Transgender Law and Advocacy

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Founded in 1985, our mission is to provide services to those who are disenfranchised by poverty, HIV/AIDS, homelessness, and/or gender nonconformity.
TransLife Center

- TransHealth
- TransHousing
- TransSafe
- TransLegal
- TransWorks
Learning Goals

- Grow your knowledge of trans people’s Resiliency & Challenges
- Improve your confidence using Terminology & Definitions
- Raise your awareness of current Legal Issues facing transgender people
- Discover important Best Practices for transgender legal advocacy
Gender **Binary**
Everyone is **Unique**

- Gender Identity
- Gender Expression
- Sexual Orientation
- Biological Sex
Transgender Definitions

Transgender: a person whose sex, gender identity or gender expression differs from the one assigned to them at birth.

Transition: The period of time in which a person begins to live in a gender role which is in accordance with their internal gender identity. May include period of time where person begins dressing, hormone therapy or getting surgery to align their physical self with internal gender identity.

“Trans” can be shorthand for transgender and transexual and a number of additional gender-non-conforming identities.

Transgender Umbrella

So who *is* transgender?
The Genderbread Person

**Gender Identity**
- Woman
- Genderqueer
- Man

Gender identity is how you, in your head, think about yourself. It’s the chemistry that composes you (e.g., hormonal levels) and how you interpret what that means.

**Gender Expression**
- Feminine
- Androgynous
- Masculine

Gender expression is how you demonstrate your gender (based on traditional gender roles) through the ways you act, dress, behave, and interact.

**Biological Sex**
- Female
- Intersex
- Male

Biological sex refers to the objectively measurable organs, hormones, and chromosomes. Female = vagina, ovaries, XX chromosomes; male = penis, testes, XY chromosomes; Intersex = a combination of the two.

**Sexual Orientation**
- Heterosexual
- Bisexual
- Homosexual

Sexual orientation is who you are physically, spiritually, and emotionally attracted to, based on their sex/gender in relation to your own.
“Transgender” was first used as a way of distinguishing people with no desire for surgery or hormones from transsexuals (people who may want to legal and medical support to align their internal and external gender).

Transgender or Trans* is currently used to include all people who fall outside of mainstream ideas of gender.

Cis, is a word that is becoming increasingly popular to describe people who are not trans or gender variant.

Cisgender is a description for a person whose gender identity, gender expression, and biological sex all align (e.g. man, masculine, and male).

A Culture of Inclusion: Advocacy

- Add gender identity to your firm’s non-discrimination policy
- Create a resource/referral list
- Educate yourself on trans issues
- Hire transgender people
- Create welcoming waiting rooms
- Do research to understand how systems are connected
- Connect transphobia to theory of the case
- Get to know the community
- Update your forms/intakes
- Schedule an in-service training for staff
- Offer trans-inclusive health insurance
- Make bathrooms gender neutral
- Interrupt transphobia in court

Source: Transgender Law Center, 2013.
# Practice Tips:
A word from the community

<table>
<thead>
<tr>
<th>Problematic</th>
<th>Preferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saying “transgendered” or Transgenders</td>
<td>Transgender or trans</td>
</tr>
<tr>
<td>Using language like “sex change,” “pre-op,” or “post op”</td>
<td>Transition</td>
</tr>
<tr>
<td>Not using a person’s preferred name &amp; insisting on using legal name</td>
<td>Use name that person prefers</td>
</tr>
<tr>
<td>Not using appropriate gender pronoun</td>
<td>It’s Okay to ask pronoun preference (he/his, she/her, or they/them)</td>
</tr>
<tr>
<td>Getting called “sir,” “guys,” “buddy”</td>
<td>Gendered language should affirm a persons gender ID</td>
</tr>
<tr>
<td>Displaying a judgemental attitude about a person’s ability to “pass” in affirmed gender &amp; offering unsolicited “tips”</td>
<td>It’s not your place to judge anyone’s appearance</td>
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## Practice Tips: A word from the community

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<td>Outing a person or asking about their trans identity</td>
<td>Respect confidentiality; if you don’t need to know, don’t ask</td>
</tr>
<tr>
<td>Excluding a trans person from services b/c they are not “ideal” client</td>
<td>Include everyone!</td>
</tr>
<tr>
<td>Resisting including someone’s trans identity as central to their legal issue</td>
<td>Recognize the ways that legal issues are connected to trans identity</td>
</tr>
<tr>
<td>Work with a transgender person if you “don’t approve” of trans people</td>
<td>Seek out clinical supervision if you need support or have feelings about working with trans people</td>
</tr>
<tr>
<td>Allowing staff and other clients to use transphobic language or treatment</td>
<td>Interrupt transphobia and call it out</td>
</tr>
<tr>
<td>Making trans clients responsible for educating staff</td>
<td>Agencies provide staff training and education around trans identity</td>
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</table>
The Need

“30 years on the streets doesn’t happen all at once...it happens day by day... because the current systems in place don’t work for those who are transgender and homeless.”

Keisha Allen
Founding Community Advisory Board Member
The Research

- Transgender people are disproportionately likely to experience violence in the home, on the street, and in health care settings (26% report being physically assaulted at least once).

- Transgender people are 4 times as likely as general population to live in extreme poverty.

- Transgender people are more likely to have been arrested or incarcerated than non-transgender people, particularly Black and Latina transgender women.

- Recent study of more than 6,400 trans people in US, 41% of respondents reported attempting suicide (a rate 25 times higher than general population).

- CDC data shows new HIV infections among transgender people occur at almost 3 times that of non-transgender men and 9 times that of non-transgender women.

Transphobic Systems

Injustice at Every Turn

A Report of the National Transgender Discrimination Survey
Legal Realities

- Discrimination in housing, education, employment, public accommodations, shelter system, and healthcare
- Identity documents that do not reflect preferred name and gender identity
- Criminalization, policing, and participation in survival crime
- Limited access to public benefits and social safety nets
- Legal recognition of gender identity based on medical definitions of gender
- Violence against transgender people
Legal Issues

- Accessing Identity Documents that reflect preferred name and gender identities
- Healthcare and Insurance Coverage
- Family Law
- Discrimination
- Prisoner’s Rights and Policing
- Immigration
Criminalization of Gender Non-Conformity

“Any person who shall appear in a public place in a dress not belonging to his or her sex, with intent to conceal his or her sex, shall be fined not less than twenty dollars nor more than five hundred dollars for each offense.”

Illinois Name Change Process

Basic Eligibility:
• Residency
• 18+
• 10 year felony bar from the date of termination of sentence
• No convictions for identity theft or sex offenses

Cook County Procedural Requirements:
• File petition (fee waiver previously granted on 17th floor or pay) Room 1202 of the Daley Center
• Publish notice of petition in Chicago Daily Law Bulletin 8th floor
• Come to court date approx. 8 weeks later with birth certificate and ID 17th floor
• If past the 10 year bar, bring certified disposition of criminal conviction and, while not required, for any misdemeanors, bring a certified disposition as well. (available on 10th floor of Daley Center)
## Gender Marker Change

<table>
<thead>
<tr>
<th>No Surgery Requirement</th>
<th>Social Security Card</th>
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<tr>
<td>Illinois State ID Card</td>
<td>“Safe passage letter” from a doctor, nurse, therapist, social worker that a gender change is taking place and that a new gender marker is recommended for your safety.</td>
</tr>
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| Social Security Card | To change your gender with social security, you’ll need: 1. a full-validity, 10-year U.S. passport w/ new sex; 2. state-issued amended birth certificate showing new sex; 3. a court order directing legal recognition of change of sex; or 4. a medical certification of appropriate clinical treatment for gender transition in the form of an original letter from a licensed physician (M.D.) |

| U.S. Passport | To change your gender on a Passport you’ll need a letter from a licensed physician stating that they are the attending physician and have a doctor/patient relationship with the applicant who has had appropriate clinical treatment for gender transition. The Physician must include their address and telephone number, medical license or certificate number, issuing state, and Drug Enforcement Administration registration number. Finally, the physician must state “I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.” |

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<td>Illinois Birth Certificate</td>
<td>The Illinois Vital Records Act requires an affidavit by a physician that “an operation” has been performed. What this operation needs to be is still pending new regulations from the Department of Public Health. The only way to change this requirement is for the controlling statute to change.</td>
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Transgender Policies of

Note:

• Chicago Police Department
• Cook County Jail
• Illinois Department of Corrections
Questions/Comments?

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