Assembly Member Wilson**  
(Principal coauthor: Senator Wiener)

February 14, 2023

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An act to amend Section 1277.5 of the Code of Civil Procedure, and to amend Section 3011 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 957, as amended, Wilson. Family law: gender identity.

~~Existing law authorizes a person to petition for a court order conforming the person's name to the person's gender identity. Existing law requires the court, upon the filing of a petition commencing a proceeding for a change of name to conform the petitioner's name to the petitioner's gender identity, to make an order reciting the filing of the petition and directing all persons interested in the matter to make their objections known, as specified. Existing law requires the petition and order to be served on the parent who did not sign the petition if a petition to change the name of a minor to conform to their gender identity does not include the signature of both living parents, as specified.~~

~~This bill would require the court to strongly consider that affirming the minor's gender identity is in the best interest of the child if a nonconsenting parent objects to a name change to conform to the minor's gender identity.~~

Existing law governs the determination of child custody and visitation in contested proceedings and requires the court, for purposes of deciding custody, to determine the best interests of the child based on certain factors, including, among other things, ~~the nature and amount of contact with both parents and~~ the health, safety, and welfare of the child.

~~This bill would require a court, when determining the best interests of a child, to also consider a parent’s affirmation of the child’s gender identity.~~

*This bill, for purposes of this provision, would include a parent’s affirmation of the child’s gender identity as part of the health, safety, and welfare of the child.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1277.5 of the Code of Civil Procedure~~  
 2     ~~is amended to read:~~  
 3     ~~1277.5.—(a) (1) If a proceeding for a change of name to~~  
 4     ~~conform the petitioner’s name to the petitioner’s gender identity~~  
 5     ~~is commenced by the filing of a petition, the court shall thereupon~~  
 6     ~~make an order reciting the filing of the petition, the name of the~~  
 7     ~~person by whom it is filed, and the name proposed. The order shall~~  
 8     ~~direct all persons interested in the matter to make known an~~  
 9     ~~objection to the change of name by filing a written objection, which~~  
 10    ~~includes the reasons for the objection, within six weeks of the~~  
 11    ~~making of the order and shall state that if no objection showing~~  
 12    ~~good cause to oppose the name change is timely filed, the court~~  
 13    ~~shall, without hearing, enter the order that the change of name is~~  
 14    ~~granted.~~  
 15    ~~(2) (A) If a petition is filed to change the name of a minor to~~  
 16    ~~conform to their gender identity and the petition does not include~~  
 17    ~~the signatures of both living parents, the petition and the order to~~  
 18    ~~show cause made in accordance with paragraph (1) shall be served~~  
 19    ~~on the parent who did not sign the petition, pursuant to Section~~  
 20    ~~413.10, 414.10, 415.10, or 415.40, within 30 days from the date~~  
 21    ~~on which the order is made by the court. If service cannot~~  
 22    ~~reasonably be accomplished pursuant to Section 415.10 or 415.40,~~  
 23    ~~the court may order that service be accomplished in a manner that~~

1 the court determines is reasonably calculated to give actual notice  
2 to the parent who did not sign the petition.

3 ~~(B) If a nonconsenting parent objects to a name change to~~  
4 ~~conform to the minor's gender identity, the court shall strongly~~  
5 ~~consider that affirming the minor's gender identity is in the best~~  
6 ~~interest of the child pursuant to Section 3011 of the Family Code.~~

7 ~~(b) The proceeding for a change of name to conform the~~  
8 ~~petitioner's name to the petitioner's gender identity is exempt from~~  
9 ~~a requirement for publication.~~

10 ~~(c) A hearing date shall not be set in the proceeding unless an~~  
11 ~~objection is timely filed and shows good cause for opposing the~~  
12 ~~name change. Objections based solely on concerns that the~~  
13 ~~proposed change is not the petitioner's actual gender identity or~~  
14 ~~gender assigned at birth shall not constitute good cause. At the~~  
15 ~~hearing, the court may examine under oath any of the petitioners,~~  
16 ~~remonstrants, or other persons touching the petition or application~~  
17 ~~and may make an order changing the name or dismissing the~~  
18 ~~petition or application as the court may deem right and proper.~~

19 ~~SEC. 2.~~

20 *SECTION 1.* Section 3011 of the Family Code is amended to  
21 read:

22 3011. (a) In making a determination of the best interests of  
23 the child in a proceeding described in Section 3021, the court shall,  
24 among any other factors it finds relevant and consistent with  
25 Section 3020, consider all of the following:

26 (1) (A) The health, safety, and welfare of the child.

27 (B) *As used in this paragraph, the health, safety, and welfare*  
28 *of the child includes a parent's affirmation of the child's gender*  
29 *identity.*

30 (2) (A) A history of abuse by one parent or another person  
31 seeking custody against any of the following:

32 (i) A child to whom the parent or person seeking custody is  
33 related by blood or affinity or with whom the parent or person  
34 seeking custody has had a caretaking relationship, no matter how  
35 temporary.

36 (ii) The other parent.

37 (iii) A parent, current spouse, or cohabitant of the parent or  
38 person seeking custody, or a person with whom the parent or person  
39 seeking custody has a dating or engagement relationship.

1 (B) (i) As a prerequisite to considering allegations of abuse,  
2 the court may require independent corroboration, including, but  
3 not limited to, written reports by law enforcement agencies, child  
4 protective services or other social welfare agencies, courts, medical  
5 facilities, or other public agencies or private nonprofit organizations  
6 providing services to victims of sexual assault or domestic violence.

7 (ii) As used in this paragraph, “abuse against a child” means  
8 “child abuse or neglect” as defined in Section 11165.6 of the Penal  
9 Code.

10 (iii) Abuse against another person, as described in clause (ii) or  
11 (iii) of subparagraph (A), means “abuse” as defined in Section  
12 6203.

13 (3) The nature and amount of contact with both parents, except  
14 as provided in Section 3046.

15 (4) (A) The habitual or continual illegal use of controlled  
16 substances or the habitual or continual abuse of alcohol or  
17 prescribed controlled substances by either parent. Before  
18 considering these allegations, the court may first require  
19 independent corroboration, including, but not limited to, written  
20 reports from law enforcement agencies, courts, probation  
21 departments, social welfare agencies, medical facilities,  
22 rehabilitation facilities, or other public agencies or nonprofit  
23 organizations providing drug and alcohol abuse services.

24 (B) As used in this paragraph, “controlled substances” has the  
25 same meaning as defined in the California Uniform Controlled  
26 Substances Act (Division 10 (commencing with Section 11000)  
27 of the Health and Safety Code).

28 (5) (A) When allegations about a parent pursuant to paragraph  
29 (2) or (4) have been brought to the attention of the court in the  
30 current proceeding and the court makes an order for sole or joint  
31 custody or unsupervised visitation to that parent, the court shall  
32 state its reasons in writing or on the record. In these circumstances,  
33 the court shall ensure that an order regarding custody or visitation  
34 is specific as to time, day, place, and manner of transfer of the  
35 child as set forth in subdivision (c) of Section 6323.

36 (B) This paragraph does not apply if the parties stipulate in  
37 writing or on the record regarding custody or visitation.

38 ~~(6) A parent’s affirmation of the child’s gender identity because~~  
39 ~~it is in the best interest of the child to affirm their gender identity.~~

1 (b) Notwithstanding subdivision (a), the court shall not consider  
2 the sex, gender identity, gender expression, or sexual orientation  
3 of a parent, legal guardian, or relative in determining the best  
4 interests of the child.

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