Trans Youth Handbook

Helping you learn about your legal rights
in different areas of your life

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The Harvard Law School LGBTQ+ Advocacy Clinic (HLAC) engages in impact litigation, policy advocacy, and direct representation on behalf of the LGBTQ+ community, with a particular focus on issues affecting underrepresented groups within the LGBTQ+ umbrella. HLAC works with community members, advocates, non-profit organizations, educators, medical professionals, and governmental entities to advance the rights of LGBTQ+ people at both the national and local levels.

The National Center for Lesbian Rights (NCLR) is a national LGBTQ legal organization at the forefront of advancing the civil and human rights of the full LGBTQ community and their families through impact litigation, public policy, and public education. NCLR has been a leading advocate for the rights of transgender youth for over a decade. Through litigation and advocacy, NCLR has expanded legal protections for transgender youth in schools, sports, healthcare, and custody disputes, among many other areas. Touching on every aspect of their lives, the work of NCLR's Transgender Youth Project is to ensure transgender youth have the support and opportunity they need to thrive.

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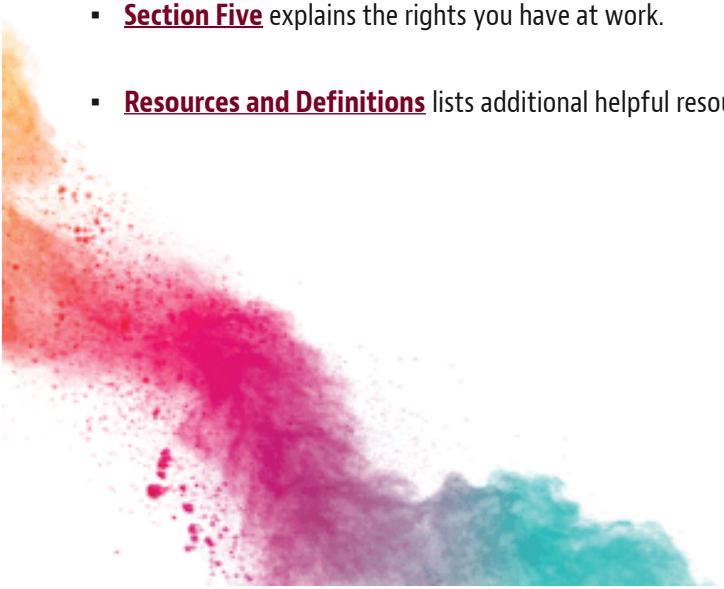
Introduction

What's Inside

This Handbook was created to help you learn about your legal rights in different areas of your life.

- **Section One** provides information about changing your identity documents.
- **Section Two** explains the rights you have at school.
- **Section Three** addresses getting access to transition-related health care.
- **Section Four** explains how your legal rights are affected if one or more of your parent(s) or guardian(s) does not affirm your gender identity or if you do not live with your parent(s) or guardian(s).
- **Section Five** explains the rights you have at work.
- **Resources and Definitions** lists additional helpful resources and definitions for the terms used in this Handbook.



The information in this Handbook should not be considered legal advice. This Handbook provides legal information but does not attempt to apply that information to any specific situation.

This guide is up-to-date as of June 2020. However, because laws affecting trans people are constantly changing, the information contained in this Handbook may not reflect the current legal situation where you live.

If you have a question about your specific legal situation, you should contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257. You can also contact the helpline by e-mail at info@nclrights.org.

Self-Advocacy 101

If you think you have been discriminated against because you are trans:

Keep a record of any perceived discrimination. Write down the date, time and place of what happened as soon as possible, and be sure to include who was there and what they said. If you remember other details, you should write those details down as well. Like a diary, you should also write notes about how the discrimination or mistreatment made you feel. Keep a copy of these notes, as they will be useful if you want to take legal action later.

Know your rights. Review this Handbook and other resources to learn about what federal, state, and local laws or policies might apply in your situation.

Get things in writing. It can be hard to prove what someone said or did without some type of evidence. Whenever possible, try to get written confirmation of the decision or incident you experienced. If there isn't already a record, such as a letter or report, create one. Besides keeping the types of notes just described, you can file a complaint with the appropriate agency that outlines the discrimination you experienced or document an in-person meeting by writing an e-mail to the person you met with describing what you discussed in the meeting.

Seek emotional support. Discrimination is a difficult thing to face alone, and the process of fighting discrimination can be very stressful. Seek support from friends, family, health care providers, faith leaders, and others who affirm your gender identity.

Seek legal advice. If you need help handling a legal situation or figuring out what you should do, you can contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257. You can also contact the helpline by e-mail at info@nclrights.org.

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Identity Documents

Overview

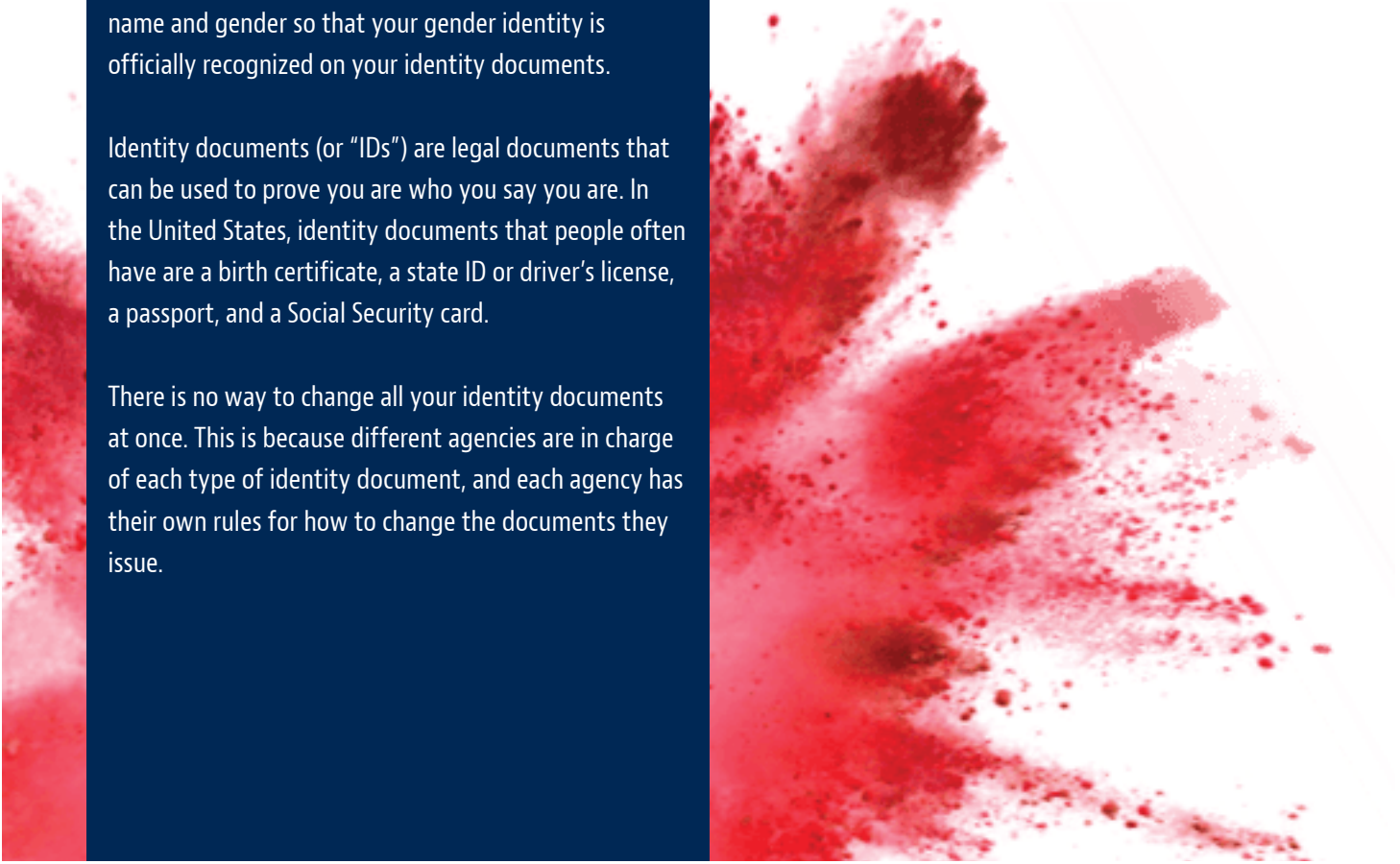
Some people use a name that is different from the name their family gave them. Just like people often go by nicknames, you can use a name and pronouns (such as he/him/his, she/her/hers, or they/them/theirs) that you choose even if they are different from your legal name and gender. However, you can also change your legal name and gender so that your gender identity is officially recognized on your identity documents.

Identity documents (or "IDs") are legal documents that can be used to prove you are who you say you are. In the United States, identity documents that people often have are a birth certificate, a state ID or driver's license, a passport, and a Social Security card.

There is no way to change all your identity documents at once. This is because different agencies are in charge of each type of identity document, and each agency has their own rules for how to change the documents they issue.

Changing Your Name

In order to change your name on your ID, you need a court order, which is a legal document signed by a judge that officially recognizes your chosen name as your legal name. You can then bring a copy of that court order to change your name on your various IDs.



Changing Your Gender Marker

There are two ways to change your "gender marker" (the part of an ID that says that your gender is "M," "F," or "X"). The most common and efficient way is to get a court order recognizing your gender change and to use that order to change your gender marker on your various IDs. **A court order from your state is respected by all the agencies in your state that issue IDs, making it easier to change your state IDs**. If you want to change your birth certificate, but were born in a different state from where you live, you may need to meet the requirements for changing your gender marker in the state where you were born. Although many states accept a court order, you should reach out to an LGBT or trans-specific advocacy organization in the state where you were born to find out if there are particular requirements you should be aware of before starting the process of correcting the gender marker on your birth certificate in the state where you live. Those organizations are likely going to have really helpful information to guide you through the process. If you are unable to get a court order, some agencies allow you to change the gender marker on an ID without a court order. For example, in some states you can change the gender marker on your driver's license just by signing a form stating what your gender identity is. Other states may require a letter from your therapist or doctor confirming that you are seeking treatment for gender dysphoria.

Getting a Court Order

A court order is a legal document that officially recognizes your name and/or gender change. You can get a court order that only changes your name, only changes your gender, or changes both. You can get your name and gender marker change orders separately, but it will likely cost more as you may have to pay the court filing fee twice.

To get a court order, you will usually need to fill in a form called a "petition." You then send, or "file" the petition in the court in the county where you live. You usually need to pay a fee to file the petition. The cost varies depending on where you live (usually $150-$450). Many courts will allow you to not pay, or "waive," the fee if you can show that you can't afford to pay. To request a waiver of the fee, you will have to complete additional forms and provide proof of how much money you make each month.

A judge might grant your petition based on the form alone. Alternatively, a judge might ask to speak to you about why you want to change your name and/or gender.

If they want to speak to you, they will ask you to come to a "hearing," which is a set time that you must go to court to answer the judge's questions. For more information about what to expect at a hearing, see Name and Gender Changes for Minors.

If the court decides to grant your petition, they will sign an order or official statement changing your name and/or gender that you submitted with your petition. You can then use official copies of the order, which are called certified copies, to change your name and/or gender marker on most identity documents. Courts often charge a fee for certified copies of court orders. You should call the court before the hearing to find out how much each certified copy will cost so that you can bring enough money for the certified copies.

Some states require name change petitions to be published in a newspaper or other public forum. If you live in a state that requires publication, you can ask the court to excuse, or "waive," the publication requirement because it discloses your trans status, which is private information and could expose you to discrimination and mistreatment. You can also ask the court to "seal" the record of your name and/or gender change, which means that the court record won't be publicly available for other people to look at.

If the judge denies your request to waive the publication requirement or seal the court record, you may still be able to preserve some of your privacy by publishing the notice of your petition in a newspaper that is not distributed in the area where you live. You just need to make sure that the newspaper you choose is on the list of court-approved newspapers. Also, you should consider publishing the notice in a newspaper that does not post their legal notices in the online version of the newspaper. That can reduce the number of people who may see the notice.

The National Center for Transgender Equality's ID Document Center has more information about procedures for filing a name or gender change petition in each state here.

Name and Gender Changes for Minors

To start the process, your parent(s) or guardian(s) usually has to file a petition with the court on your behalf to change your name or gender marker. If you are over the age of 18, or legally emancipated from your parent(s) and/or guardian(s), you can petition for a name and/or gender change court order by yourself.

When a trans person under 18 is involved, the court will often set a hearing to decide whether to grant a legal name or gender change. A hearing gives the judge an opportunity to ask you and your parent(s) or guardian(s) questions about the petition and why you want to change your name and/or gender marker. The judge may just want to confirm that you meet all the basic legal requirements for a name and/or gender marker change, such as living in the county where the court is located. But you won't know what a judge may ask until you get to the hearing. Given that many judges are unfamiliar with the trans community and issues affecting trans youth, attaching letters from people such as your medical providers, teachers, family members, or friends to the petition may help answer some of the judge's questions before you get to court. These documents should explain to the judge why it is important for your name and/or legal gender to affirm your gender identity.

If the judge asks you a question that you are not prepared for, or feel uncomfortable answering, you and your parent(s) or guardian(s) should consider asking for a continuance. A continuance reschedules the hearing to a later date and time, giving you time to allow you to talk to or hire a lawyer, or to bring the court additional information to answer the judge's specific question. There isn't a specific way to ask for a continuance, but you should use the word "continuance" in making your request to make sure the judge understands what you're asking for.

The judge will use the information you provided in the petition and at the hearing to determine whether your petition meets the requirements for a name and/or gender marker in your state. Typically, if your legal parent(s) or guardian(s) consent to the name and/or gender marker change, the judge will mainly be looking to confirm that your petition meets the basic legal requirements for a name and/or gender marker change.

If your legal parent(s) or guardian(s) disagree about whether you should change or name and/or gender marker, a judge will use a legal standard that involves deciding what is in "the best interests of the child." The parent or guardian who is supporting your petition will have to submit evidence demonstrating why the name and/or gender marker change is in your best interests.

For more guidance about what to do if one or more of your parent(s) or guardian(s) are not affirming your gender identity, see Non-Affirming Care Environments.

Driver's Licenses/State IDs

Name Change: In order to change your name on your driver's license or state ID, you usually need to provide a certified copy of the court order for your name change to your local Department of Motor Vehicles.

Gender Marker Change: Different states have different standards for what types of documents you need to give them to change the gender marker on your driver's license or state ID. This can be different than what you need to change the gender marker on your birth certificate. In many states it is easier to correct the gender marker on a driver's license or state ID than on a birth certificate. In some states, you are required to get a court order to change your gender marker on your ID. In other states, you can choose either to get a court order, or to submit certain other documents to the agency in charge of issuing IDs in your state. However, as noted earlier in Changing Your Gender Marker, getting a court order is often the most efficient thing to do from the beginning, because a court order can also be used to change your other identity documents.

In Alaska, Arkansas, California, Maryland, Massachusetts, Nevada, Oregon, and Washington D.C., you can change your gender marker either by providing a court order, or simply by signing a document stating what your gender identity is, with no medical documentation required.

In Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Maine, Maryland, Michigan,* Missouri,* Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah*, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and Puerto Rico, you can provide either a court order, or a health care provider's letter either stating what your gender identity is, or stating that you have received some type of transition-related care. Each of those states likely has different requirements about who can write this statement (for example, a physician or a mental health provider) and what language the statement requires (for example, certifying what your gender identity is, or that you have received "clinically appropriate care for gender transition").

In Mississippi, South Carolina and Texas, you must provide a court order in order to change your gender marker.

In Indiana, Iowa †, Louisiana, North Dakota, Oklahoma, Tennessee and Vermont, you need to provide a health care provider's letter stating that your gender transition is "permanent," "completed," or "successful."

In Alabama, you need to provide a health care provider's letter stating that you have received gender confirming surgery.

The National Center for Transgender Equality's ID Documents Center has more information about the requirements for each state here.

*In Kentucky, Michigan, Missouri, and Utah, the easiest way to change your gender marker on your state ID or driver's license is to update your passport first, because you can receive an updated passport by submitting a physician's letter stating you have received clinically appropriate care for gender transition. See Passports.

† For Iowans who were born outside of Iowa. Iowans who are born in Iowa are required to submit a birth certificate with an updated gender marker.

Birth Certificates

Name Change: In order to change your name on your birth certificate, you usually need to provide a certified copy of the court order for your name change to your state Department of Vital Records or Statistics.

Gender Marker Change: Different states have different standards for what types of documents you need to give them to change the gender marker on your birth certificate. This can be different than what is required to change the gender marker on your driver's license or state ID. In some states, you are required to get a court order to change your gender marker on your birth certificate. In other states, you can choose either to get a court order, or to submit certain other documents to the agency in charge of issuing birth certificates in your state. However, as noted above in Changing Your Gender Marker, getting a court order is often the most efficient thing to do from the beginning, because a court order can also be used to change your other identity documents.

In California, Colorado, Idaho, Montana, Nevada, New Jersey, New Mexico, New York, Oregon, and Washington, you can change your gender marker by either providing a court order, or by signing a document stating what your gender identity is. You don't need to provide any medical documents.

In Alaska, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Minnesota, North Dakota, Pennsylvania, Rhode Island, Washington D.C., and Puerto Rico, you need to provide a health care provider's letter either stating what your gender identity is, or stating that you have received some type of transition-related care. Each of those states likely has different requirements about who can write this statement (for example, a physician or a mental health provider) and what language the statement requires (for example, certifying what your gender identity is, or that you have received "clinically appropriate care for gender transition").

In Arizona, Kentucky, Maine, Michigan, Missouri, Nebraska, North Carolina, and Wyoming, you can provide either a court order, or a health care provider's letter stating that you have received gender confirming surgery.

In Indiana, Louisiana, Mississippi, New Hampshire, Oklahoma, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and West Virginia, you must provide a court order to change your gender marker. In Alabama, Arkansas, Georgia, and Wisconsin, the court order must specifically state that you have received gender confirming surgery.

In Kansas, Ohio, and Tennessee, it is currently not possible to change your birth certificate. However, several lawsuits challenging these laws are currently happening.

The National Center for Transgender Equality's ID Documents Center has more information about the requirements for each state here.

Passports

In order to change your name on your passport, you must submit a certified copy of the court order for your name change. To change your gender marker on your passport, you must submit a letter from your physician stating that you have received "appropriate clinical treatment" for gender transition, or a court order correcting your gender marker.

If you are under the age of 16, you need the consent of both your parent(s) or guardian(s), and you must file a Form DS-11 to change your passport. If a parent or guardian is not present when you apply, you must also submit a Statement of Consent (Form DS-3053) from your parent(s) or guardian(s). The forms you need to change your name and gender marker on your passport are available on the U.S. Department of State's website. The National Center for Transgender Equality has more information on how to change your passport here.

Social Security Cards

Name Change: To change the name on your Social Security card, you need to submit an Application For A Social Security Card (Form SS-5), proof of citizenship or immigration status, proof of legal name change (such as a court order), and proof of identity.

Gender Marker: Changing your gender with the Social Security Administration (SSA) is important even though your gender doesn't appear on your Social Security card. SSA keeps records for everyone who has a Social Security card and other groups, such as your employer or banks, may check your gender against SSA's database. To change the gender marker with the SSA, you'll need to provide one of these documents:

- A court order directing legal recognition of the new gender;
- A medical certification of "appropriate clinical treatment for gender transition" in the form of an original signed statement from a licensed physician (i.e., a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.));
- A 10-year passport with the new gender marker (only available if you are over 16); or
- State-issued birth certificate with the new gender marker.

If you are under 18 and you are not emancipated, you will need the permission of your parent(s) or guardian(s) in order to change your Social Security records. More information about the documents required are on the Social Security Administration website.

Selective Service

Currently, transgender people are not allowed to openly serve in the military. However, all American citizens and documented immigrants aged 18 to 25 who are assigned male at birth must register with the Selective Service System within 30 days of turning 18. Registration is required by the government as a way of preparing for the draft. Many federally funded programs, including financial aid for college, require that people register for Selective Service. As a result, if you are a transgender person who was assigned male at birth, you should register for Selective Service when you turn 18, regardless of whether you have transitioned or corrected your identity documents.

If you are a transgender person who was assigned female at birth, you should get a letter stating that you are exempt from Selective Service. The way to do this is by submitting to Selective Service what is called a "Request for Status Information Letter" form that states you are transgender. Selective Service will then send you a letter confirming you don't have to register for Selective Service. You can access this form by contacting the Selective Service at (888) 655-1825, or on their website.

Non-binary Gender Markers

An increasing number of states and cities legally recognize non-binary gender identities. In Arkansas, California, Colorado, Indiana, Maine, Maryland, Minnesota, Nevada, New York City, Oregon, and Washington D.C., you can get a non-binary gender marker on your state ID and/or driver's license. In California, Colorado, Nevada, New Jersey, New Mexico, and New York City, you can get a non-binary gender marker on your birth certificate.

Currently, you can't get a non-binary gender marker on a federal identity document like your passport.

If you do get a non-binary gender marker on your state identity documents, you should be aware that you could experience difficulties if the gender marker on your state and federal documents don't match (for example, if your state driver's license says "X" but your passport says "M"), particularly when travelling by plane. Many airlines no longer require you to state your gender when you book a flight if you are flying within the United States. You also do not need to bring any ID in order to fly if you are under 18 and traveling with a parent or guardian.

Privacy

A big reason that some people want to change their name and gender marker on their IDs is so that they won't be "outed" as trans when they are asked for ID. This can be an effective strategy for day-to-day situations like interacting with a police officer, a bartender, or a landlord. However, it is important to acknowledge that in the United States, there is currently no way to absolutely guarantee that no one will ever know that you are trans. Even if you do change all of your identity documents and get a court to waive the publication requirement or seal the record for your court order, it's possible for people to find out. Your prior names and other identifying information are likely to be available in a number of places, such as old school records and credit reports. Also, there may be instances where you will be asked to disclose prior names, for example as part of a job application. Although there is a general right to privacy, which includes private and sensitive information, courts have not yet determined the full scope of that right. Every trans person needs to make their own personal decisions about whether changing their name and/or gender records is right for them.

School

If you go to a public school or college or a private school or college that receives federal funds, a federal law called "Title IX" gives you the right to access equal educational opportunities regardless of sex. The Supreme Court has ruled that discrimination on the basis of sex includes discrimination based on transgender status. Accordingly, your school can't discriminate against you on the basis of your gender identity.

In addition, some states have specific laws protecting trans students. California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Washington D.C. have state laws or policies that prohibit discriminating against students on the basis of gender identity and/or transgender status. Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Washington D.C. have state laws or policies that prohibit bullying based on gender identity. These laws or policies usually apply to all public schools in each state, but some states may also include other types of schools as well.

If you are looking for a resource to give adults at your school guidance about how to make your school safer for trans youth, NCLR has this guide called "Schools in Transition".

Bullying/Harassment

You have the right to feel safe and welcome at school. If you are being bullied, misgendered, outed, singled out, or mistreated by teachers, other students, or anyone else at school because of your gender identity, your school is failing in its responsibility to keep you safe at school.

In order for your school to be legally responsible for teachers, school employees, or other students mistreating you, the school needs to be aware that it happened. You should report each incident to someone at school who has the authority to address the problem. That person would typically be the principal or assistant principal, not a teacher. Each public school is also required to have a contact person who makes sure the school district complies with Title IX, including by investigating incidents of bullying and harassment. That person often has the title of "Title IX Coordinator" and is either based in your school or at the school district's office. Your school should keep records of bullying and harassment that happens to you and other students because states require schools to report on that information. Even if your school keeps these records, it is also important for you to keep your own records as well.

Your records should include the following:

- A diary with information about each incident of bullying and harassment, such as the date, time, who was involved, and who you reported the incident to;
- Copies of any forms you filled out for the school when reporting incidents of bullying and harassment;
- Copies of any e-mails you sent to school administrators about the bullying and harassment; and
- Copies of anything you gave to the school related to an incident of bullying and harassment, such as photos.

Coming Out/Privacy

Your gender identity—whatever that may be—is your own private information, and you can choose whether and to whom to disclose that information. Even if you have come out to some people, such as your friends, your school is not allowed to tell other people you haven't come out to, such as teachers, other students, and other students' parents, that you are trans without your express permission.

You should be aware, though, that if your school finds out that you are trans, the school may want to tell your parents and may be able to do that even without your permission or involvement.

Names and Pronouns

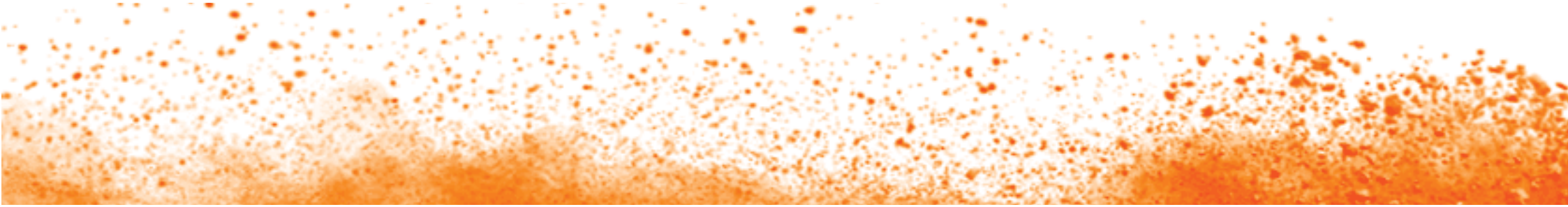
You can ask your school to use your chosen name and pronouns, even if you haven't legally changed your name or corrected the gender marker on your identity documents. Being misgendered is a form of discrimination that negatively affects trans students' ability to feel safe and learn at school. And having your legal name listed where teachers, other students, or other students' parents can see it can "out" you, especially if you are living in accordance with your gender identity and people do not know that you are trans.

That means that even though your school has to know your legal name for their records, your school should use your chosen name and pronouns to address you, as well as in any places that you have your name listed at school, such as on roll call, or your student ID, or library card.

Restrooms and Locker Rooms

You have the right to use restrooms, locker rooms, and other single-sex facilities, in accordance with your gender identity. Your school is not allowed to single you out because you are trans by denying you access to facilities on the basis of your gender identity, or by making you use facilities that other students are not required to use, such as the nurse's room.

You also have the right to feel safe at school, including in accessing single-sex facilities. If you are non-binary, your school should allow you to choose between using the single-sex facilities that make you feel the most comfortable, or using a gender-neutral option, such as a single stall gender-neutral bathroom, if that is what you need to feel safe at school.



Sports

State athletic agencies are starting to recognize that trans students should be welcomed to participate in school sports consistent with their gender identity. Excluding trans students from sports at school prevents them from participating in athletic opportunities that are good for their health and for learning the positive values that come from sports participation, including teamwork and fair play.

If you live in a state with a transgender-inclusive policy for sports, transgender girls should be able to play on girls' sports teams, and transgender boys on boys' sports teams. If you are non-binary, your state athletic association should allow you to play on the sex-specific sport team that is most consistent with your gender identity. But you may be asked to choose boys' or girls' sports for a particular period of time, such as a season or school year, as opposed to allowing you to choose per sport.

Many state athletic associations, however, have policies that limit the ability of trans students to compete in accordance with their gender identity. Some policies require certain types of transition-related health care before a trans student can participate in sports, while others require a corrected birth certificate. These rules vary by state and by sport. Recreational sports leagues can also have their own rules. Transathlete.com has more information about the rules for eligibility to compete in your area.

Genders and Sexualities Alliances (GSAs)

Under a federal law called the Equal Access Act ("EAA"), any school that permits students to form non-curriculum related student groups must provide equal access to all student groups, and that includes equal access for GSAs. A non-curriculum related student group is a group that is about a subject that is not taught at school, such as a South Asian Club, a Chess Club, or a Skating Club. Equal access means that the GSA must be afforded all the same rights and privileges as other student groups to use school locations for meetings and communications.

The EAA and the First Amendment of the United States Constitution also protect student groups when they are forming. Your school can impose rules that they are consistent in applying to all student groups, such as a rule that every group must have a faculty advisor. But it can't apply that rule only to the GSA, and not to other student groups. For example, your school cannot require you to call your student group "The Tolerance Club," when you want to call it a GSA.

Disability Status/IEPs

Under federal disability laws, every child with a disability is entitled to a "free appropriate public education." If you have a disability or need specialized accommodations at school, you may be entitled to an Individualized Education Program ("IEP"), which is a personalized plan describing what resources and support you need to be able to learn. Gender dysphoria can be considered a disability for the purposes of federal disability laws if your dysphoria affects your ability to learn or function at school. Regardless of the basis for your IEP, the IEP should recognize that being respected in your gender identity is critical for you to be able to learn and receive a "free appropriate public education." Your IEP should include any modifications or accommodations needed to ensure that you are treated in accordance with your gender identity throughout your school day. Also, any services your school provides you for your disability, including any service providers or specialists they hire, should respect and affirm your gender identity. If you have a disability and you have an affirming parent or guardian, you should ask them to seek an independent evaluation for you from someone outside your school to figure out what services and accommodations may be appropriate for you. NCLR has more information on IEPs in its "Schools in Transition" guide (see pages 35-36).

College

Applications (FAFSA/Selective Service)

If you are applying for college and you need financial aid, you have to fill out the "Free Application for Federal Student Aid" (FAFSA) form. The gender marker you put on this form should match the gender marker that is in your Social Security records.

FAFSA will also ask you whether you have registered for Selective Service. For how to handle this, see the Selective Service section of Identity Documents.

Sex-segregated Colleges

Increasingly, sex-segregated colleges have trans-inclusive policies. Sex-segregated colleges have different policies for what kinds of documents they require from trans applicants, and whether they admit non-binary students. They can also have different policies for whether students who transition while they are there can stay enrolled or not. It is important to review each college's policy on trans students when deciding if it is the right choice for you.

Currently, women's colleges that admit trans women include Agnes Scott College, Alverno College, Barnard College, Bay Path University, Bennett College, Brenau University, Bryn Mawr College, Cedar Crest College, College of Saint Benedict, Colorado Women's College, Mills College, Moore College of Art and Design, Mount Holyoke College, Russell Sage College, Scripps College, Simmons College, Smith College, Spelman College, St. Catherine University, Trinity Washington University, Wellesley College, and Wesleyan College. Men's colleges that admit trans men include Morehouse College and Saint John's University.

Health Care

Medical Standards for Transition-Related Care

Since 1979, the World Professional Association for Transgender Health has published the internationally recognized Standards of Care ("SOC") for trans people. The current version of the SOC has been adopted by many major associations of healthcare providers, including the American Academy of Pediatrics, the American Medical Association, the Endocrine Society, and others.

Social transition, puberty blockers, and/or hormone therapy can all be medically necessary for transgender youth. You should speak with your healthcare providers about which treatments are more appropriate for you, given your specific medical needs and history. The SOC does permit top surgery for transgender males under 18, but does not recommend genital surgery if you are under 18. You can find the most recent version of the SOC here.

Conversion Therapy

Conversion therapy, also known as "reparative therapy" and "ex-gay therapy," is the medically discredited practice of attempting to change someone's gender identity or sexual orientation. Conversion therapy has been condemned by every major medical and mental health organization in the United States as not effective, and has been shown to increase depression, substance abuse, and suicide risk for LGBTQ youth. Licensed practitioners have been banned from performing conversion therapy on minors in California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Washington, Washington D.C., and Puerto Rico.

If you are experiencing conversion therapy, either from a licensed provider or from other adults in your life, you should contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257. You can also contact the helpline by e-mail at info@nclrights.org.

Parental Consent

Most of the time, if you are a minor you need a parent's or guardian's consent for transition-related care. If your parents are not married, you may need the consent of all your legal parent(s) or guardian(s). There are some exceptions to that general rule. For example, many states allow minors above a certain age to consent to their own mental health care. Whether you can consent to the care you need will depend on the laws in the state where you live, including if you are legally emancipated.

For more guidance about what to do if one or more of your parent(s) or guardian(s) are not affirming your gender identity, please see Non-Affirming Care Environments.

Health Care Coverage

Some states have laws banning discrimination in insurance coverage based on gender identity. The states include California, Colorado, Delaware, Hawaii, Illinois, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Washington D.C.

In addition, some states do not have explicit laws banning discrimination in insurance coverage based on gender identity, but they have agencies that have issued "insurance bulletins" stating that they interpret existing state laws to already ban gender identity discrimination in insurance. These states include: Connecticut, Maryland, Massachusetts, Michigan, Montana, and Pennsylvania.

To get access health care, you can either pay for it by yourself, or get the care you need "covered" by your health insurance. In practice, most people can't afford to pay for health care without health insurance coverage. To figure out whether your health insurance covers the type of care that you need, start by finding out what type of insurance you have.

Minors usually get health care coverage through their parent(s) or guardian(s), although you could also be receiving care through Medicaid or another state program. You can ask your parent(s) or guardian(s) for help in getting a copy of your insurer's member handbook and medical policy listing the types of care they cover. You and your parent(s) or guardian(s) can then work with your medical provider to get the type of care you need pre-approved, or "pre-authorized," by your insurer. The National Center for Transgender Equality has published this guide on how to get your care covered.

If your plan doesn't list or excludes the type of care that you need, it is possible to appeal that omission or exclusion with your insurer, and also to challenge the exclusion legally. It can also sometimes be possible to change your health insurance coverage.

In practice, it can be easier to get some types of transition-related care covered than others. It can be easier to get coverage for hormones, blockers, top surgery, and bottom surgery. But it can still be difficult to get other procedures covered, such as facial feminization surgery and voice therapy. Insurers are also increasingly covering some procedures for non-binary people, such as top surgery for transmasculine people.

Harassment/Mistreatment in Medical Settings

The Affordable Care Act bars discriminating on the basis of sex in providing health care. The Supreme Court has ruled that discrimination on the basis of sex includes discrimination based on transgender status.

Trans people have the right to be treated with dignity and to have their gender identity respected while receiving health care, regardless of the name and gender listed in your medical records. This means that your health care provider should not be misgendering you or singling you out for being transgender. It also means that your health care provider should provide the care that you need no matter what gender is listed in their medical records. You are entitled to whatever care is medically necessary for you, regardless of what your gender marker says.

Your provider should not be refusing to provide you care because you are trans. This is still true even if your provider claims that they cannot treat you because of their religion.

Your health care provider should also not reveal your trans status to other people unless it's medically necessary for them to know you are trans.

Non-Affirming Care Environments

Conflict Between Your Parent(s) or Guardian(s)

Sometimes, one of your parents or guardians can be more affirming of your gender identity than your other parent or guardian. This can affect your life if your non-affirming parent or guardian has a legal right to make medical or other decisions on your behalf. A parent or guardian can have this type of right even if they don't live with you or raise you. Instead, what matters is what kind of custody rights they have over you. Depending on where you live, this can mean that one or both of your parents or guardians must give their permission before you can seek treatment for your gender dysphoria.

If one of your parents or guardians is affirming of your gender identity and the other one isn't, your affirming parent or guardian can petition a court either to change their custody rights over you, or to get permission from the court for one specific thing, like starting your transition-related care, despite your other parent or guardian's objection.

If that is something you or your affirming parent or guardian are considering, we strongly recommend that you contact an attorney or legal organization experienced in dealing with legal issues involving trans youth, such as NCLR's legal helpline at (415) 392-6257 or info@nclrights.org. NCLR can help you and your affirming parent or guardian work with medical experts to educate your non-affirming parent or guardian about the importance of you being affirmed in your gender identity, so that you can resolve the situation without going to court. This could also help you get what you need faster, because the court process can take a very long time, which can conflict with how urgently you need to start treatment for your gender dysphoria.

If the situation between your parents or guardians cannot be resolved without petitioning a court, NCLR can also work with medical experts to help you provide documentation to a judge explaining why it is important for your gender identity to be affirmed, and showing that you and your affirming parent or guardian tried your best to reach out to your non-affirming parent or guardian. This is important because many judges do not know a lot about trans issues. The legal standard that a court uses to decide custody matters is something called the "best interest of the child." This is a very flexible standard that gives a lot of leeway to the judge to decide what is best for you. This means that depending on what your non-affirming parent or guardian argues, a judge could change custody and require you to go live with or be raised by your non-affirming parent or guardian and give that person all decision-making authority over your life. Educating the court about trans issues, with the help of documentation from medical experts, makes it much more likely that the court would rule in your and your affirming parent or guardian's favor.

Drop-in Centers/Temporary Shelters

Drop-in centers and shelters offer a safe place where you can stay if you do not want to spend time at home or are unsafe at home. Currently, drop-in centers and shelters that receive money from the federal government cannot discriminate against you because you are trans and have to house you according to your gender identity.

You can often find drop-in centers for trans youth at your local LGBTQ community center. Drop-in centers can offer food, clothing, computers and referrals to other resources, and give you a place to spend time with other LGBTQ youth. CenterLink has this map to find your local LGBTQ community center. There are also a number of organizations that offer temporary housing or transitional housing for LGBTQ youth who need a temporary place to stay away from home.

For help finding temporary housing, you can contact:

National Runaway Switchboard:
1-800-RUNAWAY (24-hour hotline)

The Trevor Project: (866) 488-7386 (24 hour crisis intervention and suicide prevention hotline for LGBTQ youth)

Foster Care

If you are in foster care, the state has the responsibility of taking care of you and ensuring your safety and well being, just like a parent. This includes making sure that you receive food, shelter, education, and medical care, and making sure that you are not bullied, harassed, or mistreated for any reason, including because you are trans. If you feel that you are not being treated fairly while in foster care, you should tell your case worker or attorney/Guardian Ad Litem about the problems you are experiencing. If this doesn't resolve the issue you are having, you can contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257. You can also e-mail info@nclrights.org.

If you are being mistreated or abused in your foster or group home, you can also contact:

Community United Against Violence: (1-415-333-HELP (4357) (24-hour Safety Line))

National Runaway Switchboard: (1-800-RUNAWAY)

The Trevor Project: (1-866-488-7386)

Trans Lifeline: (1-877-565-8860)

If you believe you are in immediate danger, you should call 911.

Juvenile Detention/Hall

If you are in juvenile detention or juvenile hall, the state has the responsibility of taking care of you and ensuring your safety and wellbeing, just like a parent. This includes providing you with food, shelter, education, and medical care, and making sure that you are not bullied, harassed, or mistreated for any reason, including because you are trans. You also have the right to not be isolated from other youth in the facility, either as "punishment" for expressing your gender identity, or for "your own safety."

NCLR and the Center for Children's Law and Policy have published a model policy recommending best practices for "Transgender, Gender Nonconforming, and Intersex Youth In Confinement Facilities," which can be found here.

If you are being mistreated in juvenile detention or juvenile hall, you should contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257. You can also contact the helpline by e-mail at info@nclrights.org.

Emancipation

Emancipation is a legal process through which a court can declare you an adult for legal purposes. That means you wouldn't need to ask your parents for permission to change your identity documents or make decisions about your medical care. But it also means that your parents no longer have a legal obligation to financially support you. Emancipation could also have serious consequences if, for example, you get arrested and accused of a crime, since you could be charged as an adult. For these reasons and others, courts often require a lot of proof before agreeing to legally emancipate a child from their parents or guardians. Given the serious consequences of emancipation, and since it can be very challenging to live as an emancipated minor, it is only recommended as a last resort.

Jobs

Overview

Federal employment anti-discrimination law prohibits employers with 15 or more employees from discriminating against employees because of sex. That law is often called "Title VII".

The Supreme Court has ruled that discrimination on the basis of sex includes discrimination based on transgender status. This means that your employer can't refuse to hire you, refuse to promote you, or fire you because of your gender identity. Your employer also can't punish you, or "retaliate" against you, for complaining about experiencing discrimination because of your gender identity.

In addition, some states have their own additional laws or policies prohibiting discrimination against trans employees, including California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Washington, Washington D.C., and Puerto Rico.

Bullying/Harassment

You have the right not to be harassed, bullied, misgendered, outed, singled out, sexually harassed, or mistreated by supervisors, colleagues, or anyone else at work because of your gender identity. If you are being bullied and harassed at work, your employer must address the mistreatment you are experiencing and ensure that it stops. This includes discrimination and harassment from a supervisor, co-worker, or even a customer.

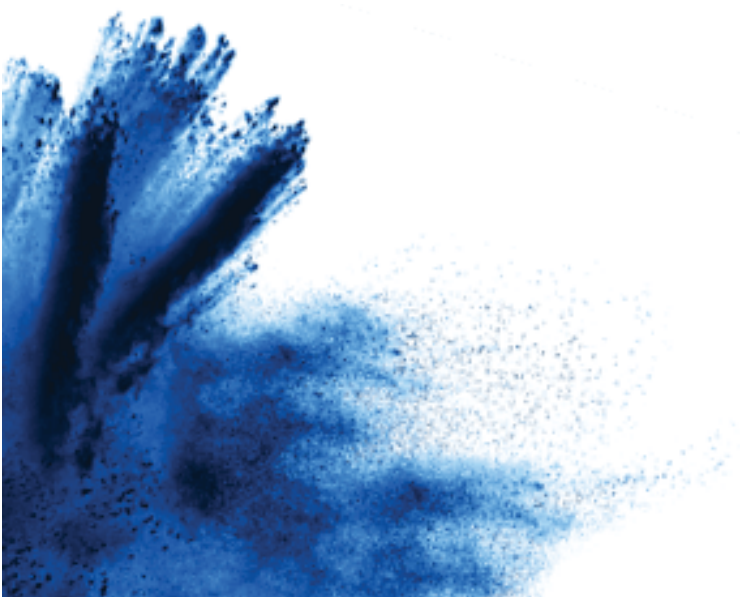
Privacy

Your gender identity is your own private information and you have the right to keep your trans status to yourself. Even if your employer's human resources department knows that you are trans, and even if you are open about the fact that you are trans to some people, your employer can't share that information with other people without your permission as that could be considered a form of harassment, or expose you to bullying from your co-workers, both of which are illegal.

You should be aware that your trans status can sometimes be disclosed during the job application process if some of your documentation or references reflect your previous name and/or gender marker. However, that still doesn't mean that an employer can discriminate against you for being trans.

Names and Pronouns

You have the right to be called by your chosen name and pronouns at work, even if you have not legally changed your name. Even though your employer has to know your legal name for their records, that doesn't mean they have to use it to address you in person, or in any places that you have your name listed at work, such as on a name-tag or ID badge (unless there is a specific legal requirement that you have your legal name displayed while you are on the job). Having your legal name listed where other employees or customers can find out what it is can violate your privacy, especially if you are living in accordance with your gender identity and people do not know that you are trans.



Restrooms and Locker Rooms

You have the right to use restrooms, locker rooms, and other single-sex facilities, in accordance with your gender identity. Your employer is not allowed to single you out because you are trans by denying you access to facilities on the basis of your gender identity, or by making you use facilities that aren't used by other employees.

You also have the right to feel safe at work, including in accessing these facilities. If you are non-binary, your employer should allow you to choose between using the single-sex facilities that make you feel the most comfortable, or, when feasible, providing a gender-neutral option, such as a single room gender-neutral bathroom, if that is what you need to feel safe at work.

Dress Codes

The best practice is to have a gender-neutral employee dress code, but some employers still have different dress codes for men and women. Your employer can't punish you for following the dress code that is consistent with your gender identity.

Filing a Complaint

If you believe that you have been discriminated against under Title VII, you have the right to file a charge of discrimination with the Equal Employment Opportunity Commission.

If you live in a state that has additional employment protections for trans people, you can also often file a charge with the state agency that oversees your state's employment discrimination laws.

Military Service

Currently, transgender people are barred from serving openly in the military. The only exception is for active service members who came out as trans before April 2019, which is when the government's ban on trans military service came into effect.

For questions about what that means in terms of registering for Selective Service, please see the Selective Service section in Identity Documents.

Resources & Definitions

Resources

If you are looking for resources to help educate your parent(s) or guardian(s) about transgender youth, **The Transgender Teen** and **The Transgender Child**, by Stephanie Brill and Lisa Kenney, and **The Conscious Parent's Guide to Gender Identity**, by Darlene Tando, are books that provide helpful information for parent(s) and guardian(s) about the importance of affirming the gender identities of trans and GNC youth.

Definitions?

Bisexual+: Describes a person who has the potential to be attracted to people of more than one gender.

Cisgender: Describes people whose gender identity matches their sex assigned at birth.

Gay: Describes a person who is attracted to people of the same gender. While the term is often used to refer to men who are attracted to men, it is also used to refer to women who are attracted to women.

Gender Confirming Surgery: Surgical procedures that help to align a transgender person's body with their gender identity. Gender confirmation surgery is sometimes called "gender affirming surgery" or "sex reassignment surgery."

Gender Dysphoria: Discomfort or distress caused by a discrepancy between a person's gender identity and that person's sex assigned at birth.

Gender Expression: A person's presentation or communication of their gender to others, through hairstyles, clothing, physical mannerisms, alterations of their body, or name and pronoun.

Gender Identity: A person's core and hard-wired sense of their own identity as a boy/man, woman/girl, something in between, or outside the male/female binary. Everyone has a gender identity, which may or may not align with that person's sex assigned at birth.

Gender Nonconforming (GNC): Describes a person who does not conform to traditional gender stereotypes.

Gender Transition: A process by which transgender people align their anatomy (medical transition), identity documents (legal transition), and/or gender expression (social transition) with their gender identity.

Intersex: A general term used for variations in sex characteristics in which a person is born with a reproductive or sexual anatomy that appears atypical. Some intersex traits are discovered at birth, while others may not be discovered until puberty or later in life. Just like other people, an intersex person may identify as male, female, or non-binary, and may be lesbian, gay, bisexual, or straight. Being intersex does not mean that a person does not identify as male or female.

Definitions (continued)

Lesbian: Describes a woman who is attracted to women.

LGBTQ: An acronym that refers to individuals who identify as lesbian, gay, bisexual, transgender, or queer. Some people add other letters to this acronym to specifically include other subgroups within the LGBTQ community, but this is the most commonly used form.

Non-binary: Describes a person whose gender identity is neither man/boy nor woman/girl. People who identify as non-binary frequently also identify as transgender. The terms “genderqueer,” “bigender,” or “agender” also describe gender identities that fall outside the gender binary.

Queer: An umbrella term that describes a person who does not identify as straight or cisgender. The term has negative connotations for some people, given its historical use as a slur. Many people have reclaimed the term, often to expand upon limited sexual and gender-based categories.

Transgender/Trans: Describes a person whose gender identity is different from their assigned sex. A transgender man is a person who was assigned female at birth, but identifies as a man. A transgender woman is a person who was assigned male at birth, but identifies as a woman.

- **Transmasculine**: An umbrella term describing individuals who were assigned female at birth but align more closely with the male side of the gender spectrum. A transmasculine individual may identify with many aspects of masculinity but not describe themselves as "a man".

- **Transfeminine**: An umbrella term describing individuals who were assigned male at birth but align more closely with the female side of the gender spectrum. A transfeminine individual may identify with many aspects of femininity but not describe themselves as "a woman".

Transition-related Care: Also known as “gender affirming health care.” Medical treatment that affirms someone’s gender identity, as experienced and defined by the person. Treatment may include, but is not limited to, social transition, puberty blockers, hormones, and gender confirming surgeries.

Sex Assigned at Birth: The designation of an infant’s sex at birth, usually by a medical professional, based on the child’s external genitalia. A person’s sex assigned at birth may or may not be congruent with the person’s gender identity.

Sexual Orientation: An attraction to others that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

Trans Youth Handbook

The information in this Handbook should not be considered legal advice. This Handbook provides legal information but does not attempt to apply that information to any specific situation. This guide is up-to-date as of June2020. However, because laws affecting trans people are constantly changing, the information contained in this Handbook may not reflect the current legal situation where you live. If you have a question about your specific legal situation, you should contact NCLR's legal helpline by phone at (415) 392-6257 or (800) 528-6257.
You can also contact the helpline by e-mail at info@nclrights.org.

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