

Your Rights as a Trans/Gender Non-Conforming Person

Planned Parenthood of Pasadena and San Gabriel Valley believes that Transgender rights are human rights. We also understand that trans/gender non-conforming (GNC) folks are discriminated against at every turn – from the stigma that is very present, to policies introduced to exclude transgender rights. PPPSGV has put together this document to help folks understand what rights they have.

What are my rights when I am being questioned by law enforcement, and they find my hormone medication?

Being held up by law enforcement can be very triggering, especially if you are trans. Here are some preventative measures and what to expect if you are questioned and detained by law enforcement.

Firstly, remain calm and be aware of your surroundings. If you are being asked to provide your name and identification, do so cautiously. Other than that, you do not have to give any extra information; you have the right to remain silent. Police may ask for your consent to look through your belongings like your car, bag, whatever you have on you. You do not have to consent for a search of your belongings. State that out loud, "I do not give consent." If law enforcement proceeds with the search without your consent, stating it again out loud will help preserve your rights in later court proceedings (ACLU) if it comes to that.

Of course, we hope this does not happen to anyone. Please be aware of having your medication on hand. Your clinician at Planned Parenthood can supply you with a letter stating what the medicine is and your right to have it, and of course, you are being monitored with said medication. Keep this letter with your prescription if a search is conducted. It can help move things a lot faster.

Although, if upon the search, they find your hormone medication, and you do not have a letter, exercise your fifth and sixth amendment rights again by stating "I am exercising my right to an attorney, and my right to remain silent."

If you feel at any point your rights were violated, please feel free to contact the Patient Navigator so that they may connect you with some resources.

What are some things I should know when it comes to traveling?

Traveling can be challenging, especially going through airport security. As a trans person, different challenges come up in this setting. It is important to note that all luggage – checked and carry on – are screened and may be hand searched by TSA. Be sure to check TSA's list of prohibited items before traveling. Any medications and supplies like syringes should be placed in a separate bag in your carry-on luggage. For extra security, you can ask any TSA official for a private screening of your bags if they need to be opened.

TSA body scanner devices are used to scan the contours of the human body to look for things under a person's clothing that might be dangerous items. It analyzes the scanned image of the body and displays an outline of a person with the location of anything the software identifies as an "anomaly" or "alarm." TSA will not disclose details of how ATR detects anomalies. However, in some cases, ATR software can register body contours not typical for a person's gender as anomalies. Foreign objects such as prosthetics, binding garments, or even paper or change left in a pocket will commonly register as anomalies requiring further screening. Often this consists of a limited pat-down of the area(s) where an anomaly was detected, however it can potentially involve a complete pat-down.

You may also opt out of scans at any time, but if you do opt out of the screening, you will be required to undergo a thorough pat-down.

What can I do if my insurance denies my request for surgery/care?

You have the right to an appeal if this should occur. The good news is that there are a lot more insurance policies that are now including trans related care in their plans, so denials are as common as they used to be. However, they do still occur, so it is essential to know your rights in this situation, and that you can file an appeal. The appeals process can look different, depending on the procedure and what the insurance asks you to include. Typically, you would start with the copy of the denial. From there, you begin to build your case. Talk to your clinician or surgeon about the research they found that supports this procedure, WPATH guidelines that state how this procedure is necessary, citing current law and regulation to support the claim of appeal, and more.

What are my housing rights as a trans/GNC person?

The Fair Housing Act prohibits discrimination based on sex in selling or renting, and mortgage lending. Federal regulations prohibits discrimination because of gender identity, sexual orientation, or marital status in all federally funded housing programs.

When it comes to shelters and other temporary housing programs that have housing separated by gender, they should still house you with the gender you identify with. Refusing to provide housing consistent with a person's gender identity because they are transgender is unlawful discrimination. They also do not have the right to exclude transgender folks and ask intrusive demands or evidence to prove anything about your gender.

What rights do I have as a trans/GNC student?

Assembly Bill 1266-The Success and Opportunity Act ensures that transgender youth have the opportunity to participate and succeed in schools across the state entirely. The law is the first of its kind in the country and requires that California public schools respect students' gender identity and make sure that students can fully participate in all school activities, sports teams, programs, and utilize facilities that match their gender identity. This act reaffirms to school districts, teachers, parents, and students that California's nondiscrimination law requires public schools to respect a transgender student's identity in all school programs, activities, and facilities.

Are there state and local laws that prohibit discrimination against trans/GNC people?

California's Gender Nondiscrimination Act amends the California Fair Employment and Housing Act (FEHA) to add "gender identity" and "gender expression" as protected classes. Previously, the FEHA had only used the term "gender identity." It makes both gender identity and gender expression protected categories and thereby protects transgender persons from discrimination based on their behavior and appearance to sex and gender when applying for employment and housing.

Do I still have to post in a local newspaper about my court hearing for my legal name change?

Not anymore. For years, that was part of the process. As of January 2019, that is no longer required. It is also legal to change your legal name and gender marker without having to go or post in a local newspaper about your hearing. Some local courts may still not know about this law change since it is still new, so there may be some push back until they are onboard.

Can I use the bathroom marked by the gender I identify with?

As of March 2017, 19 states (California included), the District of Columbia and more than 200 municipalities have anti-discrimination laws and ordinances that allow transgender people to use public facilities that correspond to their gender identity. It is also law to have single stall bathrooms in any businesses, place of public accommodation or government agency must be identified as an "all gender" stall.

Can I change my gender marker?

Senate Bill 179, the Gender Recognition Act, makes it easier for trans folks who are living in or were born in California to obtain identity documents that reflect their genders, including having non-binary as a state gender marker.

Are there any government health care programs that cover trans care, including gender confirmation surgeries and other transition-related medical treatment?

Medi-Cal covers hormone therapy, as well as some gender confirmation surgeries, and other necessary procedures. Medi-Cal is required to evaluate these kinds of requests on a case-by-case basis. Other private insurances do also have coverage. Depending on the plan you are receiving, the coverage looks different. Folks do have the right to contest coverage for various procedures if insurance providers do not deem specific procedures as "medically necessary." Please contact our Patient Navigator to find out more information on what your insurance coverage looks like and what can be done with the plan you currently have.

Insurance coverage is half the battle. Another part of accessing gender confirmation surgeries is finding a medical provider who is knowledgeable in your network. If a medical provider denies coverage after stating they will cover your procedure, you also have the right to file against them.

If you have any questions regarding these or any other rights, please contact our Patient Navigator at (626) 798-0706 ext. 126

Online Resources

www.translawcenter.org – resources on MediCal coverage for gendering affirming surgeries, and more.

<https://www.aclu.org/know-your-rights/transgender-people-and-law> – American Civil Liberties Union (ACLU)

<https://transequality.org/> - online resource that offers education on your rights as a trans person, name change procedures depending on your state, navigating insurance plans, and more.