

HYPOTHETICAL #1

Jason Davis is seeking a name change order. He is 32 years old.

On his petition for name change, the caption reads, In re the Name Change of Sarah Waters.

In the reason section for the name change to Jason Davis, the petition says, "due to gender change".

HEARING CONSIDERATIONS:

What can you or should you do to keep Mr. Davis' hearing fair?

- A. Call the cases by the petitioner's last name.
- B. Ask whether or not the name change is for the reasons stated in the petition, without going into detail about those reasons.
- C. Ask questions about the petitioner's medical status.
- D. A & B

What can you or should you do to keep Mr. Davis' medical status private?

- A. Ask whether or not the name change is for the reasons stated in the petition.
- B. Ask if there is any other documentation that the petitioner would like to provide the court.
- C. Provide the opportunity for a closed hearing.
- D. All of the above

What kinds of inquiry could you or should you make of Mr. Davis?

## HYPOTHETICAL #2

Jessica Tate is 24 years old. She is a repeat offender with a history of prostitution convictions. She is currently in lock-up awaiting arraignment. She grew up poor and has never been able to escape poverty.

Jessica was born David Brooks. However, she has lived by the name Jessica Tate for over 8 years and identifies as a woman. Jessica has not legally changed her name but has adopted it through common law usage. Jessica has taken black-market female hormones for the past 4 years and has visible breasts but has not had any other medical or surgical treatment.

Jessica is being held in the men's division of lock-up. She would normally arrive in court in a standard issue prison jumpsuit, with her long hair, painted nails and generally feminine appearance and demeanor.

### ARRAIGNMENT ISSUES

#### Appearance

Do you allow Jessica to wear something different to court than a prison jumpsuit?

#### Interacting with Jessica

How do you interact with Jessica and what kinds of interaction, if any, do you direct from the prosecutor, defense attorney and court personnel?

### AT TRIAL

Jessica pleads not guilty and requests a jury trial. During pre-trial motions, the prosecutor keeps referring to Jessica as David and by male pronouns. Defense counsel has objected.

What can or should you do to keep the proceedings fair?

How do you interact with Jessica and what kinds of interaction, if any, do you direct from the prosecutor, defense attorney and court personnel?

What, if any, comments do you make to the jury about Jessica?

### SENTENCING

The jury finds Jessica guilty.

What considerations should you make in sentencing Jessica?

What considerations, if any, should you make about where Jessica serves her time?

### HYPOTHETICAL #3

Mike & Betty Smith are both 38 years old. They were divorced 3 years ago. They have 1 child, Henry, age 8. They have a residential schedule where Mike is the primary residential parent and Betty has visitation every other weekend and split holidays.

Henry told Mike about 8 months ago that Henry is really a girl and wants to use the name Rebecca. Mike has taken Henry to the local Children's Hospital and physicians have confirmed that the child is trans identified and have made recommendations regarding helping Rebecca have a smooth transition. Mike has been attending a support group for parents of trans youth and has been educating himself on the issue. He is fully supportive of his child's transition.

Mike has discussed the situation with Betty and she is adamantly opposed to allowing their child to transition. She has filed a Petition for Modification along with restraining orders to seek to change the primary residential custody and to prevent Mike from allowing their child to transition.

#### TEMPORARY ORDERS MOTION

Betty has submitted a motion for temporary orders that would prevent Mike from allowing the child to get any further medical treatment related to transition or to take any other steps toward transition pending trial.

Mike has responded by requesting that a parenting evaluation be done and a guardian ad litem appointed for Rebecca, that Rebecca be allowed to continue transition, and by requesting that the current parenting schedule not be altered.

What considerations do you take into account in making a ruling?

How do you determine who pays for the parenting evaluation and guardian ad litem?

What considerations so you take into account in appointing a parenting evaluator and/or guardian ad litem?

#### PRE-TRIAL & TRIAL ISSUES

What can or should you do to keep the proceedings fair?

What can or should you do to keep the child's medical status and information confidential?