

**CREATING AN AFFIRMATIVE  
LGBTQ+ PRACTICE**

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**WHO WE ARE**

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**The Ventura County District Attorney's Office**



Under the leadership of District Attorney Erik Nasarenko, the Ventura County District Attorney's Office works tirelessly to protect the rights of victims, the environment, and the community.

Headed by the District Attorney's Office, the Family Justice Center, is an integrated, co-located collaborative providing services to those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, and other violent crimes.

District Attorney Erik Nasarenko

<https://www.vcdistrictattorney.com/>

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**CRLA, INC.  
WHO WE ARE**

California Rural Legal Assistance, Inc. is a non-profit law firm providing free legal assistance to low income and other qualifying individuals and organized community groups whose members would be eligible clients.

CRLA is a statewide law firm serving rural California through a network of 16 local branch offices.

- It is our mission to fight for justice and individual rights alongside the most exploited communities of our society.
- We work tirelessly to create a rural California where all people are treated with dignity and respect, and guaranteed their fundamental rights.

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At the **Ventura County Family Justice Center**, we work to improve the lives of those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, hate crimes, and other violent crimes.

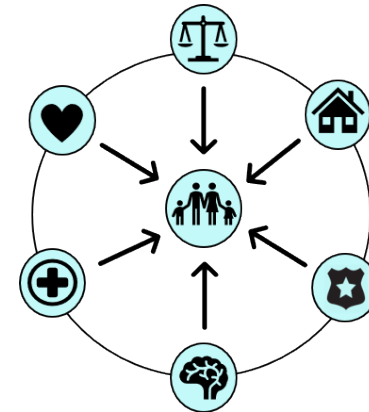
En el **Ventura County Family Justice Center**, trabajamos para mejorar las vidas de las personas afectadas por violencia doméstica, asalto sexual, abuso infantil, abuso de ancianos y adultos dependientes, tráfico de personas, crímenes de odio y otros crímenes violentos.



**VENTURA COUNTY  
FAMILY JUSTICE CENTER**

Help & **HOPE**

Ayuda y **ESPERANZA**



3170 Loma Vista Road

Ventura, CA 93003

[vcfjc.org](http://vcfjc.org)

M-F 8:00 a.m. - 5:00 p.m.

Call: 805.652.7655

Text: 805.947.7981

Email: [vcfjc.coop@ventura.org](mailto:vcfjc.coop@ventura.org)



# AVAILABLE SERVICES

- Victim advocacy
- Emergency assistance
- Restraining order assistance
- Safety services
- Shelter and housing assistance
- Civil legal services
- Mental health services
- Spiritual support
- Financial counseling
- Education
- Child development

# SERVICIOS DISPONIBLES

- Intercesión por la víctima
- Asistencia de emergencia
- Ayuda con órdenes de restricción
- Servicios de seguridad
- Refugio y asistencia de vivienda
- Servicios jurídicos civiles
- Servicios de salud mental
- Apoyo espiritual
- Asesoramiento financiero
- Educación
- Desarrollo infantil



# VENTURA COUNTY FAMILY JUSTICE CENTER

## Contacts for Local Services and Resources

- Family Justice Center — 805-652-7655 or email [vcfjc.coop@ventura.org](mailto:vcfjc.coop@ventura.org) or text 805-947-7981
- 211 Ventura County — Call or text 2-1-1
- Area Agency on Aging — 805-477-7300 or email [lois.vcaaa@ventura.org](mailto:lois.vcaaa@ventura.org)
- Behavioral Health Crisis Referral Line — 866-998-2243
- Child/Adult Abuse & Neglect Hotline — 805-654-3200
- Coalition for Family Harmony Crisis Line — 800-300-2181
- Human Services Agency — 888-472-4463 or [www.ventura.org/human-services-agency/hsa-alert/](http://www.ventura.org/human-services-agency/hsa-alert/)
- Interface Children & Family Services Crisis Line — 800-636-6738
- Child Support Services — 866-901-3212 or text 805-316-6272
- Líderes Campesinas, Inc. — 805-486-7776
- Mixteco/Indígena Community Organizing Project — 805-483-1166
- Ventura County Legal Aid — 805-650-7592 or email [support@vclegalaid.org](mailto:support@vclegalaid.org)

In case of emergency, call 9-1-1





# VENTURA COUNTY FAMILY JUSTICE CENTER

*When you choose hope, anything is possible.*

Providing integrated, co-located services with many onsite partners to those impacted by domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, and other violent crimes.

<p>Ventura County District Attorney</p> 	<p>Coalition for Family Harmony</p> 	<p>Healthcare for Justice</p> 	<p>Interface Children and Family Services</p> 
<p>Lideras Campesinas, Inc.</p> 	<p>Mixteco Indigena Community Org.</p> 	<p>Safe Harbor MDIC</p> 	<p>CSU Channel Islands</p> 
<p>Oxnard Police Department</p> 	<p>Port Hueneme Police Department</p> 	<p>Santa Paula Police Department</p> 	<p>Simi Valley Police Department</p> 
<p>Ventura County Area Agency on Aging</p> 	<p>Ventura County Arts Council</p> 	<p>Ventura County Behavioral Health</p> 	<p>VC Dept. of Child Support Services</p> 
<p>VC Human Services Agency</p> 	<p>Ventura County Legal Aid, Inc.</p> 	<p>Ventura County Probation Agency</p> 	<p>Ventura County Public Health</p> 
<p>Ventura County Sheriff's Office</p> 	<p>Ventura Police Department</p> 	<p>VCCCD Police Dept.</p> 	<p>Voices of Ventura County</p> 

## *Integrated, co-located services including...*

### **Ventura County District Attorney's Office**

Manage VCFJC operations and assign co-located prosecutors, investigators, victim advocates, and other support staff. Provide orientation to criminal justice system and information on victim rights. Assist victims with safety planning activities, court advocacy, referral services, claims for victim compensation and follow-up contacts. Conduct free restraining order assistance clinics. Coordinate Camp HOPE America – Ventura County, other youth program activities, the VCFJC volunteer program, the VCFJC training program, and other business needs.

### **The Coalition for Family Harmony**

Co-located staff to assist victims of violence with advocacy, counseling, psychotherapy, trauma recovery, and emergency shelter services to victims of violence and their families.

### **Healthcare for Justice Foundation**

Part-time, co-located medical staff to provide medical screenings and services to VCFJC victims.

### **Interface Children & Family Services**

Provide co-located staffing to assist victims of violence with advocacy, counseling, psycho-therapy, trauma recovery, and emergency shelter services to victims of violence and their families.

### **Mixteco Indigena Comm. Organizing Project**

MICOP provides part-time, on-call staffing and accepts referrals to assist Mixteco, Zapoteco, Purpecha, Maya, and other indigenous groups who are victims of labor crimes within the farmworker population, domestic violence, and sexual assault with necessary services including U-Visa assistance, advocacy, prevention workshops, and support.

### **Líderes Campesinas, Inc.**

Provides part-time, on-call staffing at the VCFJC to assist Spanish speaking immigrant farmworker women victims and survivors of domestic violence, sexual assault, and sexual harassment with necessary services including U-visa and VAWA assistance.

### **Safe Harbor (Child Advocacy Center)**

Multi-disciplinary services including forensic interviews, medico-legal services, and access to advocacy services by physicians, sexual assault nurse examiner, and victim advocates for adult victims of sexual assault and child victims of sexual assault and/or physical abuse.

### **Ventura County Area Agency on Aging**

Part-time, co-located staff assist elder and dependent adult victims of crime to assist elder and dependent adult victims and their families with services including emergency shelter, transportation, counseling, respite care, and funding for specific emergency expenses.

### **Ventura County Arts Council**

Part-time, co-located to provide art therapy and wellness activities as part of the VCFJC goal to help victims and non-offending family members heal from trauma.

### **Ventura County Behavioral Health**

Provides offsite staff and/or volunteers to accept referrals from and respond to the VCFJC for counseling and advocacy to victims.

### **VC Dept. of Child Support Services**

Co-located staff to assist victims of crime and restraining order clinic attendees with child support enforcement, applications, and modifications of existing orders.

### **Local Law Enforcement Agencies**

Officers respond to, make reports, and conduct interviews related to crimes of domestic violence, sexual assault, child abuse, elder and dependent adult abuse, human trafficking, and other violent crimes:

- **VC Sheriff's Office**
- **Oxnard Police Department**
- **Port Hueneme Police Department**
- **Santa Paula Police Department**
- **Simi Valley Police Department**
- **Ventura Police Department**
- **CSU Channel Islands Police Department**
- **VCCCD Police Department**

### **Ventura County Human Services Agency**

Part-time, co-located staff to accept referrals from and offer services and advocacy to victims of VCFJC crime types, including emergency shelter, transportation, counseling, respite care, and funding for specific emergency expenses.

### **Ventura County Legal Aid, Inc.**

Co-located civil attorneys provide complete civil legal service needs assessments using standard civil legal practices. Free civil legal services to VCFJC clients regardless of ability to pay. Attend weekly restraining order clinics.

The VCLA, Inc. / VLAP is a wholly independent law firm and are not agents of the VCFJC or the Office of the District Attorney.

### **Ventura County Probation Agency**

Provides part-time, co-located staff to confer with VCFJC victims when preparing sentencing reports and to coordinate with law enforcement regarding offender status and probation violations.

### **Ventura County Public Health**

Provides part-time, co-located public health nurse to provide health screenings and accept referrals from and offer services and advocacy to victims of violence.

### **Voices of Ventura County**

Survivor committee formed to provide peer support, and offer education and resources to victims and survivors. Coordinates with partners, professionals, and agencies to raise awareness about crime victimization and create victim-centered support for all clients. Provides volunteer resources to meet gaps in services to clients at the VCFJC.

Clerk stamps date here when form is filed.

Empty box for clerk stamping date.

**1 Name of Person Asking for Order:**

\_\_\_\_\_

Your lawyer in this case (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**Address** (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**  
\_\_\_\_\_  
\_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**  
\_\_\_\_\_


**2 Name of Person to Be Restrained:**

\_\_\_\_\_

*The court will fill out the rest of this form.*

**3 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the person in 2:**

	Date: _____	Time: _____	Name and address of court if different from above: _____
	Dept.: _____	Room: _____	_____
	_____	_____	_____

**4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)**

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order*, are (check only one box below):

- (1)  All **GRANTED** until the court hearing.
- (2)  All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3)  Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order*, are:

- (1)  The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5.)
- (2)  The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3)  Further explanation of reason for denial, or reason not listed above:  
\_\_\_\_\_  
\_\_\_\_\_



**5 Confidential Information Regarding Minor**

- a.  A Request to Keep Minor's Information Confidential (form DV-160) was made and **GRANTED** (see form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. **If the request was granted, the information described on the order (form DV-165, item 7) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

**6 Service of Documents by the Person in 1**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form (DV-109, Notice of Court Hearing) to the person in 2 along with a copy of all the forms indicated below:

- a. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- b.  DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- e. DV-250, Proof of Service by Mail (blank form)
- f.  DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g.  Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

Judicial Officer

**Right to Cancel Hearing: Information for the Person in 1**

- If item 4a(2) or 4a(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item 6 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 6 served on the other person within the time listed in item 6.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.





**To the Person in ① :**

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read form DV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

**To the Person in ② :**

- If you want to respond in writing, mail a copy of your completed form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail form DV-120 yourself. Someone age 18 or older — **not you** — must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the hearing.
- For information about responding to a restraining order and filing your answer, read form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**



**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk’s Certificate*  
*[seal]*

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

**① Name of Protected Person:**

Your lawyer in this case (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

**Address** (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Name of Restrained Person:**

Description of restrained person:

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____	Eye Color: _____
Race: _____	Age: _____	Date of Birth: _____		
Address (if known): _____				
City: _____	State: _____	Zip: _____		
Relationship to protected person: _____				

**③  Additional Protected Persons**

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

Full name	Relationship to person in ①	Sex	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

**④ Court Hearing**

This order expires at the end of the hearing stated below:

Hearing Date: _____	Time: _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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**This is a Court Order.**



- 5**  **Criminal Protective Order**
- a.  A criminal protective order on form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
- b.  No information has been provided to the judge about a criminal protective order.

**To the person in 2**

**The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.**

- 6** **Personal Conduct Orders**  Not requested  Denied until the hearing  Granted as follows:
- a. You must **not** do the following things to the person in 1 and  persons in 3:
- Harass, attack, strike, threaten, assault (*sexually or otherwise*), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (*on the Internet, electronically or otherwise*), or block movements
  - Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
  - Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 and 3.  
(If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of [Form DV-120](#) (*Response to Request for Domestic Violence Restraining Order*) or other legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 7** **Stay-Away Order**  Not requested  Denied until the hearing  Granted as follows:
- a. You **must** stay at least (*specify*): \_\_\_\_\_ yards away from (*check all that apply*):
- The person in 1
  - Home of person in 1
  - The job or workplace of person in 1
  - Vehicle of person in 1
  - School of person in 1
  - The persons in 3
  - The child(ren)'s school or child care
  - Other (*specify*): \_\_\_\_\_
- b.  Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

- 8** **Move-Out Order**  Not requested  Denied until the hearing  Granted as follows:
- You must take only personal clothing and belongings needed until the hearing and move out immediately from (*address*): \_\_\_\_\_

**This is a Court Order.**



**9 No Guns or Other Firearms or Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, stored, or sold. (You may use [Form DV-800, Proof of Firearms Turned In, Sold, or Stored](#), for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that you own or possess a firearm.

**10 Record Unlawful Communications**

Not requested    Denied until the hearing    Granted as follows:

The person in ① can record communications made by you that violate the judge's orders.

**11 Care of Animals**    Not requested    Denied until the hearing    Granted as follows:

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals:

\_\_\_\_\_

\_\_\_\_\_

**12 Child Custody and Visitation**    Not requested    Denied until the hearing    Granted as follows:

Child custody and visitation are ordered on the attached form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_. The parent with temporary custody of the child must not remove the child from California unless the court allows it after a noticed hearing (Fam. Code, § 3063).

**13 Child Support**

Not ordered now but may be ordered after a noticed hearing.

**14 Property Control**    Not requested    Denied until the hearing    Granted as follows:

Until the hearing, *only* the person in ① can use, control, and possess the following property:

\_\_\_\_\_

**15 Debt Payment**    Not requested    Denied until the hearing    Granted as follows:

The person in ② must make these payments until this order ends:

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**16 Property Restraint**    Not requested    Denied until the hearing    Granted as follows:

If the people in ① and ② are married to each other or are registered domestic partners,  the person in ①  the person in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "no contact" order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**17 Spousal Support**

Not ordered now but may be ordered after a noticed hearing.

**18 Rights to Mobile Device and Wireless Phone Account**

**a. Property control of mobile device and wireless phone account**

Not requested  Denied until the hearing  Granted as follows:

Until the hearing, only the person in ① can use, control, and possess the following property:

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_

Check here if you need more space. Attach a sheet of paper and write "DV-110 Rights to Mobile Device and Wireless Phone Account" as a title.

**b. Debt Payment**  Not requested  Denied until the hearing  Granted as follows:

The person in ② must make these payments until this order ends:

Pay to (wireless service provider): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**c. Transfer of Wireless Phone Account**

Not ordered now but may be ordered after a noticed hearing.

**19 Insurance**

The person in ①  the person in ② is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20 Lawyer's Fees and Costs**

Not ordered now but may be ordered after a noticed hearing.

**21 Payments for Costs and Services**

Not ordered now but may be ordered after a noticed hearing.

**22 Batterer Intervention Program**

Not ordered now but may be ordered after a noticed hearing.

**23 Other Orders**  Not requested  Denied until the hearing  Granted as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, Other Orders" as a title.

**24 No Fee to Serve (Notify) Restrained Person**

If the sheriff serves this order, he or she will do so for free.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge (or Judicial Officer)

**This is a Court Order.**



## Warnings and Notices to the Restrained Person in ②

### If You Do Not Obey This Order, You Can Be Arrested And Charged With a Crime.

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

### You Cannot Have Guns, Firearms, And/Or Ammunition.



**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.**

### Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is incorrect, or to find out if the orders were made permanent, contact the court.

### Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from a parent's paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (form FL-155) or an *Income and Expense Declaration* (form FL-150) if you want the judge to have information about your finances. Otherwise, the court may make support orders without hearing from you.
- **Spousal support:** File and serve an *Income and Expense Declaration* (form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

## Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**This is a Court Order.**



**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, §13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h), 6405(b)):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001), and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

**Child Custody and Visitation**

- The custody and visitation orders are on form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

**Certificate of Compliance With VAWA**

This temporary protective order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Restraining Order After Hearing (Order of Protection)

Clerk stamps date here when form is filed.

Original Order Amended Order

1 Name of Protected Person:

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address:

City: State: Zip:

Telephone: Fax:

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

2 Name of Restrained Person:

Description of restrained person:

Sex: M F Height: Weight: Hair Color: Eye Color:

Race: Age: Date of Birth:

Mailing Address (if known):

City: State: Zip:

Relationship to protected person:

3 Additional Protected Persons

In addition to the person named in 1, the following persons are protected by orders as indicated in items 6 and 7 (family or household members):

Table with 4 columns: Full name, Relationship to person in 1, Sex, Age

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-130, Additional Protected Persons," as a title.

4 Expiration Date

The orders, except as noted below, end on

(date): at (time): a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item 5(a).
If no time is written, the restraining order ends at midnight on the expiration date.
Note: Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. Custody, visitation, and child support orders usually end when the child is 18.
The court orders are on pages 2, 3, 4, and 5 and attachment pages (if any).

This order complies with VAWA and shall be enforced throughout the United States. See page 5.

This is a Court Order.





**5 Hearings**

- a. The hearing was on (date): \_\_\_\_\_ with (name of judicial officer): \_\_\_\_\_
- b. These people were at the hearing (check all that apply):
- The person in ①       The lawyer for the person in ① (name): \_\_\_\_\_
- The person in ②       The lawyer for the person in ② (name): \_\_\_\_\_
- c. The people in ① and ② must return to Dept. \_\_\_\_\_ of the court on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  a.m.    p.m. to review (specify issues): \_\_\_\_\_

**To the person in ②:**

The court has granted the orders checked below. Item ⑨ is also an order. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

**6  Personal Conduct Orders**

- a. The person in ② must **not** do the following things to the protected people in ① and ③:
- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, impersonate (on the Internet, electronically or otherwise), or block movements.
- Contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail, or other electronic means.
- Take any action, directly or through others, to obtain the addresses or locations of any protected persons. (If this item is not checked, the court has found good cause not to make this order.)
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.
- c.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**7  Stay-Away Order**

- a. The person in ② must stay at least (specify): \_\_\_\_\_ yards away from (check all that apply):
- The person in ①       School of person in ①
- Home of person in ①       The persons in ③
- The job or workplace of person in ①       The child(ren)'s school or child care
- Vehicle of person in ①       Other (specify): \_\_\_\_\_
- b.  Exceptions: Brief and peaceful contact with the person in ①, and peaceful contact with children in ③, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

**8  Move-Out Order**

The person in ② must move out immediately from (address): \_\_\_\_\_

**9 No Guns or Other Firearms or Ammunition**

- a. The person in ② cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

**This is a Court Order.**

- 9 b. The person in 2 must:
- Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within his or her immediate possession or control. Do so within 24 hours of being served with this order.
  - Within 48 hours of receiving this order, file with the court a receipt that proves guns have been turned in, sold, or stored. ([Form DV-800](#), *Proof of Firearms Turned In, Sold, or Stored*, may be used for the receipt.) Bring a court filed copy to the hearing.
- c.  The court has received information that the person in 2 owns or possesses a firearm.
- d.  The court has made the necessary findings and applies the firearm relinquishment exemption under Family Code section 6389(h). Under California law, the person in 2 is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_  
 The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in 2 may be subject to federal prosecution for possessing or controlling a firearm.

10  **Record Unlawful Communications**

The person in 1 has the right to record communications made by the person in 2 that violate the judge’s orders.

11  **Care of Animals**

The person in 1 is given the sole possession, care, and control of the animals listed below. The person in 2 must stay at least \_\_\_\_\_ yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: \_\_\_\_\_

12  **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form DV-140, *Child Custody and Visitation Order* or (*specify other form*): \_\_\_\_\_

13  **Child Support**

Child support is ordered on the attached Form FL-342, *Child Support Information and Order Attachment* or (*specify other form*): \_\_\_\_\_

14  **Property Control**

Only the person in 1 can use, control, and possess the following property: \_\_\_\_\_

15  **Debt Payment**

The person in 2 must make these payments until this order ends:

Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____
Pay to: _____	For: _____	Amount: \$ _____	Due date: _____

Check here if more payments are ordered. List them on an attached sheet of paper and write “DV-130, Debt Payments” as a title.

16  **Property Restraint**

The  person in 1  person in 2 must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, the person must notify the other of any new or big expenses and explain them to the court. (*The person in 2 cannot contact the person in 1 if the court has made a “No-Contact” order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**This is a Court Order.**



**17**  **Spousal Support**  
Spousal support is ordered on the attached Form FL-343, *Spousal, Partner, or Family Support Order Attachment* or (specify other form): \_\_\_\_\_

**18**  **Rights to Mobile Device and Wireless Phone Account**  
a.  **Property Control of Mobile Device and Wireless Phone Account**  
Only the person in **(1)** can use, control, and possess the following property:  
Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_  
Mobile device (describe) \_\_\_\_\_ and account (phone number): \_\_\_\_\_  
 Check here if you need more space. Attach a sheet of paper and write "DV-130 Rights to Mobile Device and Wireless Phone Account" as a title.  
b.  **Debt Payment**  
The person in **(2)** must make these payments until this order ends:  
Pay to (wireless service provider): \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
c.  **Transfer of Wireless Phone Account**  
The court has made an order transferring one or more wireless service accounts from the person in **(2)** to the person in **(1)**. These orders are contained in a separate order (Form DV-900).

**19**  **Insurance**  
 The person in **(1)**  the person in **(2)** is ordered NOT to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their child(ren), if any, for whom support may be ordered, or both.

**20**  **Lawyer's Fees and Costs**  
The person in **(2)** must pay the following lawyer's fees and costs:  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_

**21**  **Payments for Costs and Services**  
The person in **(2)** must pay the following:  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
Pay to: \_\_\_\_\_ For: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Due date: \_\_\_\_\_  
 Check here if more payments are ordered. List them on an attached sheet of paper and write "DV-130, Payments for Costs and Services" as a title.

**22**  **Batterer Intervention Program**  
The person in **(2)** must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department under Penal Code § 1203.097. The person in **(2)** must enroll by (date): \_\_\_\_\_ or if no date is listed, must enroll within 30 days after the order is made. The person in **(2)** must complete, file and serve Form 805, Proof of Enrollment for Batterer Intervention Program.

**23**  **Other Orders**  
Other orders (specify): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**24** **No Fee to Serve (Notify) Restrained Person**  
If the sheriff or marshal serves this order, he or she will do it for free.

**This is a Court Order.**

**25 Service**

- a.  The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
- b.  The person in ① was at the hearing on the request for original orders. The person in ② was not present.
  - (1)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge’s orders in this form are the same as in Form DV-110 except for the end date. The person in ② must be served. This order can be served by mail.
  - (2)  Proof of service of Form DV-109 and Form DV-110 (if issued) was presented to the court. The judge’s orders in this form are different from the orders in Form DV-110, or Form DV-110 was not issued. The person in ② must be personally “served” (given) a copy of this order.
- c.  Proof of service of Form FL-300 to modify the orders in Form DV-130 was presented to the court.
  - (1)  The people in ① and ② were at the hearing or agreed in writing to this order. No other proof of service is needed.
  - (2)  The person in  ①  ② was not at the hearing and must be personally “served” (given) a copy of this amended order.

**26 Criminal Protective Order**

- a.  Form CR-160, *Criminal Protective Order—Domestic Violence*, is in effect.  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_
- b.  Other Criminal Protective Order in effect (*specify*): \_\_\_\_\_  
Case Number: \_\_\_\_\_ County: \_\_\_\_\_ Expiration Date: \_\_\_\_\_  
*(List other orders on an attached sheet of paper. Write “DV-130, Other Criminal Protective Orders” as a title.)*
- c.  No information has been provided to the judge about a criminal protective order.

**27 Attached pages are orders.**

- Number of pages attached to this seven-page form: \_\_\_\_\_
- All of the attached pages are part of this order.
- Attachments include (*check all that apply*):  
 DV-140    DV-145    DV-150    FL-342    FL-343    DV-900  
 Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Certificate of Compliance With VAWA**

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

**This is a Court Order.**



**Warnings and Notices to the Restrained Person in 2****If you do not obey this order, you can be arrested and charged with a crime.**

- If you do not obey this order, you can go to jail or prison and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

**You cannot have guns, firearms, and/or ammunition.**

**You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. Unless the court grants an exemption, you must sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect. Even if exempt under California law, you may be subject to federal prosecution for possessing or controlling a firearm.**

**Instructions for Law Enforcement****Start Date and End Date of Orders**

The orders *start* on the earlier of the following dates:

- The hearing date in item (5) (a) on page 2, or
- The date next to the judge's signature on this page.

The orders *end* on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

**Notice/Proof of Service**

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Order System (DVROS). (Fam. Code, § 6381(b)-(c).)

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**

**Child Custody and Visitation**

The custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.

**Enforcing the Restraining Order in California**

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):**

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

## [sample LGBT protocol for public service organizations]

### Working With LGBT Clients:

It's important as a public service professional to make clients feel comfortable and respected. To ensure our LGBT clients feel safe, it is important to use affirming language to note our clients' correct pronouns and preferred name. By noting a client's disclosure of their sexual orientation or gender identity on our documentation, we provide other staff the opportunity to focus on the client's needs rather than the client's identity.

#### **Discussing Gender with Clients:**

If clients are using gender neutral language or avoiding pronouns or gendered language, ask about it. Avoidance can feel alienating and their use of gender neutral language may be their way of seeing if you are LGBT affirming.

You can ask: "I am noticing that you aren't using pronouns for yourself, what do you usually use or want me to use for you?"; "I am noticing you aren't using pronouns for your significant other, what pronouns do they use?"

Never refer to a person as "it" or "he/she." If you need a gender-neutral pronoun, you can use "they" or "them" until the person tells you that they prefer a different pronoun.

The following are common terms that may help you, but know that this is not an exhaustive list and many of these terms mean different things to different people. Remember to follow the client's lead, and **do not use these terms until the client does.**

#### **Common Terms Relating to Gender Identity and Sexual Orientation:**

Preferred/Identified	Transvestite	Femme
Given/Birth/Assigned	Crossdresser (CD)	Dyke
Partner/ Significant other	Intersex	Female to Male
Girlfriend/boyfriend	Cisgender	FTM
Father/Mother/Parent	Queer	Male to Female
Son/Daughter/Child	Genderqueer	MTF
Pronouns (she/he/they/ze & her/his/theirs/zir or hir)	Gender non-conforming	Female-bodied
Trans	Non-binary	Male-bodied
Transgender	Butch	Lesbian
Transsexual	Boi	Gay
	Stud	Bisexual

## **For All Staff:**

1. Take advantage of the gender neutrality of customer service language: customer, guest, patron, visitor, client, et cetera.
2. Don't assume gender of a person based on their voice, this especially applies on phone calls.
3. Use pronouns as little as possible until you are sure of an individual's correct pronouns. Use names or neutral language. Always use the pronouns of the client's experienced sex (gender identity), not the pronouns or gendered language associated with the gender they were assigned at birth.
4. Let clients take the lead. If they use a pronoun, follow with that.
  - a. Know that phrases like 'transgender woman' or 'transgender man' note the person's correct gender, meaning that a transgender woman identifies as a woman.
  - b. Know that FtM (female-to-male) and MtF(male-to-female) note a movement from one gender to another. The second gender listed is the person's correct gender. These terms are medical terms and should not be used when referring to a person. You should refer to a transgender person as their experienced sex without reference to their gender assigned at birth.
5. Avoid projecting gender. This means avoid saying things like, ma'am, sir, ladies, gentlemen, mister, miss, misses, et cetera. Although meant to be a courtesy, it is best avoiding these until you know an individual's identity as incorrectly gendering a person may be perceived as an insult, not a courtesy.
6. Parenthood does not mean someone is cisgender<sup>1</sup>. Someone may have given birth to a child, but not identify as a woman.
7. Clients may ask you what pronouns you use. Asking someone their pronouns for many people is like asking someone's name, it is a sign of respect and courtesy. This may also be a signal that the client is inviting you to ask their pronoun.
8. If someone asks you if you are LGBT, you should answer honestly. But if for some reason you are not comfortable being open about your sexual orientation and/or gender identity,

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<sup>1</sup> Someone is cisgender if they identify with the gender assigned to their sex. An easy way to think about this is that the prefix *cis* means *on the side of*, noting a lack of movement. While the prefix *trans* means *across*, noting a movement. A trans person has moved away from an assigned gender, while a cisgender person has remained with that assigned gender.



you can answer: “regardless of whether I am or not, I care deeply about LGBT issues and I am here to support you”. It is up to an employee discretion whether they want to disclose their identities, but make sure to keep boundaries and to revert the focus of the conversation back to the client.

9. One person does not speak for an entire community. Having one client answer a certain way to each of these questions does not mean other LGBT identified people will answer the same way.
10. Be aware that public service systems often feel imposing and inaccessible to LGBT people, especially transgender people. Let clients know we can help advocate for them within those systems.
11. Continue to use a client’s preferred name and correct pronouns even when they are not present.
12. Don’t gossip or joke about lesbian, gay, bisexual, or transgender people.
13. Avoid asking unnecessary questions. Are you asking this person a question necessary for our work or because you are curious? Questions due to curiosity should be avoided.
14. Be accountable and help your coworkers be accountable. Correct each other if you hear someone use the wrong name or pronoun for someone. Be polite, but know that stepping up is a vital part of becoming an affirming workplace. Do not hesitate to stand up to coworkers who intentionally dehumanize LGBT individuals. Neutrality in the face of discrimination allows discrimination to flourish.

**First Encounters with LGBT Clients:** When you are the first point of contact for clients, it is important to make LGBT clients feel comfortable and respected. Remember to note on client records any discrepancy in gender identity and legal documents. Also note the correct pronouns and preferred name of clients. With sexual orientation there is less to note, but if a client discloses to you that they are gay, lesbian, bisexual, or asexual, write that in your notes.

The following questions are designed to assist you in creating affirming services. Items in bold are questions to ask all clients, while other questions may only be necessary for clients that may be LGBT.

1. **I see your documents say \_\_\_\_\_, is this the name you go by?** If someone answers something other than the name on their legal documents, this maybe a clue to ask questions about pronouns.
2. **Have you ever gone by any other names?** Note all past names (i.e. maiden, given). Explain that the purpose of this is so that we can check our systems to see if they are already in our databases under a different name than the one they currently use.
3. **What pronouns do you use?**
4. What pronouns do you prefer I use for you? When speaking to you? When speaking about you to other people? When doing referrals to other organizations? Over the phone or by mail? The same goes if that person has a different name than what is on legal paperwork. What name do you prefer I use for you...?
5. If you have to discuss physical embodiment, ask clients what words they prefer you use for their bodies. Until clear, use gender neutral words for their body (i.e. chest, genitals).

## Pronoun Etiquette

By Dean Spade

People often wonder how to be polite when it comes to problems of misidentifying another person's pronoun. Here are some general tips:

1. **If you make a mistake, correct yourself.** Going on as if it did not happen is actually less respectful than making the correction. This also saves the person who was misidentified from having to correct an incorrect pronoun assumption that has now been planted in the minds of any other participants in the conversation who heard the mistake.

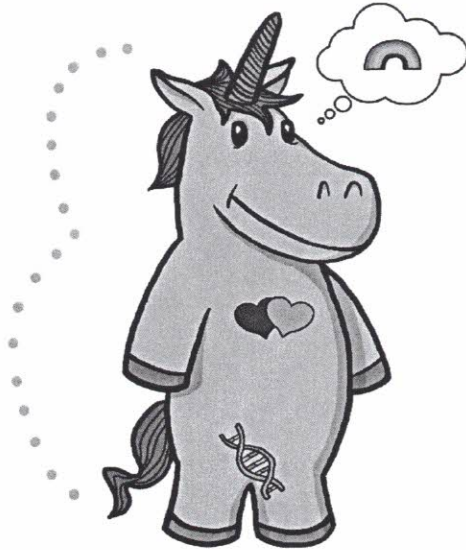
2. **If someone else makes a mistake, correct them.** It is polite to provide a correction, whether or not the person whose pronoun is misused is present, in order to avoid future mistakes and in order to correct the mistaken assumption that might now have been planted in the minds of any other participants in the conversation who heard the mistake.

3. **If you aren't sure of a person's pronoun, ask.** One way to do this is by sharing your own. "I use masculine pronouns. I want to make sure to address you correctly, how do you like to be addressed?" This may seem like a strange thing to do but a person who often experiences being addressed incorrectly may see it as a sign of respect that you are interested in getting it right.

4. **When facilitating a group discussion, ask people to identify their pronouns when they go around and do introductions.** This will allow everyone in the room the chance to self-identify and to get each other's pronouns right the first time. It will also reduce the burden on anyone whose pronoun is often misidentified and may help them access the discussion more easily because they do not have to fear an embarrassing mistake.

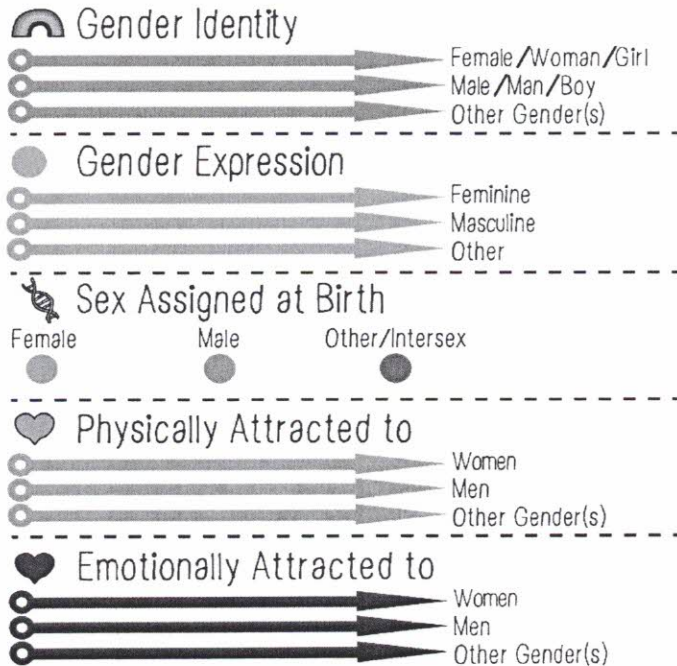
# The Gender Unicorn

Graphic by:  
**TSER**  
Trans Student Educational Resources



To learn more, go to:  
[www.transstudent.org/gender](http://www.transstudent.org/gender)

Design by Landyn Pan and Anna Moore



## Sex

- Female
- Intersex
- Male
- Nonbinary

## Gender

- Feminine
- Masculine
- Nonbinary

## Gender Identity

- Agender
- Cisgender
- Transgender

## Sexual Orientation

- Asexual
- Bisexual/Pansexual
- Heterosexual (Straight)
- Homosexual (Gay and Lesbian)
- Queer

## Romantic Orientation

- Aromantic
- Biromantic/Panromantic
- Heteroromantic
- Homoromantic
- Queer

## LGBTQ Terminology:

**LGBT, LGBTQ, LGBTQIA+:** These acronyms refer to Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, and HIV+.

**Ally:** Typically any non-LGBT person (cisgender, heterosexual person) who supports and stands up for the rights of LGBT people, though LGBT people can be allies, such as a lesbian who is an ally to a transgender person.

**Coming Out:** The process of acknowledging one's sexual orientation and/or gender identity to other people. For most LGBT people this is a life-long process. The coming-out process is a very personal process and the LGBT individual should have complete control over the process, including the place, timing, and audience for their coming out. "Outing" an LGBT person without that person's permission and/or knowledge should always be avoided.

**In the closet:** Describes a person who keeps their sexual orientation or gender identity a secret from some or all people.

**In the Life:** Often used by communities of color to denote inclusion in the LGBTQ communities. May also be said as **in the family**.

**Queer:** 1) An umbrella term sometimes used by LGBTQA people to refer to the entire LGBT community. 2) An alternative that some people use to "queer" the idea of the labels and categories such as lesbian, gay, bisexual, etc. It is important to note that the word queer is an in-group term, and a word that can be considered offensive to some people, depending on their generation, geographic location, and relationship with the word.

## Gender/Sex:

**Birth or Assigned Sex:** The sex (male or female) assigned a child at birth, based on a child's genitalia.

**Cisgender:** Types of gender identity where an individual identifies with the gender associated with the sex they were assigned at birth. (ex: a person assigned female at birth who identifies as a woman).

**Drag Queen/Drag King** Used by people who present socially in clothing, name, and/or pronouns that differ from their everyday gender, usually for enjoyment, entertainment, and/or self-expression. Drag queens typically have everyday lives as men. Drag kings typically live as women and/or butches when not performing. Unless they are drag performers, most Trans people would be offended by being confused with drag queens or drag kings.

**Female-to-Male (FTM) or Transgender Man:** A person born with female genitalia at birth who feels they are male/a man and lives as male/a man. Some will just use the term male.

**Gender Expression/Role:** The way a person acts, dresses, speaks and behaves in order to show their gender as feminine, masculine, both, or neither.

**Gender Identity:** A person's internal sense of being a man, woman, both, or neither. Gender identity usually develops at a young age.

**Gender Non-Conforming:** People who express their gender differently than what is culturally expected of them. A gender non-conforming person is not necessarily transgender (for example, a woman who dresses in a masculine style but who identifies as female; a boy who likes to play with girl dolls but identifies himself as a boy, etc.).

**Genderqueer:** a term used by some individuals who do not identify as either male or female; or identify as both male and female.

**Intersex:** A person whose sexual anatomy or chromosomes do not fit with the traditional markers of "female" and "male." For example: people born with both "female" and "male" anatomy (penis, testicles, vagina, uterus); people born with XXY. The term hermaphrodite is an offensive term that was previously used for intersex people.

**Male-to-Female (MTF) or Transgender Woman:** A person born with male genitalia who feels they are female/a woman and lives as female/a woman. Some will just use the term female.

**Nonbinary:** A term used to describe people experiencing gender outside of the male-female binary. People whose gender identity is nonbinary do not identify as strictly male or female, but may identify as somewhere on the spectrum between male and female, as a separate third gender, or as no gender at all. Nonbinary people may or may not physically transition.

**Trans or Transgender:** People whose gender identity is not the same as the sex they were assigned at birth.

**Transition/Gender Affirmation Process:** For transgender people, this refers to the process of coming to recognize, accept, and express one's gender identity. Most often, this refers to the period when a person makes social, legal, and/or medical changes, such as changing their clothing, name, sex designation, and using medical interventions. This process is often called gender affirmation, because it allows people to affirm their gender identity by making outward changes.

**Transphobia:** The fear or hatred of transgender people or gender non-conforming behavior.

**Transsexual:** A largely outdated term at times used to describe transgender people who have sought medical intervention in their transition.

**Transvestite** An umbrella term, which refers to people who wear the clothing of the “opposite” gender. These individuals can be transgender, transsexual, cross dressers, Drag performers, or individuals who express their gender in a unique way. This term is often thought to be outdated, problematic, and generally offensive, since it was historically used to diagnose medical/mental health disorders.

## Sexuality:

**Asexual:** A person who generally does not feel sexual attraction or desire to any group of people. Asexuality is not the same as celibacy.

**Biphobia:** Aversion toward bisexuality and bisexual people as a social group or as individuals.

**Bisexual:** A person who is attracted to both people of their own gender and another gender. Also called “bi”.

**Gay:** A person who is attracted primarily to members of the same sex. Although it can be used for any sex (e.g. gay man, gay woman, gay person), “lesbian” is sometimes the preferred term for women who are attracted to women.

**Heterosexual:** A person who is only attracted to members of the opposite sex. Also called “straight.”

**Homophobia:** A range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT). It can be expressed as antipathy, contempt, prejudice, aversion, or hatred, may be based on irrational fear, and is sometimes related to religious beliefs.

**Homosexual:** A clinical term for people who are attracted to members of the same sex. Some people find this term offensive.

**Lesbian:** A woman who is primarily attracted to other women.

**Pansexual:** A person who experiences sexual, romantic, physical, and/or spiritual attraction for members of all gender identities/expressions, not just people who fit into the standard gender binary (i.e. men and women).

**Sexual Orientation:** Sexual orientation is about how people identify their physical and emotional attraction to others. It is not related to gender identity. Transgender people can be any sexual orientation (gay, lesbian, bisexual, heterosexual/straight, no label at all, or some other self-described label).

## **HOW TO NOT BE A BIGOT**

UNFORTUNATE TERM OR PHRASE	AFFIRMING TERM OR PHRASE	REASON WHY UNFORTUNATE TERM IS BIASED AND DISCRIMINATORY
It	They	It is a dehumanizing way to refer to another person.
He or she/ him or her	They/their / them	They/their/them is used to acknowledge that not all people identify within the binary of he/she.
Real name or gender	Assigned name or gender Birth name or gender	Real denotes that a person's understanding of themselves is inaccurate. It is offensive and considered to demean trans people.
Tranny, she-male, he-she, shim, trap	Transgender person	These words only serve to dehumanize trans people and should not be used.
Real woman or man	Cisgender woman or man	Again the term "real" is offensive and demeaning as it states a trans person isn't really the sex that they experience.
Sexual preference  Lifestyle choice	Sexual Orientation	The term "sexual preference" suggests that being lesbian, gay or bisexual is a choice and therefore can and should be changed.  There is no single lesbian, gay or bisexual lifestyle. Lesbians, gay men and bisexuals are diverse in the ways they lead their lives, just like heterosexual people.
Transgendered Transenders A transgender	transgender	Transgender should be used as an adjective, not as a noun. Adjectives should not be used in the past tense or plural.
Sex change Pre-operative Post-operative	transition	Referring to a sex change operation, or using terms such as pre- or post-operative, inaccurately suggests that one must have surgery in order to transition. Avoid overemphasizing surgery when discussing transgender people or the process of transition. This is both to affirm that most trans people can't afford medical intervention and that many trans people can't medically transition due to other health issues.
"deceptive," "fooling," "pretending," "posing" or "masquerading"		Do not characterize transgender people as "deceptive," as "fooling" other people, or as "pretending" to be, "posing" or "masquerading" as a man or a woman. Such descriptions are defamatory and insulting.





# The State Bar of California

## **Rule 8.4.1 Prohibited Discrimination, Harassment and Retaliation (Rule Approved by the Supreme Court, Effective November 1, 2018)**

- (a) In representing a client, or in terminating or refusing to accept the representation of any client, a lawyer shall not:
  - (1) unlawfully harass or unlawfully discriminate against persons\* on the basis of any protected characteristic; or
  - (2) unlawfully retaliate against persons.\*
  
- (b) In relation to a law firm's operations, a lawyer shall not:
  - (1) on the basis of any protected characteristic,
    - (i) unlawfully discriminate or knowingly\* permit unlawful discrimination;
    - (ii) unlawfully harass or knowingly\* permit the unlawful harassment of an employee, an applicant, an unpaid intern or volunteer, or a person\* providing services pursuant to a contract; or
    - (iii) unlawfully refuse to hire or employ a person\*, or refuse to select a person\* for a training program leading to employment, or bar or discharge a person\* from employment or from a training program leading to employment, or discriminate against a person\* in compensation or in terms, conditions, or privileges of employment; or
  - (2) unlawfully retaliate against persons.\*
  
- (c) For purposes of this rule:
  - (1) "protected characteristic" means race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived;
  - (2) "knowingly permit" means to fail to advocate corrective action where the lawyer knows\* of a discriminatory policy or practice that results in the unlawful discrimination or harassment prohibited by paragraph (b);
  - (3) "unlawfully" and "unlawful" shall be determined by reference to applicable state and federal statutes and decisions making unlawful discrimination or harassment in employment and in offering goods and services to the public; and

- (4) “retaliate” means to take adverse action against a person\* because that person\* has (i) opposed, or (ii) pursued, participated in, or assisted any action alleging, any conduct prohibited by paragraphs (a)(1) or (b)(1) of this rule.
- (d) A lawyer who is the subject of a State Bar investigation or State Bar Court proceeding alleging a violation of this rule shall promptly notify the State Bar of any criminal, civil, or administrative action premised, whether in whole or part, on the same conduct that is the subject of the State Bar investigation or State Bar Court proceeding.
- (e) Upon being issued a notice of a disciplinary charge under this rule, a lawyer shall:
  - (1) if the notice is of a disciplinary charge under paragraph (a) of this rule, provide a copy of the notice to the California Department of Fair Employment and Housing and the United States Department of Justice, Coordination and Review Section; or
  - (2) if the notice is of a disciplinary charge under paragraph (b) of this rule, provide a copy of the notice to the California Department of Fair Employment and Housing and the United States Equal Employment Opportunity Commission.
- (f) This rule shall not preclude a lawyer from:
  - (1) representing a client alleged to have engaged in unlawful discrimination, harassment, or retaliation;
  - (2) declining or withdrawing from a representation as required or permitted by rule 1.16; or
  - (3) providing advice and engaging in advocacy as otherwise required or permitted by these rules and the State Bar Act.

## **Comment**

[1] Conduct that violates this rule undermines confidence in the legal profession and our legal system and is contrary to the fundamental principle that all people are created equal. A lawyer may not engage in such conduct through the acts of another. (See rule 8.4(a).) In relation to a law firm’s operations, this rule imposes on all law firm\* lawyers the responsibility to advocate corrective action to address known\* harassing or discriminatory conduct by the firm\* or any of its other lawyers or nonlawyer personnel. Law firm\* management and supervisory lawyers retain their separate responsibility under rules 5.1 and 5.3. Neither this rule nor rule 5.1 or 5.3 imposes on the alleged victim of any conduct prohibited by this rule any responsibility to advocate corrective action.

[2] The conduct prohibited by paragraph (a) includes the conduct of a lawyer in a proceeding before a judicial officer. (See Cal. Code Jud. Ethics, canon 3B(6) [“A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation against parties, witnesses, counsel, or others.”].) A lawyer does not violate paragraph (a) by referring to any particular status or group when the reference is relevant to factual or legal issues or arguments in the representation. While both the parties and the court retain discretion to refer such conduct to the State Bar, a court’s finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of paragraph (a).

[3] A lawyer does not violate this rule by limiting the scope or subject matter of the lawyer’s practice or by limiting the lawyer’s practice to members of underserved populations. A lawyer also does not violate this rule by otherwise restricting who will be accepted as clients for advocacy-based reasons, as required or permitted by these rules or other law.

[4] This rule does not apply to conduct protected by the First Amendment to the United States Constitution or by Article I, section 2 of the California Constitution.

[5] What constitutes a failure to advocate corrective action under paragraph (c)(2) will depend on the nature and seriousness of the discriminatory policy or practice, the extent to which the lawyer knows\* of unlawful discrimination or harassment resulting from that policy or practice, and the nature of the lawyer’s relationship to the lawyer or law firm\* implementing that policy or practice. For example, a law firm\* non-management and non-supervisory lawyer who becomes aware that the law firm\* is engaging in a discriminatory hiring practice may advocate corrective action by bringing that discriminatory practice to the attention of a law firm\* management lawyer who would have responsibility under rule 5.1 or 5.3 to take reasonable\* remedial action upon becoming aware of a violation of this rule.

[6] Paragraph (d) ensures that the State Bar and the State Bar Court will be provided with information regarding related proceedings that may be relevant in determining whether a State Bar investigation or a State Bar Court proceeding relating to a violation of this rule should be abated.

[7] Paragraph (e) recognizes the public policy served by enforcement of laws and regulations prohibiting unlawful discrimination, by ensuring that the state and federal agencies with primary responsibility for coordinating the enforcement of those laws and regulations is provided with notice of any allegation of unlawful discrimination, harassment, or retaliation by a lawyer that the State Bar finds has sufficient merit to warrant issuance of a notice of a disciplinary charge.

[8] This rule permits the imposition of discipline for conduct that would not necessarily result in the award of a remedy in a civil or administrative proceeding if such proceeding were filed.

[9] A disciplinary investigation or proceeding for conduct coming within this rule may also be initiated and maintained if such conduct warrants discipline under California Business and Professions Code sections 6106 and 6068, the California Supreme Court's inherent authority to impose discipline, or other disciplinary standard.

**NEW RULE OF PROFESSIONAL CONDUCT 8.4.1  
(Former Rule 2-400)  
Prohibited Discrimination, Harassment and Retaliation**

**EXECUTIVE SUMMARY**

The Commission has evaluated current rule 2-400 (Prohibited Discriminatory Conduct in a Law Practice) in accordance with the Commission Charter. Current rule 2-400 was first adopted effective March 1, 1994. There is no counterpart to rule 2-400 in the ABA Model Rules. However, ABA Model Rule 8.4(d) addresses discrimination by individual lawyers while representing a client.<sup>1</sup> The result of the Commission's evaluation is proposed rule 8.4.1 (Prohibiting Discrimination, Harassment and Retaliation).

**Rule As Issued For 90-day Public Comment**

The main issue considered when drafting proposed rule 8.4.1 was whether to expand the rule by eliminating the requirement that there be a final civil determination of wrongful discrimination before a disciplinary investigation can commence or discipline can be imposed, which is found in current rule 2-400(C).<sup>2</sup> A majority of the Commission believes current rule 2-400(C) renders the rule difficult to enforce. Eliminating the requirement would give the Office of Chief Trial Counsel ("OCTC") original jurisdiction to investigate and prosecute under the current procedures of the disciplinary system any claim of discrimination that comes within the scope of the rule. See the discussion of the constitutional and operational concerns provided after this executive summary.

In addition to changes to address the main issue identified above, the Commission proposes the following substantive changes to the current rule:

- (1) Expanding the proposed rule beyond the management or operation of a law firm to also encompass discrimination or harassment more generally in "representing a client, or in terminating or refusing to accept representation of any client." Current Rule 2-400 already applies to discrimination in the management or operation of a law

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<sup>1</sup> Model Rule 8.4(d) provides it is misconduct for a lawyer to: "(d) engage in conduct that is prejudicial to the administration of justice." A Model Rule comment clarifies the application of paragraph (d):

"[3] A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice. Legitimate advocacy respecting the foregoing factors does not violate paragraph (d). A trial judge's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of this rule."

<sup>2</sup> Current Rule 2-400(C) provides:

"No disciplinary investigation or proceeding may be initiated by the State Bar against a member under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first adjudicated a complaint of alleged discrimination and found that unlawful conduct occurred. Upon such adjudication, the tribunal finding or verdict shall then be admissible evidence of the occurrence or non-occurrence of the alleged discrimination in any disciplinary proceeding initiated under this rule. In order for discipline to be imposed under this rule, however, the finding of unlawfulness must be upheld and final after appeal, the time for filing an appeal must have expired, or the appeal must have been dismissed."

firm in “accepting or terminating representation of any client.” The Commission believes the rule’s prohibition should not be limited to law firm management. Adopting a rule that generally prohibits unlawful discrimination or harassment while engaged in representing a client is consistent with current ABA Model Rule 8.4(d), Comment [3] to that rule, and proposed ABA Model Rule 8.4(g)<sup>3</sup> and several other professions that prohibit this same behavior in their codes of conduct.<sup>4</sup>

- (2) Expanding the proposed rule to cover additional protected categories. Current rule 2-400’s list of protected characteristics is substantially narrower than current California law. Because the identity of protected characteristics protected under anti-discrimination law is not static, the Commission added paragraph (c)(1) to delimit the scope of “protected characteristics” for purposes of the rule that not only is consistent with current California law but also includes a catchall provision for any “other category of discrimination prohibited by applicable law.” This latter addition would authorize professional discipline pursuant to whatever applicable anti-discrimination laws might exist in the future without the need to amend the rule.
- (3) Expanding the proposed rule to encompass unlawful discrimination and harassment engaged in for the purpose of retaliation. This addition would permit professional discipline where a lawyer, in representing a client or in relation to a law firm’s operations, unlawfully discriminates against or harasses a person for the purpose of retaliating against that person because the person has taken action to oppose unlawful discrimination or harassment. This provision is intended to provide protection for lawyers obligated under the rule (e.g., lower level lawyers within a law firm) to advocate corrective action where they know of unlawful discrimination or harassment within the firm, even when the unlawful conduct is being committed by higher level lawyers within the firm.
- (4) Adoption of paragraph (d),<sup>5</sup> which requires a lawyer who has been charged with, or is being investigated for, a violation of the Rule, to give notice to the State Bar of any parallel administrative or judicial proceeding, such as an EEOC or DFEH

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<sup>3</sup> Proposed ABA Model Rule 8.4(g) would provide it is professional misconduct for a lawyer to:

“(g) in conduct related to the practice of law, harass or knowingly discriminate against persons on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status.”

<sup>4</sup> Examples include: (1) American Dental Association, Code of Conduct, Section 4.A. “Patient Selection” (dentist shall not refuse to accept patients because of the patient’s race, creed, color, sex or national origin); and (2) American Psychological Association, Ethical Standard 1.12 “Other Harassment” (prohibition against behavior that is harassing or demeaning based on factors such as a person’s age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status).

<sup>5</sup> Proposed Rule 8.4.1(d) states:

“(d) A lawyer who is the subject of a State Bar investigation ~~of~~ or State Bar Court proceeding alleging a violation of this Rule shall promptly notify the State Bar of any criminal, civil, or administrative action premised, whether in whole or part, on the same conduct that is the subject of the State Bar investigation or State Bar Court proceeding.”

See also, Business & Professions Code section 6068(i) [re duty of an attorney to cooperate and participate in any disciplinary investigation or proceeding].

investigation. In part, this notice is intended to provide the OCTC with information necessary to determine whether or not to hold in abeyance the State Bar investigation or disciplinary proceeding pending the outcome of a related proceeding.

- (5) Adoption of paragraph (e)(1), which requires the State Bar to provide a copy of the notice of a disciplinary charge for a charge arising under paragraph (a) of the proposed rule to the California Department of Fair Employment and Housing and the United States Department of Justice, Coordination and Review. Paragraph (e)(2) requires the State Bar to provide a copy of the notice of a disciplinary charge for a charge arising under paragraph (b) to the California Department of Fair Employment and Housing and the United State Equal Employment Opportunity Commission. The purpose of these provisions is to provide to the relevant government agencies an opportunity to become involved in the matter so that they may implement and advance the broad legislative policies with which they have been charged.
- (6) Adoption of paragraph (f), which is intended to clarify that the proposed rule does not prevent a lawyer from representing another person alleged to have engaged in unlawful discrimination, harassment, or retaliation.

Finally, non-substantive changes to the current rule include rule numbering to track the Commission's general proposal to use the Model Rule numbering system and the substitution of the term "lawyer" for "member."

Proposed rule 8.4.1 contains six comments all of which provide interpretive guidance or clarify how the rule is to be applied. Of particular note is Comment [2] which, among other things, has been added to clarify that the rule does not apply to constitutionally-protected conduct. Comment [4] has been added to clarify that paragraph (d) permits the State Bar to use discretion in abating a disciplinary investigation or proceeding when the State Bar is made aware of a parallel administrative or judicial proceeding premised on the same conduct. Comment [5] clarifies that paragraph (e) is intended to recognize the important public policy served by enforcing the laws and regulations prohibiting unlawful discrimination.

### **Post-Public Comment Revisions**

After consideration of comments received in response to the initial 90-day public comment period, the Commission edited paragraphs (a), (b), and (c)(4) for clarity. The Commission modified paragraph (e) to impose the reporting obligation on the lawyer receiving the notice of disciplinary charge rather than on the State Bar. The Commission also modified paragraph (f) to state the rule does not preclude a lawyer from declining or withdrawing from a representation as required or permitted by the proposed rule 1.16 [Declining or Terminating Representation], nor does the rule preclude a lawyer from providing advice and engaging in advocacy as required or permitted by the rules or the State Bar Act.

In addition, the Commission added three new Comments. New Comment [3] states that a lawyer does not violate the rule by "limiting the scope or subject matter of the lawyer's practice," "limiting the lawyer's practice to members of underserved populations," or "otherwise restricting who will be accepted as clients for advocacy-based reasons, as required or permitted by these Rules or other law." The Commission believes that this eliminates any potential conflict with other Rules relating to competence and conflicts, and makes clear that the Rule does not improperly interfere with a lawyer's selection of clients. New Comment [4] states that the rule does not apply to conduct protected by the First Amendment to the United States Constitution or

by Article I, § 2 of the California Constitution. Finally, the Commission added Comment [9] which is taken from the Discussion section to current rule 2-400. This Comment is intended to make clear that conduct falling within this Rule may also be subject to discipline under other applicable provisions.

With these changes, the Board authorized an additional 45-day public comment period on the revised proposed rule.

### **Final Commission Action on the Proposed Rule Following 45-Day Public Comment Period**

After consideration of comments received in response to the additional 45-day public comment period, the Commission made no changes to the proposed rule and voted to recommend that the Board adopt the proposed rule. A member of the Commission submitted a dissent to this rule that can be found following the Report and Recommendation.

### **Board's Consideration of the Commission's Proposed Rule on March 9, 2017**

At its meeting on March 9, 2017, the Board considered but did not adopt the following revision to the Commission's final version of the proposed rule. The Board considered adding a new paragraph (d) providing that:

- (d) No disciplinary investigation or proceeding may be initiated by the State Bar against a lawyer under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first:
  - (1) adjudicated a complaint of alleged harassment or discrimination and found that unlawful conduct occurred; or
  - (2) has entered an order sanctioning a lawyer for such unlawful conduct.

Upon adjudication or entry of order, the tribunal's finding, verdict or order shall then be admissible evidence of the occurrence or non-occurrence of the harassment or discrimination alleged in any disciplinary proceeding initiated under this rule.

In discussing this revision, questions were raised whether the Commission's proposed rule would effectively accomplish the goal of improving public protection in this area of lawyer misconduct. It was observed that the Commission's recommended deletion of current rule 2-400(C)'s prerequisite for a finding of unlawful discrimination by a "tribunal of competent jurisdiction" might lead to unfulfilled expectations of victims of discrimination because: (1) limited disciplinary resources and a lack of expertise would create investigative and enforcement burdens in such cases which are often complex and require specialized knowledge of employment law and other areas of discrimination law; (2) the State Bar's already complicated and expansive structure and the management challenges thus created are under study and review, counseling caution in expanding the scope of work for OCTC and the State Bar Court; (3) the State Bar Court has identified institutional issues to be considered in connection with this proposed change, a former Chief Trial Counsel has expressed concern and a member of the Commission issued a detailed dissent; (4) the prospect of lawyer discipline would create a disincentive for lawyers and law firms to settle discrimination cases brought by civil plaintiffs, in part, because a Bar complainant and respondent cannot agree to have the complainant



withdraw a complaint or agree to not cooperate in a disciplinary proceeding (Bus. & Prof. Code §6090.5(a)(2); (5) unresolved legal issues of collateral estoppel and res judicata (among disciplinary and non-disciplinary enforcement proceedings) would unnecessarily add a new layer of complexity to both State Bar litigation and litigation by other enforcement agencies; (6) victims who are reluctant to bring claims through other agencies because of fears of retaliation, stigma or other detriment would be disappointed to discover that a State Bar disciplinary proceeding could not grant anonymity because public participation as a complaining witness likely would be needed for any successful disciplinary prosecution; (7) even if the State Bar were successful at the trial level in obtaining culpability findings, those cases would inevitably lead to appellate challenge on due process grounds as State Bar proceedings do not afford the same procedures used in other enforcement settings (e.g., there is limited discovery and the usual rules of evidence do not apply); (8) similar to the Bar's experience in enforcing unauthorized practice of law violations against non-lawyers, stakeholder criticism could arise from any perceived lack of zealous enforcement activity; and (9) intake of complaints would likely increase the overall backlog of the discipline system.

Arguments in favor of the Commission's proposed rule including some points that respond to the above concerns and are found in the report and recommendation, the public comments received, and in the Commission's response to the dissent submitted by one of the Commission members. All of these materials are provided with this executive summary. Some of the key points made in favor of the rule are set forth below.

First, the rule prohibiting discrimination should not be singled out for different treatment, and effectively diminished, by being the only rule over which OCTC and the State Bar Court do not have original jurisdiction. By analogy to the State Bar's existing jurisdiction over misconduct involving moral turpitude, Business & Professions Code § 6106, provides that a lawyer may be disciplined for **any** act involving "moral turpitude, dishonesty or corruption." (Emphasis added.) Even if that act "constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent" to discipline. Thus, for criminal acts, the State Bar retains original jurisdiction, even though the procedural requirements for a criminal conviction vary even more widely from those in State Bar Court than do the procedures for civil discrimination actions. The Commission believes the same is true of allegations of unlawful discrimination and harassment, and accordingly believes it appropriate that, as with allegations of criminal conduct involving moral turpitude, the State Bar should have jurisdiction to impose discipline without requiring as a condition precedent the pursuit of civil or administrative proceedings.

Second, during the Commission's process the proposed rule was revised to include the following two provisions that are intended to address some of the practical enforcement concerns while not diminishing the rule's efficacy by depriving OCTC and the State Bar Court of original jurisdiction: (1) paragraph (d) requires that a lawyer who is the subject of an OCTC investigation or State Bar Court proceeding alleging a violation of the Rule "promptly notify the State Bar of any criminal, civil, or administrative action premised, whether in whole or part, on the same conduct" and this helps ensure that OCTC and the State Bar Court are provided with information regarding related proceedings that may be relevant in determining whether a State Bar investigation or a State Bar Court proceeding relating to a violation of this Rule should be abated; and (2) Comment [6] recognizes that while OCTC and the State Bar Court have original jurisdiction, they also retain the ability, should they determine it appropriate, whether for resource reasons or because of the complexity of the issues raised, to defer to a related criminal, civil, or administrative proceeding.

Third, paragraph (e) requires a lawyer who receives a notice of a disciplinary charge under the Rule to provide a copy of the notice to the State and Federal agencies tasked with primary responsibility for coordinating enforcement of laws and regulations prohibiting unlawful discrimination. This will provide those agencies with the information necessary, should they determine it appropriate, to initiate their own proceedings. If they do, OCTC and the State Bar Court retain the ability to defer to those proceedings. In addition, as a general matter, nothing in the proposed rule impairs the State Bar's discretion in evaluating complaints received to reject non-meritorious claims, including non-meritorious claims that may be filed for strategic or tactical reasons.

These points and other support for the adoption of the proposed rule are found in the materials that follow this executive summary.

Following discussion of the foregoing concerns, the Board vote on a motion to recommend proposed Rule 8.4.1 as modified resulted in a tie vote (6 yes, 6 no), with the State Bar President breaking the tie by voting no. Subsequently a motion to recommend the rule as proposed by the Commission also resulted in a tie vote (6 yes, 6 no), with the State Bar President breaking the tie by voting yes.

The Board adopted proposed rule 8.4.1 at its March 9, 2017 meeting.

#### **Supreme Court Action (May 10, 2018)**

The Supreme Court approved the rule as modified by the Court to be effective November 1, 2018. In Comment [2], citation style was revised to conform to the California Style Manual. Omitted asterisks for defined terms were added.

**Rule ~~2-400~~8.4.1 Prohibited ~~Discriminatory Conduct in a Law Practice~~Discrimination, Harassment and Retaliation**  
(Redline Comparison to the California Rule Operative Until October 31, 2018)

- (a) In representing a client, or in terminating or refusing to accept the representation of any client, a lawyer shall not:
- (1) unlawfully harass or unlawfully discriminate against persons\* on the basis of any protected characteristic; or
  - (2) unlawfully retaliate against persons.\*
- (b) In relation to a law firm's operations, a lawyer shall not:
- (1) on the basis of any protected characteristic,
    - (i) unlawfully discriminate or knowingly\* permit unlawful discrimination;
    - (ii) unlawfully harass or knowingly\* permit the unlawful harassment of an employee, an applicant, an unpaid intern or volunteer, or a person\* providing services pursuant to a contract; or
    - (iii) unlawfully refuse to hire or employ a person\*, or refuse to select a person\* for a training program leading to employment, or bar or discharge a person\* from employment or from a training program leading to employment, or discriminate against a person\* in compensation or in terms, conditions, or privileges of employment; or
  - (2) unlawfully retaliate against persons.\*
- (Ac) For purposes of this rule:
- (1) ~~“law practice” includes sole practices, law partnerships, law corporations, corporate and governmental legal departments, and other entities which employ members to practice law;~~protected characteristic” means race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived;
  - (2) “knowingly permit” means ~~a failure to~~ fail to advocate corrective action where the ~~member~~lawyer knows\* of a discriminatory policy or practice ~~which~~that results in the unlawful discrimination or harassment prohibited ~~in~~by paragraph (Bb); ~~and~~

- (3) “unlawfully” and “unlawful” shall be determined by reference to applicable state ~~or~~and federal statutes ~~or~~and decisions making unlawful discrimination or harassment in employment and in offering goods and services to the public; and
- (4) “retaliate” means to take adverse action against a person\* because that person\* has (i) opposed, or (ii) pursued, participated in, or assisted any action alleging, any conduct prohibited by paragraphs (a)(1) or (b)(1) of this rule.
- (d) A lawyer who is the subject of a State Bar investigation or State Bar Court proceeding alleging a violation of this rule shall promptly notify the State Bar of any criminal, civil, or administrative action premised, whether in whole or part, on the same conduct that is the subject of the State Bar investigation or State Bar Court proceeding.
- (e) Upon being issued a notice of a disciplinary charge under this rule, a lawyer shall:
- (1) if the notice is of a disciplinary charge under paragraph (a) of this rule, provide a copy of the notice to the California Department of Fair Employment and Housing and the United States Department of Justice, Coordination and Review Section; or
- (2) if the notice is of a disciplinary charge under paragraph (b) of this rule, provide a copy of the notice to the California Department of Fair Employment and Housing and the United States Equal Employment Opportunity Commission.
- (f) This rule shall not preclude a lawyer from:
- ~~(B) In the management or operation of a law practice, a member shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of race, national origin, sex, sexual orientation, religion, age or disability in:~~
- (1) ~~hiring, promoting, discharging, or otherwise determining the conditions of employment of any person; or~~representing a client alleged to have engaged in unlawful discrimination, harassment, or retaliation;
- (2) ~~accepting or terminating~~declining or withdrawing from a representation ~~of any client.~~as required or permitted by rule 1.16; or
- (3) providing advice and engaging in advocacy as otherwise required or permitted by these rules and the State Bar Act.
- ~~(C) No disciplinary investigation or proceeding may be initiated by the State Bar against a member under this rule unless and until a tribunal of competent jurisdiction, other than a disciplinary tribunal, shall have first adjudicated a~~

~~complaint of alleged discrimination and found that unlawful conduct occurred. Upon such adjudication, the tribunal finding or verdict shall then be admissible evidence of the occurrence or non-occurrence of the alleged discrimination in any disciplinary proceeding initiated under this rule. In order for discipline to be imposed under this rule, however, the finding of unlawfulness must be upheld and final after appeal, the time for filing an appeal must have expired, or the appeal must have been dismissed.~~

## Comment**Discussion**

~~In order for discriminatory conduct to be actionable under this rule, it must first be found to be unlawful by an appropriate civil administrative or judicial tribunal under applicable state or federal law. Until there is a finding of civil unlawfulness, there is no basis for disciplinary action under this rule.~~

~~A complaint of misconduct based on this rule may be filed with the State Bar following a finding of unlawfulness in the first instance even though that finding is thereafter appealed.~~

[1] Conduct that violates this rule undermines confidence in the legal profession and our legal system and is contrary to the fundamental principle that all people are created equal. A lawyer may not engage in such conduct through the acts of another. (See rule 8.4(a).) In relation to a law firm's operations, this rule imposes on all law firm\* lawyers the responsibility to advocate corrective action to address known\* harassing or discriminatory conduct by the firm\* or any of its other lawyers or nonlawyer personnel. Law firm\* management and supervisory lawyers retain their separate responsibility under rules 5.1 and 5.3. Neither this rule nor rule 5.1 or 5.3 imposes on the alleged victim of any conduct prohibited by this rule any responsibility to advocate corrective action.

[2] The conduct prohibited by paragraph (a) includes the conduct of a lawyer in a proceeding before a judicial officer. (See Cal. Code Jud. Ethics, canon 3B(6) ["A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation against parties, witnesses, counsel, or others."].) A lawyer does not violate paragraph (a) by referring to any particular status or group when the reference is relevant to factual or legal issues or arguments in the representation. While both the parties and the court retain discretion to refer such conduct to the State Bar, a court's finding that peremptory challenges were exercised on a discriminatory basis does not alone establish a violation of paragraph (a).

[3] A lawyer does not violate this rule by limiting the scope or subject matter of the lawyer's practice or by limiting the lawyer's practice to members of underserved populations. A lawyer also does not violate this rule by otherwise restricting who will be accepted as clients for advocacy-based reasons, as required or permitted by these rules or other law.

[4] This rule does not apply to conduct protected by the First Amendment to the United States Constitution or by Article I, section 2 of the California Constitution.

[5] What constitutes a failure to advocate corrective action under paragraph (c)(2) will depend on the nature and seriousness of the discriminatory policy or practice, the extent to which the lawyer knows\* of unlawful discrimination or harassment resulting from that policy or practice, and the nature of the lawyer's relationship to the lawyer or law firm\* implementing that policy or practice. For example, a law firm\* non-management and non-supervisory lawyer who becomes aware that the law firm\* is engaging in a discriminatory hiring practice may advocate corrective action by bringing that discriminatory practice to the attention of a law firm\* management lawyer who would have responsibility under rule 5.1 or 5.3 to take reasonable\* remedial action upon becoming aware of a violation of this rule.

[6] Paragraph (d) ensures that the State Bar and the State Bar Court will be provided with information regarding related proceedings that may be relevant in determining whether a State Bar investigation or a State Bar Court proceeding relating to a violation of this rule should be abated.

[7] Paragraph (e) recognizes the public policy served by enforcement of laws and regulations prohibiting unlawful discrimination, by ensuring that the state and federal agencies with primary responsibility for coordinating the enforcement of those laws and regulations is provided with notice of any allegation of unlawful discrimination, harassment, or retaliation by a lawyer that the State Bar finds has sufficient merit to warrant issuance of a notice of a disciplinary charge.

[8] This rule permits the imposition of discipline for conduct that would not necessarily result in the award of a remedy in a civil or administrative proceeding if such proceeding were filed.

[9] A disciplinary investigation or proceeding for conduct coming within this rule may also be initiated and maintained, ~~however,~~ if such conduct warrants discipline under California Business and Professions Code sections 6106 and 6068, the California Supreme Court's inherent authority to impose discipline, or other disciplinary standard.

**LGBTQ+ Program**

**Staff**

- Denise Hunter (she/her)  
Legal Director (*Modesto*)
- Carla Lopez (she/her)  
Program Coordinator (*Watsonville*)
- Katherine Wood (she/her)  
Staff Attorney (*Oxnard*)
- Gloria Garcia (they/them)  
Community Worker (*Delano*)
- Pablo Moraga (he/him),  
Community Worker (*Remote*)

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**WHAT WE WILL COVER**

1. The Social Experiences and Legal Needs of LGBTQ+ People
2. Sex, Gender, Gender Identity, and Gender Dysphoria
3. Practical Tips for Establishing and Maintaining an LGBTQ+ Affirming Legal Practice

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**HOW MANY FOLKS KNOW THAT THEY KNOW A GAY PERSON?**

A Bisexual Person?

A Transgender Person?

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**LGBTQ+ POPULATION**

**In the US, 5.6% of adults are LGBTQ+:**

- ~ 18.4 Million U.S. Adults identify as LGBTQ+.
- ~ 1.4 Million U.S. Adults identify as Transgender (0.6% of pop).
- There are more transgender people than individuals with Type 1 Diabetes (1.25 million) in the U.S.
- Research indicates that individuals **under age 18** that identify as **transgender** at higher rate
- **2.7% - 1 out of 37 adolescents is Transgender**

**In California, 5.3% of adults are LGBTQ+:**

- ~ 1.9 Million Adults identify as LGBTQ+
- ~150,000 transgender adults

**In Ventura County, 3.1% of adults are LGBTQ+:**

- ~ 20,200 Adults identify as LGBTQ+
- ~2,000 transgender adults

- [HTTPS://NEWS.GALLUP.COM/POLL/329708/LGBT-IDENTIFICATION-BISEX-LATEST-ESTIMATE.ASPX](https://news.gallup.com/poll/329708/LGBT-IDENTIFICATION-BISEX-LATEST-ESTIMATE.ASPX)
- [HTTPS://WILLIAMSINSTITUTE.LAW.UCLA.EDU/PUBLICATIONS/COVID19-HEALTH-LGBT-CA/](https://williamsinstitute.law.ucla.edu/publications/covid19-health-lgbt-ca/)

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## WHO ARE WE TALKING ABOUT WHEN WE SAY LGBTQ+ PEOPLE?

### What does LGBTQIA+ stand for?

- I've been asking all Pride Month, and I can't get a straight answer!
- Lesbian
- Gay
- Bisexual
- Transgender
- Queer/Questioning
- Intersex
- Asexual/Aromantic
- HIV+
- Other queer identities (pansexual, polysexual, gray-sexual, etc.)

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## WHAT DOES IT MEAN TO BE "TRANSGENDER"?

**Transgender** (adj.): umbrella term denoting persons whose gender identity does not align with the sex assigned to them at birth.

- Transgender individuals may identify as the sex opposite of their assigned sex at birth, or may identify outside of the binary male-female sex paradigm (i.e., nonbinary).
- Important note: ADJECTIVES ARE NEVER PAST TENSE!
- "Transgendered" is grammatically incorrect and extremely disfavored by many trans people.
- The past tense of the term makes it sound like being trans is something that a person does, rather than a core element of the individual's identity and lived experience.

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## THE DIVERSITY OF TRANSGENDER PEOPLE

### Gender Identities and Sexual Orientations among Transgender People

#### Gender Identities

Transgender Men:	29%
Nonbinary People*:	35%
Transgender Women:	33%

#### Sexual Orientation

Transgender People have diverse sexual orientations

Nearly 30% experience a change in sexual orientation after medically transitioning.

Heterosexual:	23%
Gay/Lesbian:	23%
Bisexual/Queer:	48%
Asexual/Other:	6%

2015 U.S. Transgender Survey

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Figure 1  
Social Determinants of Health

Economic Stability	Neighborhood and Physical Environment	Education	Food	Community and Social Context	Health Care System
Employment	Housing	Literacy	Hunger	Social integration	Health coverage
Income	Transportation	Language	Access to healthy options	Support systems	Provider availability
Expenses	Safety	Early childhood education		Community engagement	Provider linguistic and cultural competency
Debt	Parks	Vocational training		Discrimination	Quality of care
Medical bills	Playgrounds	Higher education		Stress	
Support	Walkability				
	Zip code / geography				

**Health Outcomes**  
Mortality, Morbidity, Life Expectancy, Health Care Expenditures, Health Status, Functional Limitations

KFF  
Kaiser Family Foundation

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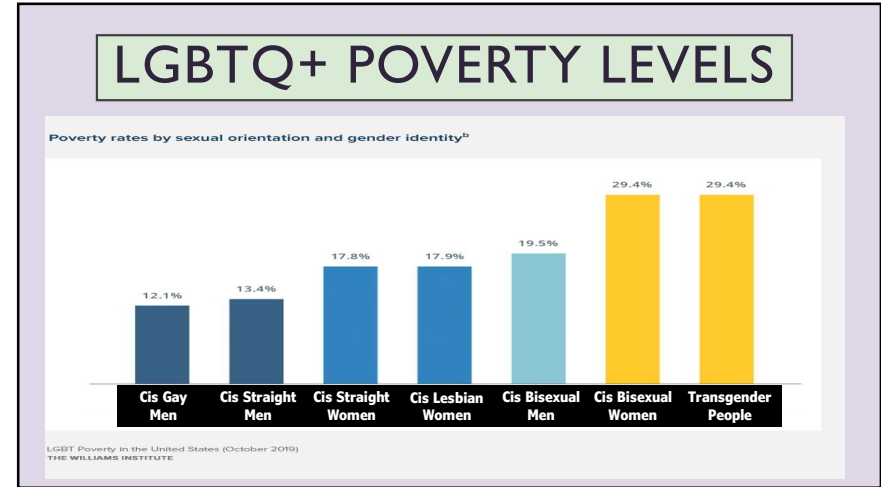
## SOCIAL DETERMINANTS OF HEALTH FOR LGBTQ+ POPULATION

### POVERTY

**22% of LGBTQ+ People Live in Poverty** (v. 16% non-LGBTQ+)

- LGBTQ+ People account for 7% of total U.S. Population experiencing poverty.
- Poverty Rates are even higher among:
  - Transgender People (29.4%).
  - Bisexual Women (29.4%).
  - LGBTQ+ People in Rural Areas (26%).

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**LGBTQ+ POVERTY RATES IMPACTED BY INTERSECTING IDENTITIES**

**Intersectional identities drive up the poverty rate among bisexual people. But the poverty rate among transgender people transcends demographics.**

After accounting for intersectional factors that contribute to higher rates of poverty (race, youth, disability, marital status):

- Bisexual Men:** No statistical difference in poverty rate compared to other cisgender men.
- Bisexual Women:** A slight increase in poverty rate compared to other cisgender women remains (20.8% v. 17.8%)
- Transgender People:** The poverty rate for Transgender People is the same rate after adjustment, indicating it is independently significant as a risk factor for poverty.

LGBT Poverty in the United States (October 2019)  
The Williams Institute

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## Transgender People – Health Care

### Transgender Experiences Accessing Transition-Related Care

Age at which People Begin to Transition

	Under 25	Over 25
Transgender Men:	64%	36%
Nonbinary People:	80%	20%
Transgender Women:	37%	63%

\*4 out of 5 Enby respondents were assigned female at birth

How many adults identify as transgender in the U.S., <https://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf>  
Health and Care Utilization of Transgender and Gender Nonconforming Youth: A Population-Based Study, <https://pediatrics.aappublications.org/content/141/3/e20171683>

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## Transgender People – Public Life

### Transgender Experiences in Workplace

Out at Work

Out to Bosses, Managers, or Supervisors		Out to Co-Workers	
Totally Out:	35%	Totally Out:	23%
Mostly Out:	6%	Mostly Out:	11%
Partially Out:	10%	Partially Out:	24%
Not At All Out:	49%	Not At All Out:	42%

2015 U.S. Transgender Survey.

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## Transgender People & Social Exclusion

### ROMANTIC EXCLUSION

Survey of cisgender people about their openness to dating a hypothetical transgender person.

- Overall, less than 10% of survey respondents indicated openness to date a transgender person
- Openness to date a Transgender Man: 10.8%
- Openness to date a Transgender Woman: 7.5%

Respondent Sexual Orientation	Overall openness to transgender partner	Openness to Transgender Woman	Openness to Transgender Man
Heterosexual Man	3.3%	1.4%	1.9%
Heterosexual Woman	1.8%	0.3%	1.5%
Gay Man	11.5%	3.3%	8.2%
Lesbian	28.8%	9.0%	19.8%
Bisexual People	55.2%	Data not differentiated	Data not differentiated

Transgender exclusion from the world of dating. Journal of Social and Personal Relationships (2018)

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## LGBTQ+ LEGAL NEEDS

### Legal Services of NYC – Poverty is an LGBT Issue (2016)

- Most comprehensive Low-Income LGBTQ+ Civil Legal Needs Assessment publicly available.
- Conducted Needs Assessment of low-income LGBTQ+ People in NYC and hired data analysts to perform reviews of 25 years of case data and National Survey Data.

Legal Need (LGBTQ+ Total)	Rate of Need (lifetime)	Notes
Health Care Discrimination	56%*	25% in past year
Violence & Harassment	50%	1 in 5 experienced 2+ incidents
Intimate Partner Violence (IPV)		27%
Sexual assault		25%
Parental Neglect & Abuse		20%
Crime		13%
Workplace		4%
Income Maintenance (Federal Benefits)	32%	1 in 4 LGBT Californians have a disability
Income Maintenance (State Benefits)	24%	
Employment Discrimination	17%	
Housing Discrimination	12%	

\* Data point from National LGBTQ Taskforce Report (2019)

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## Violence

### Lesbian and Bisexual People experience higher rates of IPV & SA.

Lesbians 43.8%	Bisexual Women 61.1%	Hetero Women 35%
Gay Men 26.0%	Bisexual Men 37.3%	Hetero Men 29%

- Financial self-sufficiency has the greatest long-term impact on reducing future violence.
- Protective orders have the greatest short-term impact on stopping ongoing DV.

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## TRANSGENDER LEGAL NEEDS

### US Transgender Survey (2015)

- Survey of over 27,000 transgender people from across the United States (12.5% from California).

Legal Need (Transgender Specific)	Rate of Need (past year)	Notes
Name Change & ID Documents	89%	68% had no IDs with Correct Name and/or Gender Marker
Violence & Harassment	48%	
Intimate Partner Violence		54% Lifetime Rate
Sexual Assault		47% Lifetime Rate
Health Care (Provider Discrimination)	33%	49% have difficulty accessing Rx. for HRT bc cannot find local Provider
Health Care (Coverage Denials)	25%	Exclusions disproportionately target women
Employment Discrimination	27%	
Housing Discrimination	23%	
Homelessness	8%	70% experience discrimination @ Shelter

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## TRANSGENDER LEGAL NEEDS

### CRLA Central Coast Transgender Needs Assessment (2018)

- Survey of 67 transgender people from Monterey, San Benito, and Santa Cruz Counties

Legal Need (Transgender Specific)	Rate of Occurrence (lifetime)	Notes
Health Care Access Impediments	67%	travel over 25 miles for provider
Verbal Harassment	58%	
Physical Attack	40%	
Sexual Assault	48%	
Family Violence	22%	
School Discipline	34%	discipline for self-defense
Family rejection - Complete rejection	26%	No family member affirms identity
Family uses wrong name	50%	
Family uses wrong pronouns	57%	
Immediately family member disowned respondent	37%	
Kicked out of family home	21%	
Homelessness	40%	

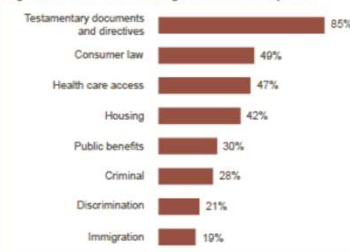
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## HIV+ LEGAL NEEDS

### Williams Institute LeAN Survey (LA County 2015)

- Survey data on respondent's legal needs in past 12 months
- **98% of respondents reported at least 1 legal need in past 12 months**
- Respondents reported **an average of 6 distinct legal needs** in four legal issue areas **in the past 12 months**

Figure 1.1: Most Prevalent Legal Issue Areas Reported



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**LGBTQ+ ELDERS  
LEGAL NEEDS**

- Income Maintenance (Social Security, SSI, Pensions, Special Needs Trusts)
- Health Care Discrimination
- Medicaid and Medicare
- Housing Discrimination
- Advanced Directives
- Supported Decision-Making Documents (PoAs, SDM Agreements)

**Justice in Aging - Special Report (2016)**

- LGBTQ+ Elders are more likely to be in poverty than cisgender heterosexual counterparts.
- Pervasive employment discrimination (only recognized by SCOTUS as illegal LAST YEAR!) resulted in **lower lifetime earnings and lower SSR benefit entitlement** for many LGBTQ+ Elders.
- LGBTQ+ Elders are also more likely to experience **isolation** than cisgender heterosexual counterparts.
- Criminal anti-sodomy laws and laws prohibiting same-sex marriages and child-rearing left many seniors without the security of a "nuclear family."


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**NON-DISCRIMINATION PROTECTIONS FOR  
LGBTQ+ PEOPLE**

**California's LGBTQ+ Non-Discrimination Laws**

- Gov. Code § 12940 (FEHA) – Employment
- Gov Code § 19255 (FEHA) – Housing
- Ed. Code § 220 – Education
- Civ. Code § 51 (Unruh Civil Rights Act) – Public Accommodations
- Civ. Code § 51.7 (Ralph Act) – Hate Crimes
- Gov. Code § 11135 – Government Agencies
- Health & Safety Code § 1365.5; Ins. Code § 10140 – Health Care

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**Free assistance for domestic violence restraining orders**

- Family or dating relationships
- Recent – within 14 days
- Criminal prosecution not necessary

Victim Advocate or Navigator will be assigned

- 1-on-1 aid
- Bilingual staff
- Zoom court


Safe Harbor

Hate crimes

Human trafficking

Elder Abuse

VC Legal Aid



Family  
Justice  
Center

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## Family Justice Center

**Text: (805) 947-7981**

**Email: [vcfjc.coop@ventura.org](mailto:vcfjc.coop@ventura.org)**

**Call: (805) 652-7655**

**Visit:**

**3170 Loma Vista Road  
Ventura, 93003**

Fillable Restraining Order Forms

Temporary

- <https://www.courts.ca.gov/documents/dv109.pdf>
- <https://www.courts.ca.gov/documents/dv110.pdf>

Permanent

- <https://www.courts.ca.gov/documents/dv130.pdf>

Self help Instructions

- <https://www.courts.ca.gov/1271.htm?rdeLocaleAttr=en>

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## AFFIRMING LEGAL SERVICES FOR LGBTQ+ CLIENTS

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## ETHICAL DUTIES TO LGBTQ+ PEOPLE

### California Rule of Professional Conduct: 8.4.1

- (a) In representing a client, or in terminating or refusing to accept the representation of any client, a lawyer shall not: (1) unlawfully harass or unlawfully discriminate against persons\* on the basis of any protected characteristic; or (2) unlawfully retaliate against persons.\*
- (b) In relation to a law firm's operations, a lawyer shall not: (i) on the basis of any protected characteristic, (i) unlawfully discriminate or knowingly\* permit unlawful discrimination; (ii) unlawfully harass or knowingly\* permit the unlawful harassment of an employee, an applicant, an unpaid intern or volunteer, or a person\* providing services pursuant to a contract; or (iii) unlawfully refuse to hire or employ a person\*, or refuse to select a person\* for a training program leading to employment, or bar or discharge a person\* from employment or from a training program leading to employment, or discriminate against a person\* in compensation or in terms, conditions, or privileges of employment; or (2) unlawfully retaliate against persons.\*
- (c) For purposes of this rule: (1) "protected characteristic" means race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, military and veteran status, or other category of discrimination prohibited by applicable law, whether the category is actual or perceived; (2) "knowingly permit" means to fail to advocate corrective action where the lawyer knows\* of a discriminatory policy or practice that results in the unlawful discrimination or harassment prohibited by paragraph (b); (3) "unlawful" and "unlawful" shall be determined by reference to applicable state and federal statutes and decisions making unlawful discrimination or harassment in employment and in offering goods and services to the public; and (4) "retaliate" means to take adverse action against a person\* because that person\* has (i) opposed, or (ii) pursued, participated in, or assisted any action alleging, any conduct prohibited by paragraphs (a)(1) or (b)(1) of this rule.

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## ETHICAL DUTIES TO LGBTQ+ PEOPLE

### California Rule of Professional Conduct: 8.4.1

- (a) Do not discriminate against Clients or Potential Clients
- (b) Do not discriminate against Employees or Potential Employees
- (c) On the basis of sex, gender, gender identity, gender expression, sexual orientation.

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## ETHICAL DUTIES TO LGBTQ+ PEOPLE

### California Code of Judicial Ethics: Canon 3(B)(5)

- A judge shall perform judicial duties without bias or prejudice.
- A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as
  - (a) bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, gender identity, gender expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, or
  - (b) sexual harassment.

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## OUR WORDS IMPACT THE WELL-BEING OF OTHERS

### Our assumptions and word choice impact others' feelings.

- Sexual Orientation and Gender Identity are not obvious characteristics for all.
  - A person's appearance may not align with their gender identity or sexual orientation.
  - A person's voice may not align with what you might expect for their gender identity or sexual orientation.
- Make every step of the process client-centered, based on needs of the client.

### Ways we can avoid unintended harms:

- Be conscious of your own biases.
- **Always use gender neutral language** until you know a person's experience.
  - Partner rather than husband or wife
  - They, rather than he or she
    - Or use person's name rather than pronouns
  - Person rather than man, woman
  - Relationship status rather than marital status
  - Parent or Guardian, rather than Mother, Father

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## GENDER DYSPHORIA

A Quick Biology Lesson

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## SEX & GENDER

### Sex is a biological condition.

"Biological Sex" is a physical condition, resulting from:

- Chromosomes.
- Genetics.
- Neurobiological development (Experienced Sex).
- Internal reproductive organs.
- External genitalia and secondary sex characteristics.
- These factors do not always align with binary sex assignments made at birth.
- Sex assignments at birth exclusively rely on external genitalia, and do not consider other factors that contribute to an individual's biological sex.
  - Inaccuracies for Intersex and Transgender People.

### Gender is a social condition.

Gender is the socially-constructed expectation for individual behavior based perceived sex.

- Normative Behaviors and Personalities.
- Social Roles.
- Interpersonal Relationships.
- Typically described as "**Masculinity**" and "**Femininity**" in Western Society.
- More associated with **gender expression** and should not be conflated with gender identity.

WORLD HEALTH ORGANIZATION, GENDER AND GENETICS: GENETIC COMPONENTS OF SEX AND GENDER, available at <http://www.who.int/genomics/gender/en/index1.html>.

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## GENDER IDENTITY (EXPERIENCED SEX)

The innate, internal sense of an individual's sex; the sex that a person experiences their self to be.

- **Every person has a gender identity (even cisgender people).**
  - Gender identity is a biological, physiological, psychological, social, and cultural understanding of one's own identity as male, female, or non-binary person.
- **Gender Identity is a separate and distinct concept from the social phenomenon of Gender.**
  - A person's experienced sex may not correspond with the desire to adopt specific gender normative behaviors, roles, or relationships (i.e., "tomboys" or "femboys").
  - For transgender people, their experienced sex does not align with their sex assigned at birth despite typically being socialized as the assigned sex.
- **When Gender Identity does not align with Sex Assigned at Birth, that person is considered transgender.**
  - Transgender individuals are acutely aware of this non-alignment and may experience distress as a result of their physical bodies not meeting their internal expectations of their sex.

*Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*, Julia Serano

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## GENDER IDENTITY (EXPERIENCED SEX)

What causes a person to experience their sex as something other than the sex associated with their chromosomes and physical sex characteristics?

- The most commonly accepted hypothesis is the **"MOSAIC BRAIN THEORY"**.
  - Sexually dimorphic brain structures in transgender people match their cisgender peers of the same experienced sex, or present as a third variation, even prior to HRT initiation.
    - BSTc and INAH-3 in the hypothalamus (brain areas responsible for sexual behavior). (Zhou et al. 1995) (Krujiver et al. 2000) (Garcia-Flaguera & Swabb 2008).
    - Regional Gray Matter Structure in the cerebrum (brain area responsible for the integration of complex sensory and neural functions and the initiation and coordination of voluntary activity in the body). (Luders et al. 2009) (Rametti et al. 2011) (Simon et al. 2013).
- While these conditions have been observed, the influence of these sexually dimorphic regions on the development of gender identity remains unknown.
  - There is no "hard rule" or "clearly dimorphic" patterns for brain mosaics.
    - Like everything sex and gender, it's a spectrum: most brains (even cisgender) are a combination of structures that might be considered normative for both Male and Female brains.

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## GENDER DYSPHORIA

Clinically significant physical and mental distress that may result from a discrepancy between a person's experienced sex and their sex assigned at birth.

Typically manifests with physical and mental health symptoms similar to hypertension, anxiety, and depression disorders.

**GENDER DYSPHORIA is a serious health condition.**

- Gender Dysphoria requires medical and mental health treatment, including changes to one's social behaviors and environment.
- The distress is often so significant that it leads to impairments in social, occupational, or other areas of function. (DSM-V).

**Being Transgender is NOT a mental health condition.**

- Not all transgender people experience gender dysphoria, and gender dysphoria often goes into remission with treatment.
- Gender dysphoria symptoms are exacerbated when interventions required for treatment by the individual patient are not available and/or their gender identity is not recognized. (DSM-V).
- i.e., **Misgendering and/or using a person's incorrect name often triggers dysphoria symptoms.**

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## STANDARDS OF CARE FOR GENDER DYSPHORIA

In the U.S., there are two generally accepted standards of care for the treatment of gender dysphoria.

### World Professional Association of Transgender Health (WPATH)

- Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People (7<sup>th</sup> Ed. 2011).
- WPATH is an international, interdisciplinary nonprofit organization devoted to promoting evidence-based care, education, research, advocacy, public policy and respect in transgender health.
- The WPATH Standards of Care are considered "the preeminent authority on treatment of those suffering with gender dysphoria."

### The Center of Excellence for Transgender Health (UCSF) at University of California – San Francisco

- Guidelines for the Primary and Gender-Affirming Care of Transgender and Gender Nonbinary People (2<sup>nd</sup> Ed. 2016)
- The mission of the Center of Excellence for Transgender Health is to increase access to comprehensive, effective, and affirming health care services for trans communities.
- The protocol is based on a critical review of the medical literature that exists on transgender health care, and on the Member Advisory Board physicians' combined years of clinical practice.

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## AFFIRMATIVE TREATMENT

The Standards of Care follow an "affirmative care" model that recognizes and embraces the patient's experienced sex.

Patient Satisfaction and Quality of Life reports are very high (>90%), indicating that affirmative treatment is very successful at alleviating gender dysphoria.

**Affirmative care is the only treatment which alleviates gender dysphoria.**

- Nearly every major medical association in the US and many more globally endorse affirmative care as the only effective treatment for gender dysphoria.
  - American Medical Association, American Psychiatric Association, American Psychological Association, American Public Health Association, Endocrine Society, American Academy of Family Physicians, American Academy of Child and Adolescent Psychiatry, American Academy of Nursing, and many more medical organizations.
- Failing to affirm an individual's experienced sex often results in more severe gender dysphoria symptoms.**
  - Increase risk of negative health outcomes: i.e., anxiety, depression, substance abuse, risk behaviors, and self-harm.

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**The Standards of Care recognize that legal services providers often play an important role in the treatment of gender dysphoria:**

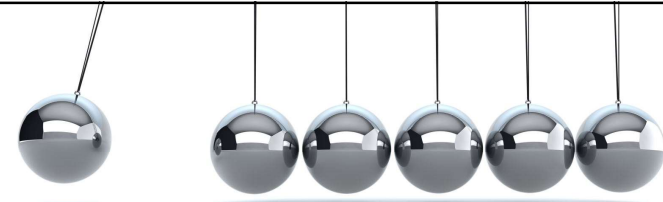
Transgender people are often forced into the legal system to complete the transition process:

- Name change and gender marker corrections on identity documents.
- Medical insurance appeals to access to gender-affirming medical treatment.

## AFFIRMATIVE TREATMENT

Legal Service Providers working with Transgender clients must understand the purpose of gender dysphoria treatment and their role in that treatment for their clients.

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## AFFIRMATIVE PRACTICE TIPS

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## AFFIRMATIVE PRACTICE TIPS - PRONOUNS

- **ALWAYS** use a person's correct pronouns **AND** common law name.
  - "Legal gender" and "legal name" are whatever the person tells you they are, not what's on a government document.
- **If you're unsure of pronouns or name, offer your own**
  - Ex: "Just so you know, my pronouns are ..." or "My given name is Ariel, but you can call me Ari".
- **Avoid pronouns until you know which pronouns are correct (use neutral language).**
  - DON'T ASSUME an individual's gender identity based on voice or appearance.
  - In English, we've been using singular "they/them" pronouns our whole life, so don't make a big deal of it now just because a client is nonbinary.

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## AFFIRMATIVE PRACTICE TIPS - PRONOUNS

### Greetings and Salutations:

- **Use reflective language with applicants/clients** – if a client refers to themselves in a specific way (i.e., calling themselves a "trans man"), note that they used that language and ask if that is the language you should use.
  - i.e., "I heard you referred to yourself as 'they' in your story. Do you use non-binary pronouns for yourself?"
  - NOTE: LGBTQ+ people may reclaim slurs and use those terms to describe themselves, but it is not appropriate for anyone outside of their culture group to use the same terms.
- **AVOID HONORIFICS!**
  - Mister, Misses, Miss, sir, madam, etc. are falling out of favor and their use is increasingly seen as impolite
  - Especially with younger people – creates unnecessary ceremony in social situations that disrupts the relationship.
  - Plus, these terms are based in outdated white supremacist concepts of who is and is not a "citizen".

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### AFFIRMATIVE PRACTICE TIPS - PRONOUNS

- **Use a person's correct pronouns even when referring to their past (prior to gender transition).**
  - Ex: Before Laverne Cox transitioned, she studied theater at Indiana University.
  - A person doesn't change their sex. Our perceptions of their sex changes.
- **Made a mistake? Acknowledge it, correct it, apologize, and move on.**
  - Don't ignore it, make excuses, or be overly apologetic. That's awkward and not affirming.
  - Don't let your uncorrected mistake be relied upon by someone else who then makes same mistake.

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### AFFIRMATIVE PRACTICE TIPS - PRONOUNS

- **Did someone else make a mistake? CORRECT THEM.**
  - Hold others accountable for their behavior.
  - We may encounter archaic or offensive terms from colleagues, attorneys, judges, or court staff.
    - Remind them of their ethical duties to perform their jobs without engaging in conduct that demonstrates bias or prejudice, or that harasses an individual on the basis of sex, gender, or sexual orientation.
      - California Code of Judicial Ethics: Canon 3(B)(5)
      - California Rule of Professional Conduct: 8.4.1
- **REMINDER! Make sure that correcting the mistake will not jeopardize the client's safety.**
  - Some clients may not be "out" to family or friends, so referring to them by their correct pronouns could put their health and safety at risk.

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### AFFIRMATIVE PRACTICE TIPS - PRONOUNS

Even SCOTUS gets this right:

- In *Gloucester County School Board v. G.G.*, the SCOTUS clerk issued a reprimand to a party for using the wrong pronoun for a transgender student in its briefing and caption.



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### AFFIRMATIVE PRACTICE TIPS - SAFETY

- **Create an environment where it is safe to self-identify as L, G, B, T, Q, and/or HIV-positive.**
  - Foster an environment where a person's identity is welcomed, acknowledged and respected, not judged and not 'spot-lighted.'
- Many LGBTQ+ people may prefer to "**pass**" or "**be closeted**" with certain people, unless or until a relationship of trust has been established.
  - "**Passing**": Behavior used to avoid being identified as LGBTQ+
  - "**Being closeted**": When an LGBTQ+ person doesn't reveal their sexual orientation and/or gender identity to others [1]
  - "Passing" and "being closeted" are both protective measures to preserve integrity and prevent harassment and violence.

[1] Langley, L. (2001.) Developing anti-oppressive empowering social work practice with older lesbian women and gay men. *British Journal of Social Work*, 31: 917-932.

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### AFFIRMATIVE PRACTICE TIPS - SAFETY

**Understanding the point at which the applicant/client is at in the “coming out” process shows respect and protects their safety/privacy.**

- **“Coming out”**: The process of telling others about your sexuality and/or gender identity; a complex, difficult and life-long series of events.
- *One of the most difficult aspects of coming out is that it is a never-ending process, each new situation requires another telling. In the main, as sexual orientation isn't visually obvious and the assumption is often made that people are all heterosexual, this is a fairly constant and exhausting process.* [2]

[2] Brown, H.C. (1998.) Social work and sexuality: Working with lesbians and gay men. Basingstoke, BASW/Macmillan.

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### AFFIRMATIVE PRACTICE TIPS - INDIVIDUALITY & CONFIDENTIALITY

**One person doesn't speak for an entire community.**

- Because an LGBTQ+ applicant/ client has specific preferences doesn't mean other LGBTQ+ people share those same preferences.
- Avoid assumptions based on other experiences or stereotypes.
- Don't assume a person's gender based on the sound of their voice or their clothing/physical appearance.
- Transgender people frequently may not conform to gender stereotypes and may avoid stereotypes intentionally.

**Avoid unnecessary or invasive questions.**

- Unless it's an essential element of a case, it isn't necessary to know the details of an applicant's/ client's medical gender transition or other private information related to their sexual orientation or gender identity.
- When it is relevant, be sure to ask respectful questions and explain the reason it is necessary to collect that information.

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### AFFIRMATIVE PRACTICE TIPS - OFFICE PROCEDURES

**Make sure office has affirming policies for transgender clients.**

- Intake forms and case management systems must be in a person's common law name and their correct pronouns/sex designations.
  - But remember to do conflict checks using all names that client has every used.
- Everyone in the office must have basic transgender cultural literacy.
  - Staff understands the importance of using correct names and pronouns and how not doing so causes negative health outcomes.
  - Make sure people in office are aware of applicant's/client's correct name and pronouns by introducing the person using their correct name and pronouns.

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### AFFIRMATIVE PRACTICE TIPS - OFFICE PROCEDURES

**Historic and systemic discrimination cause many LGBTQ+ people to be wary of seeking support from any service provider.**

- May not feel welcome to access services and decline to self-identify when they do interact with providers.

**Ways to Reduce Stigma**

- Respect a client's choice to define their identities.
- Note the language they use to refer to their identities and relationships.
- Use that language yourself, even when you are not in the client's presence.
- Respect anxieties about disclosure.
- Respect the decision to come out or not.
- Don't discourage a client from coming out.

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### AFFIRMATIVE PRACTICE TIPS – AVOID ASSUMPTIONS

**Some people may not identify as L, G, B, T or Q.**  
They may use other descriptions to express their identities which you should reflect back in conversation.

**If you are unsure about something, ask questions (if safe and appropriate).**

- TIP! Sample questions include:
  - "And what does that mean? Can you explain that further?"
  - "When did this happen?"
  - "Is this what you mean?"

Remember to keep the **focus on care** rather than indulging in questions out of curiosity.

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### IMPLICIT BIAS

Be aware of your own biases, stereotypes and negative attitudes and take care that every step of the intake interview process is client-centered, affirmative, and based on the needs of the client.

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### TRAUMA HISTORY IS COMMON AMONG LGBTQ+ PEOPLE

- Experiencing trauma significantly increases the risk of lifelong physical, mental, and emotional health problems.
- A trauma-informed approach to our mission may help to better engage clients, improve case outcomes, and prevent avoidable harm.
- As a service provider working with survivors of trauma, it is essential that we do not re-traumatize the person and cause exponential harm.
- Trauma-informed workplaces are structured in a manner to mitigate staff secondary trauma and reduce burnout.

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### TRAUMA INFORMED SERVICE – WHAT IS TRAUMA

There is no universal definition.

- Definition from the Substance Abuse and Mental Health Services Administration (SAMHSA):
  - **“Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.”**

It is important to remember that not every person who experiences adversity will experience trauma as a result.

- Part of being trauma-informed is not making assumptions about a survivor’s thoughts or emotions.

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**WHAT HAPPENS?**

**EMOTION REGULATION**  
Trauma/abuse affects one's ability to:

- Control impulses
- Manage emotional cues
- Trust in the reliability of others
- Establish a predictable sense of self

**COGNITIVE FUNCTIONING**  
Trauma/abuse affects one's ability to:

- Form memories
- Learn and concentrate
- Make decisions
- Process and express language

**PHYSICAL & MENTAL HEALTH**  
Trauma/abuse affects one's ability to:

- Developing diabetes, heart disease, cancer and other ailments
- Engaging in substance abuse
- Attempting suicide
- Developing or sexually transmitted diseases

**RELATIONSHIPS**  
Trauma/abuse affects one's ability to:

- Identify and form healthy relationships
- Trust others
- Express needs and wants to others
- Set boundaries

**PERCEPTIONS & BELIEFS**  
Trauma/abuse affects one's:

- Core beliefs about self, others and the world
- Ability to hope

**HOW MIGHT TRAUMA IMPACT A SURVIVOR?**

- Cognitive function decline
- Emotional Regulation difficulties
- Negative Physical & Emotional Health Responses and Outcomes
- Relationship strain and collapse
- Perception & Belief changes

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**TRAUMA INFORMED SERVICE –  
EXAMPLES OF TRAUMA LGBTQ+ CLIENTS MIGHT  
HAVE EXPERIENCED**

- Poverty (especially generational poverty/childhood poverty)
- Discrimination
- Neglect or Isolation
- Family Rejection
- Physical, sexual, and/or emotional abuse
- Experiencing or living with someone who has a mental health or substance use disorder
- Experiencing or witnessing violence in the community or military

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**THANK YOU!**

Questions?  
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