Know Your Rights:

Trans Legal Survival Guide

Updated July 2025

Our communities are under attack, and the law is changing very fast. This update to A4TE's Trans Legal Survival Guide compiles information we hope will be useful to the trans community. We cannot promise it will help in every situation, and we don't know how long it will stay accurate, but wve will do our best to provide updates.

This guide is not a substitute for legal advice. If you want legal advice, please speak to a lawyer in your state or territory who knows your situation, goals, and the applicable law.

Advocates for Trans Equality thanks Immigration Equality and the Children and Youth Law Clinic of the University of Miami School of Law for their valuable feedback and review of sections of this guide.

A4TE ADVOCATES FOR TRANS EQUALITY

Introduction

This guide is divided into three sections. First, it shares some ways to respond to legal problems many of us face. Second, it explains some steps that might help you reduce your vulnerability. These steps won't necessarily keep you from running into legal trouble, just like going to the doctor won't make you bulletproof. However, they can make some types of trouble less likely or less harmful. Third, it lists some resources for finding legal help.

When reading headlines about anti-trans laws that are being introduced in state legislatures and Congress, know that there is a difference between bills that have been introduced but not yet passed, laws that have been passed but are not yet in effect or have been blocked in court, and laws that are actually in effect. In fact, most anti-trans bills don't pass into law. In 2024, around 90% of the anti-trans bills that were introduced in state legislatures were defeated. Sources like legal service organizations from your state, the **Movement Advancement Project's equality maps** and the **Equality Federation's state legislation tracker** can be helpful for finding information on what laws are in effect in your state.

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Healthcare

General anti-discrimination law

Discrimination against trans people in health coverage (insurance) and care is still against the law. Section 1557 of the Affordable Care Act applies to most health care and health coverage providers and forbids discrimination against anyone based on sex—including for being trans (or cis, for that matter) or for your sexual orientation. As discussed below, anti-discrimination protections in about half the states and the District of Columbia also cover anti-trans discrimination in **health coverage** and/or in **public places** like doctor's offices and hospitals.

Despite being illegal, discrimination still happens. Trans people have long reported discrimination by health care providers and insurers. Unfortunately, some states have encouraged or required forms of health care discrimination against transgender people. For example, as discussed below, some states bar gender affirming care for transgender people from their Medicaid programs. And most states ban best practice gender affirming care for transgender youth.

Previously, the federal government supported anti-discrimination protections for transgender people and even sued to block state bans on transgender care for minors. Now the president, congress, and federal agencies are trying to mandate discrimination and block access to transgender related care in a range of ways. States, health care providers, organizations, and transgender people have challenged many of these efforts in court. Even so, the federal government encouraging discrimination against transgender people in health care is likely to make discrimination more widespread and difficult to overcome.

State restrictions on & protections for trans care

Some states have restrictions on trans health care, which can range from criminalization of providing certain care to trans youth, to exclusions of insurance coverage for trans health care. These restrictions vary state-by-state, and whether a restriction affects you can depend on your age, the type of care you are seeking, or what kind of insurance you are on. For instance, a state that does not cover trans health care through Medicaid might still cover care for people on their state employee health insurance.

On the other hand, some states have protections for trans health care, which can take the form of insurance nondiscrimination laws, state constitutional protections, civil rights laws, or "shield laws" to protect patients and/or providers.

Shield laws in particular are variable from state to state. They aim to guard patients and health care providers in the state with the shield law against legal attacks by state actors from other states that restrict

or oppose access to gender affirming care. For example, by restricting the shield state cooperation with investigations by other states, these laws may provide some combination of protections around data privacy, protection of patients and providers from out-of-state investigations, protection of patients and providers from criminal and civil liability in that state, and protections related professional licensure and liability insurance for providers. The particular protections offered in one state may not be the same as the protections under another state's shield law.

To find out what restrictions or protections exist in your state, you can check resources like the Movement Advancement Project's (MAP) Equality Maps, which allows you to select your state to view a profile of its LGBTQ laws and policies. MAP also has issue-based maps that show which states have **private insurance nondiscrimination protections**, state **Medicaid policies on trans health care**, states that cover trans health care in **state employee health plans**, states with **restrictions on trans youth care**, and which states have **shield laws** for trans health care. **UCLA Law** and **KFF** also have resources on what shield laws cover in each state.

For families of trans youth living in states where youth care is banned, the Campaign for Southern Equality's **Trans Youth Emergency Project** or local trans mutual aid projects may be able to provide support with patient navigation and emergency grants for travel expenses.

Understanding your insurance coverage

Many public and private health plans cover at least some transgender health care. Some still have explicit exclusions of transgender related health care. To understand whether an insurance-related restriction or protection applies to you, it is first important to understand what type of health insurance you have. For a guide to understanding your plan's coverage of transgender care, see our Trans Health Project page on **Understanding Your Plan**.

Just because your plan doesn't have an exclusion for trans health care—or even if your plan document explicitly states that certain trans health care is covered—does not guarantee that coverage for your care will automatically be approved. Often insurance companies will initially deny a request to cover care, and you will need to appeal that denial and show the company that the care is medically necessary for you. To understand more, please read through our Trans Health Project's **Trans Health Insurance Tutorial**, which includes guides on **how to apply for coverage**, how to **understand a denial**, and how to **appeal a denial**.

Gender markers and health care coverage

Many of us worry that we will lose access to coverage for certain types of healthcare based on the gender marker on our insurance. Coverage decisions should not be made based on your gender. They should be made based on the insurance plan terms, the procedure or medication you need, and your

diagnosis and any other documentation of necessity from your provider.

If you do get denied coverage for something that would otherwise be covered because of your gender, an appeal from the denial—or even just a call to the insurance company—will usually solve the problem. You do not need to choose the gender marker on your insurance with denials in mind.

How can I reduce the risk of my insurance denying my healthcare?

1. Ask your provider for support and make sure they are aware of your sex as listed on your insurance
2. Ask your provider to use a modifier code that flags for the payor that something that looks like an error isn't. These codes originate with Medicare, and can be used in Medicaid and private insurance as well.
3. Check to see if your health insurance/coverage provider has specific billing guidance for transgender patients.

Practical tips

Here are some steps you can take that could help sustain your own access to transgender health care. If you are looking for individualized advice, you should have a confidential conversation with a lawyer who is licensed in your area and can give guidance based on the facts of your situation and your goals.

Finding a Provider

Sometimes finding a health care provider can be challenging. Transgender and cisgender LGB people have a long history of relying on word-of-mouth and other informal support networks to find health care providers who welcome us and understand our health needs. Trans led and serving organizations can be a good starting point to find a doctor in your area.

A4TE does not provide medical referrals. We encourage you to conduct your own investigation. Our **Trans Health Project** lists some places to **start searching**, as does **GLMA**. The **Trans Youth Emergency Project** provides navigation and financial support to people 18 and under harmed by restrictions on transgender-related care.

Prescriptions

If you take hormones or other prescription medications, it is important to stay up to date on your prescriptions as much as possible. It can also be helpful to have documentation proving that a doctor or health care provider prescribed your medication to you. Keeping your prescriptions in the original packaging with an intact label is one way to do that, and some states require that you carry medications in their original labeled containers. Another option is keeping a copy of your prescription itself, though

with e-prescribing that is not always possible to do for testosterone and other controlled substances, depending on what state you live in. Another option is simply to ask for a letter from your doctor or health care provider stating they have prescribed your medication to you.

If you take your medication by injection, be aware that rules around syringes vary from state to state. While in many circumstances you do not need a prescription to access syringes, you might need one in some states or certain situations, like if you are under 18 or purchasing a large quantity. Additionally, some businesses will only sell syringes to people with a prescription.

This guide on **Navigating Access to Gender Affirming Hormone Therapy**, published by the ARC Gender Justice, the National Harm Reduction Coalition, and the Light House Learning Collective, provides more information on navigating gender affirming hormone therapy in a hostile political and social environment.

Medical Records

Having a copy of your medical record can be helpful for many reasons, including if you are changing health care providers or think you might need to in the future.

Federal law (specifically, the Health Insurance Portability & Accountability Act, or HIPAA) generally affords patients the right to access their medical records. State law may also provide additional tools to help you access your medical records.

The steps to get your medical records vary from office to office. Some health care providers have instructions online and you may even be able to make the request electronically. Others may ask you to fill out a form or send a letter to a separate medical records department.

Your health care provider may charge a fee for the cost of copying your medical records, though accessing your records electronically, such as through a patient portal, will often be free. If you need your medical record but are asked to pay a fee that would be a hardship, you may have options. Federal and some state laws set limits on what can be charged. And sometimes providers will waive (excuse) the fee on a case-by-case basis. **This guide** from the Office of the National Coordinator for Health Information Technology walks you through how to get your health records. Legal services and advocacy organizations in your area may be able to provide additional information and support.

Anti-discrimination law in employment, school, and housing

Discrimination against trans people at work, at school, and in housing is still against the law. When you face discrimination, you may be able to use federal law, state law, local law, or all three to take action. State and local nondiscrimination protections cover trans people in much of the country. Congress has not changed the federal laws that outlaw discrimination by most employers, landlords, public schools, and universities. Nor has the Supreme Court reinterpreted those federal nondiscrimination laws so that they no longer protect trans people.

Still, Trump has encouraged discrimination against trans people and make it harder for trans people to protect our rights under federal law in multiple ways.

First, he has told agencies that enforce federal civil rights laws to stop enforcing them when it comes to anti-trans discrimination and some other kinds of discrimination. He has also reduced staff in those federal agencies.

Second, he has tried to force some schools to discriminate against trans people. Federal agencies under Trump have sued, withheld funds from, announced investigations into, and threatened universities, states, businesses, and public school systems for allowing trans women and girls to play sports with other women and girls, allowing trans people to use restrooms that align with who we are and where we're safest, and having diversity, equity, and inclusion programs. Some states, schools, and businesses have caved under Trump's pressure, selling out trans people and other marginalized people. Some have shown up for us and challenged Trump.

Third, he encourages discrimination against trans people and those who support us by describing us as a threat and defending discriminators.

Even though discrimination is still against the law, it's likely getting more widespread - and we have less support in fighting it. But that doesn't mean we don't have any support or power.

Schools

It is against federal law for most schools to discipline you, refuse to admit you, expel you, harass you, or let others harass you because you are trans. Federal law applies to K-12 public schools as well as to colleges and universities that get federal money. We think it is very clear that it is against federal law for schools to keep you from using a restroom or playing sports on a team that aligns with your gender,

but we're still fighting about that in courts.[1] Many **state laws** also prohibit discrimination against trans students. Even if the laws in your state don't name schools in particular, laws against discrimination in "public accommodations" may apply to them, as in Colorado. And even if the laws don't specifically name gender identity discrimination, laws against sex or disability discrimination may protect trans people, as in Montana.

Filing a complaint about anti-trans discrimination at school with the Office of Civil Rights (OCR) within the Department of Education is not a good option right now. OCR will not help, but you don't have to file there to take other kinds of actions. As a first step, you may want to try advocating within your school to see if you can persuade administrators to change what they are doing. If they say they have to mistreat you because of a new law, it may help to look at National Education Association's **resources** for educators, which can clarify ways they can still support students (filter "legal & employment guidance" under type and "diversity & inclusion" under issue, then scroll to look for your state). You may also want to file a formal complaint with your own school or university, a **state** or local agency that enforces state or local anti-discrimination law, or, with the **help** of a lawyer, in state or federal court. You can also **organize** with other students for change.

Housing

It is against federal law for most mortgage lenders, realtors, and landlords to turn you away, charge you more, evict you, harass you, or let others harass you because you are trans. Separate-sex homeless shelters that accept federal funds are also required to let you in, and they should support you in being placed based on your gender identity if that's what you want. Many other shelters, especially longer-term ones, are also prohibited from discriminating against trans people. **Many states** also prohibit discrimination against trans people in housing.

Filing a complaint about anti-trans discrimination in housing or shelter with the Department of Housing and Urban Development (HUD) is also not a good option right now. HUD will not help, but you don't have to file there to take other kinds of actions. You can ask to talk with a supervisor or contact the headquarters of the place where you faced discrimination. You can file a complaint with a **state** or local agency that enforces state or local anti-discrimination law or in state or federal court. You can also report discrimination in **shelter access to A4TE** and in housing to advocacy groups like the **National Fair Housing Alliance**. You can also organize for change with other **tenants** or **unhoused people**.

You can also look for shelter using **HUD's tool** or the **homeless shelter directory**. SAGE has **resources** on housing for LGBT elders. There is also a **directory** of realtors who say they are LGBTQ friendly, and **TransLash** has assembled **resources** for trans people relocating for safety. If you are facing eviction, you may be able to find free **legal help.**

Employment

It is against federal law for most employers to fire, demote, refuse to hire, or refuse to promote you because you are trans. It is also against federal law for them to harass you or let people harass you for being trans, pay you less because you are trans, or withhold insurance coverage for care you need because you are trans. **Many states** also prohibit discrimination against trans workers.

If you want to bring a lawsuit under federal law about discrimination at work, you must file an administrative complaint with the Equal Employment Opportunity Commission (EEOC) within 180 days or, depending on your state, 300 days. Sometimes, the EEOC will take action to enforce employment discrimination law. But right now, in cases about anti-trans discrimination, it won't. You still need to file a charge if you want to go to court. Once the EEOC gives you a "right to sue" letter, you have 90 days to file a case in federal court.

You can also file a complaint with a **state** or local agency. You can look for a lawyer to help through **National Women's Law Center** or **National Employment Lawyers' Directory**. And you can **organize** with other workers for change.

Read more about discrimination related laws in **California**, **Colorado**, **Florida**, **Georgia**, **Illinois**, **Kansas**, **Kentucky**, **Louisiana**, **Michigan**, **Minnesota**, **New Mexico**, **New York**, **North Carolina**, **Ohio**, **Pennsylvania**, **South Carolina**, **Texas**, and **Wisconsin**.

Family policing and child custody

Trump has described supporting trans young people as "child abuse." As heinous as his words are, they do not change the legal meaning of child abuse. Loving and supporting trans children is not against the law. Nor is it against the law for trans people to parent their children. Here is some information about what Child Protective Services (CPS) or similar agencies can do to investigate abuse or neglect of children, and what you can do to protect your rights.

CPS can interview children when they are at school or daycare without telling the parent. They can also interview people in your child's life and take pictures of your child.

If you think your child may get interviewed by CPS, you might want to talk to your child about it. If you do, it may help to encourage your child to think about the questions and tell the truth. Sarcasm or exaggeration may lead to problems. Also, while it's okay for your child to talk to a CPS worker, they don't have to answer every question. If some questions seem irrelevant or offensive and your child doesn't feel comfortable answering, they can say that. They can also ask to talk another time instead or to have you or another person they trust with them.

If CPS investigates, a worker will probably knock on your door sooner or later. You do not need to let them in unless they have a warrant. Typically, they don't, at least not the first time. It is generally safest for your family not to let them in or answer their questions right away. CPS can use anything you say and anything they see against you in court, so it's best to have a chance to talk to a lawyer first. If it's an investigation that is targeting your family because one of you is trans, waiting can also give you a little time to see if you can—and want to—go to court to try to stop the investigation.

But it is also generally safer if you stay polite and show that you are open to cooperating. That's because CPS may be allowed to say in court that you refused to cooperate or appeared hostile. Just not letting someone in your home right away, asking questions, or wanting to talk to a lawyer is not hostile. But it can still be a tricky balance to strike. You might try things like this:

- If someone comes to the door claiming to be CPS, first think about whether it could be ICE, FBI, or police instead. All three of those forces are allowed to lie to try to get access to your home.
    - If possible, ask the worker to hold up their identification to a window and look at it carefully.
    - If it is ICE, FBI, or police—or they refuse to show ID—it is usually best to stay inside unless they have a valid warrant signed by a judge for your arrest.
    - To learn more about what to do when interacting with other types of law enforcement, see **this guide** from Transgender Law Center and **this one** from Muslims for Sexual and Gender Diversity.

- If it does seem to be CPS, go outside to talk to the worker, closing the door most or all the way behind you. Ask to see their identification if you haven't already.
- Ask what the investigation is about. They should not tell you who made the report, but they should tell you what they are investigating. They should give you specific information, not just something general like "abuse."
- Ask for the worker's contact information.
- Say that you would prefer to talk to a lawyer first, or just tell them that now isn't a great time. Offer to call them to set up another time or suggest another date soon when they could come by.
- Then, talk to a lawyer and follow up. In **some states**, you have a right to a free lawyer when CPS starts a formal case if you can't afford one. In others, you may be able to find **free legal help** or **hire a lawyer**. Generally, you do not have the right to a lawyer during the investigation phase, but some states have free legal help for families before CPS files a case.
- Avoid yelling, insulting, or threatening. Remain calm, and don't say that you will never let them into your home. And don't say you'll be in touch, but then never follow up.

CPS can temporarily remove a child from your custody if you consent, if they believe the child is in immediate danger, or if they have a court order. If CPS tries to remove your child from your home, insist on seeing a court order. If they don't have one but claim there is an emergency, ask what evidence they have that your child is in immediate danger. They may still be able to remove your child, but they must get a court order within a few days. You have the right to attend the hearing where the judge decides if the removal is appropriate.

CPS cannot arrest you, but they can contact the police. If CPS asks you to take a drug test, you can say no, as long as they don't have a court order. Declining to take a drug test without a court order should not be taken as uncooperative.

Ultimately, CPS will not make the final decision about whether your child can remain with you. Only a court can do that.

Travel

Visiting the United States

There is some uncertainty regarding policy changes that may affect entry to the United States for people of trans experience traveling from other countries. Individuals may face challenges when trying to obtain a U.S. visa and once they are at a U.S. port of entry, such as an airport.

The U.S. State Department has changed its **Foreign Affairs Manual** (under "Information to Include on Visa Application Forms") to state that "the sex reflected on any issued visa must match the visa holder's *biological sex at birth, even if it differs from the sex listed on the passport*."

Customs and Border Patrol ("CPB") and the Transportation Security Administration ("TSA") may investigate if someone seeking entry has different gender markers on different documents. It can come up at the initial inspection or during an enhanced interview. CBP can refer you for secondary inspection if they can't resolve the issue quickly. If you end up in prolonged secondary inspection, you have the right to contact your consulate for help. They may be able to help you contact a family member or lawyer. Don't sign anything unless you've read it thoroughly in a language you understand, and you're sure it's right.

All seeking entry to the United States can be questioned by CPB. You will be asked the nature and purpose of your visit. You're required to be truthful in your answers. If there are, in the government's view, "discrepancies," such as differing gender markers in supporting documentation presented at entry, be honest about them.

There is some risk that trans people could be accused of fraud related to gender markers on immigration documents. Stating your gender identity is not fraud. However, it is important to respond truthfully to questions about sex assigned at birth. That's because anyone found to have committed fraud can face serious consequences, such as a permanent bar from entering the country. While there is some ambiguity as to whom the federal government might accuse of fraud, the risk seems most serious for trans women and nonbinary athletes seeking a visa to enter the country to participate in sports on a women's team. We don't know yet how this will play out.

For more information about entering into the US, visit Transgender Law Center's **immigration resources**. If you encounter trouble related to visas or entry into the U.S. as a trans person, you can also fill out **this form** to inform A4TE, the Transgender Law Center, Democracy Forward, and a law firm we are partnering with.

Finding missing trans loved ones

It is always alarming when we can't find someone we care about. These days, we have extra reasons to worry. If you're concerned about someone who has been absent for an unusually long time without explanation, here are a few things to try. Note: What's unusually long depends on the context. It could be hours or less if the person is a child who is rarely or never late when coming home from school. It could be weeks or more if the person is an adult friend you only connect with occasionally.

- Take a couple of breaths. Remind yourself that most of the time, when someone is late or has been out of touch for a while, they are fine. They got busy. They forgot. They lost their phone. They're out having fun.
- Reach out to them in all the ways you can think of and make it easy for them to respond. Check their social media.
    - Reach out to people close to them, like their teachers, social workers, partners, parents, friends, or chosen and/or trans family. For doctors, therapists, and other healthcare providers, you will likely need written permission given in advance by your loved one for the provider to share personal health information (PHI) with you. There may be some flexibility to this, where the provider believes your loved one to be in danger.
    - Reach out to others who might have heard from them or seen them around, like neighbors, employers, coworkers, or classmates. As you do that, though, make sure you aren't outing them to anyone who doesn't already know they are trans. Use the pronoun and name they would want you to use.
- Check if they are in custody. For these systems, it's usually most helpful to start searching using the name on your loved one's ID, since that's usually what gets listed. But if you don't find them that way, don't stop there. Try different variations and misspellings of any name they've ever used, including deadnames and chosen names. If your loved one is an immigrant, try to find their A number. The A number, or "Alien Registration Number," can be found on employment authorization documents, green cards, and notices issued by USCIS. It is very helpful for locating people in the system.
    - For immigration custody, first check the **ICE Detainee Locator**. If that doesn't work, you can try specific facilities. Trans people may be held anywhere, and lately ICE has been moving people around a lot. But most recently, some trans people have been held together at the **Aurora Detention Facility** in Denver, Colorado or the **South Louisiana ICE Processing Center** in Basile, Louisiana. You can try contacting those and other **specific facilities** to see if your loved one might be in one of them. You may also try contacting the **field offices** closest to where your loved one was staying when they went missing. You may need to call many times to get through.
    - **This guide** has more tips on how to find people in ICE custody.

- For other federal custody, try the Bureau of Prisons **locator**. If your loved one is a service member, it can also help to check the brigs for their branch of the military.
- Every state has a way to look up people in their state prisons. If you search for "[state] department of correction inmate lookup," you'll probably find it right away. It's quick to check and you might as well. But if your loved one only recently got arrested, they probably are not in state prison. They are much more likely to be in a police precinct, criminal court, or local jail. Try googling the police precinct, arraignment clerk, criminal court, and jail for the county or city where they were most likely arrested. If you find a way to check lists of arrestees, people scheduled for arraignment, or people in jail online, try it. (Arraignment is an initial hearing and often the first court date in a criminal case.) Otherwise, start making calls. Also try the local public defender office (search for "[county] public defender") to see if they have any information on your loved one.

- Check domestic violence shelters, detox facilities, hospitals, and other places someone might go in a crisis.
  - Most of these places will not be allowed to tell you if your loved one is there. But you can always say, "I understand that. But if they are there or show up later, I would love it if you could just pass on to them that I called and I'm worried. Here's my name and number."
- Sadly, you may also need to check if they have been hurt or killed. Call hospitals and medical examiners in the area where your loved one was most recently seen.
  - You can also check a federal **database** for missing persons and those who have passed away whose bodies have not yet been identified or claimed.
- Expand the search. **This guide** to finding missing and murdered Indigenous people has lots of tips, and you can try one or more of these things:
  - If your loved one has an iPhone and they have shared their location or account information with you, you can locate their device using another Apple device. It may lead you to them.
  - Contact the local police. It's a myth that you can't file a missing person report until after 24 hours have passed. You can report any time after you realize they are missing.
  - Go to places where they might have been spending time. Try to figure out who saw them last and where they were at the time. Form groups and search the surrounding areas together.
  - Make flyers and graphics and share them widely.

Criminal records

You don't have to have gone to jail or court to have a criminal record. If you were arrested, you have a record. You may even have a record if a police officer gave you a summons for something minor, like a parking infraction, or if you got a notice by mail about missing jury service more than once.

It's important to know that if your criminal record, or "rap sheet," shows an open warrant, you could **get arrested any time**, especially if you have any contact with police, prosecutors, or courts. If you think you might have a warrant, reach out to the local public defender office or look for another criminal defense attorney to help you. If the warrant is real, they can help you turn yourself in and deal with the case. If the warrant isn't real but still shows up on your record, they can help you fix the mistake. And if there's no warrant, they can give you peace of mind.

Correcting Errors

Rap sheet errors are very common. They can cause serious problems for anyone, and especially for trans people. For example, if your rap sheet shows an open warrant that doesn't really exist, you could end up being wrongly arrested. If it shows incorrect information about a conviction or case, it can make it harder to get benefits, housing, or jobs.

Before you can correct errors, you have to find them. You will need to get a copy of your criminal record, and you should get your record from every state where you might have one. You may also want to get your record from the FBI, even if you haven't been arrested or charged with a federal crime. Depending on the state, you may have to pay a fee and get your fingerprints taken, or you may be able to search online using your name and birth date.

Once you get your record, look it over carefully. Does it show open cases that are actually closed? Does it show the wrong information about how a case ended? Does it show something that seems to be about an entirely different person?

For each error, you will need to get the agency that handles criminal records to fix it. The procedures vary by state. You will usually need something from the criminal court (like a "certificate of disposition") to show the information is wrong. Sometimes you might need a form or letter from the DA or police. Be prepared to try a few times. These errors can be frustrating—but very worthwhile—to correct.

Sealing and expungement

Rap sheet errors are very common. They can cause serious problems for anyone, and especially for trans

people. For example, if your rap sheet shows an open warrant that doesn't really exist, you could end up being wrongly arrested. If it shows incorrect information about a conviction or case, it can make it harder to get benefits, housing, or jobs.

Learn More

The **Cornell Criminal Record Online Toolkit**, **Reentry.net**, and the **Root and Rebound Roadmap to Reentry** have information on correcting errors and seeking sealing or expungement for many states and the federal government.

Naturalization and adjustment of status

Are you an immigrant eligible to naturalize or apply for a green card?

For those who are eligible, **becoming a U.S. citizen** is the best way to prevent being placed in immigration detention or removed from the country against your will. "Naturalization" is the process of becoming a U.S. Citizen. Similarly, if you are an asylee or otherwise eligible to **apply to "adjust status"** to lawful permanent resident (also known as applying for a Green Card), doing so can give you more protection.

Even if you are a lawful permanent resident, some things can put you at risk of detention, removal proceedings, and even deportation. These things include certain crimes, false claims of U.S. Citizenship, and fraud in immigration applications, among others.

Becoming a citizen gives you greater legal protection. You may also be able to change your legal name through naturalization without having to go through the state court process. And once you become a U.S. Citizen, you have new rights, like the right to vote.

That said, if you have a criminal record (even dropped charges or an expunged record) or other concerns, it might not be safe to apply for citizenship, even if you're otherwise **eligible**. Also, Trump has said that all federal ID and records have to reflect assigned sex at birth, and USCIS has implemented guidance. To avoid being accused of misrepresentation, it may be safest to disclose your assigned sex at birth if asked.

You should consult a lawyer before applying for Citizenship or for a Green Card. There are many free or low-cost options across the country. You can search by zip code on the **Immigration Advocates Network** or **New Americans Campaign** directories. Beware of immigration scams. **This guidance** may help you find qualified help.

If you can't afford to pay the fee to **apply for naturalization**, you may be able to get a **reduced fee** or a **fee waiver**. To become a citizen, you will need to pass an English and civics test unless you fit an **exception**. You may be able to find **free or low cost classes** to help you prepare.

Healthcare power of attorney and advance directives

If you are sick or injured and doctors think you can't make healthcare decisions, who will make them for you?

You can say who will have that power by filling out a simple form for a healthcare power of attorney (sometimes called a healthcare proxy or medical surrogate). You should choose someone who can handle stressful situations and who you trust to make choices that reflect your wishes.

You can also make some choices in advance with a document called a "living will" or "advance directive." Traditionally, these documents focus on what care you would want that could extend your life, like resuscitation, intubation or artificial nutrition. But in most states, they can be much broader than that. You can say what pronouns doctors should use for you and whether you would want your hormone treatment continued. You can say what medications you have tried in the past and would not want to take again.

An advance directive is most likely to work if it is very clear. It can also help to explain why you want what you do. And it helps to have both an advance directive and a healthcare power of attorney, so someone you trust can advocate for what you want.

These documents are usually fairly simple, and you don't need a lawyer for them. While rules vary by state, they generally need to be signed by you and two adult witnesses (not the person you name as your power of attorney). Give originals or copies to the person you name and your healthcare providers. Have a conversation with your power of attorney, as well as other people close to you, about what you would want if you couldn't make your own healthcare decisions. Things go more smoothly if everyone is on the same page about your wishes.

Read more about healthcare power of attorney and advance directives in Alabama, California, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.

Name and gender marker change

Do all your records and ID show the name, photo, and gender marker you want them to?

Check for updates on **Orr v. Trump** and **Schlacter v. Department of State**, the two lawsuits brought by trans people against the Trump administration about passports. Currently, it is not possible to change the gender marker on other federal documents. Depending on where you live, it may still be possible to change your name, gender marker, or both on other sorts of ID.

Of course, legal risk isn't the only thing to think about when it comes to changing your name or gender marker. It's about what you think is best for you overall. Your dignity, wellbeing, economic security, physical safety, and mental health all matter. If you want to do it and still can, it may make sense to try to change your name and gender marker now on state, tribal, municipal, or student ID. Some states are making it harder or impossible to change your gender marker on some documents.

In terms of legal risk, it's not against the law to go by a name different than the name on your ID, so long as you aren't trying to get money that doesn't belong to you, avoid legal or financial obligations, pretend to be a specific other person, or commit fraud.

How do strangers usually perceive your gender?

You could be more likely to get harassed if the photo, name, or gender marker on your ID differs from how others see you.

Which single-sex setting makes you feel safest?

In most places, police and jails do not have to treat you as the gender on your ID when it comes to searches or placement—but it might influence them.

While most anti-trans restroom laws focus on the sex on your original birth certificate or the sex you were assigned at birth, in practical terms, it could reduce your risk if the gender marker on your ID aligns with the facilities you use.

How concerned are you about the government learning you are trans?

When you change your gender marker on your ID, you're giving a government agency a record you're trans. That isn't necessarily a problem. Police are more likely to learn you're trans in other ways—like by checking your social media or seeing you with ID that doesn't match your presentation.

However, there is some risk that the government—or someone with access to government records—could find out you are trans from the record of you changing your gender marker and misuse that information.

Are you concerned about mismatched records?

Different identity documents have different standards for correcting the sex marker. Historically, it has been common for trans people to have documents with different gender markers.

If some of your records say one name or gender marker, and others say another, it can sometimes lead to problems. If it comes up, you may just need to show paperwork, like a name change order, making it clear that you are the same person. Another strategy some trans people have used is providing a letter from a medical provider or therapist explaining that they are transgender. Both things will also make it clear that you are trans, which could trigger discrimination.

There's also a possibility that people will assume the mismatch is because you're undocumented, using a fake ID, or trying to commit fraud, which can lead to other issues.

What should I do to change my name or gender marker on my documents?

Where you need to go and what you need to do to change your name or gender marker depends a lot on where you live, where you're from, and what documents you're dealing with.

Court-ordered name changes

Even if you are not able to correct your gender marker, you can still legally change your name. Most U.S. jurisdictions require a name change order, naturalization certificate, marriage certificate, or divorce decree to recognize a name change. But some agencies allow people to change their name just by filling out a form. You can generally only get a court-ordered name change in the state and county where you live. If you have a name change order from one state, it should work to change your name in other states.

Be aware that this may not work in another country. For example, if you live in Pennsylvania but you have a passport from Mexico or a tribal ID from the Navajo Nation, you will need to check Mexican or Navajo rules to see if they will accept a Pennsylvania name change order. But if you need to update your information with a Minnesota agency, your Pennsylvania name change order should work just fine.

Getting a name change is usually a pretty simple legal process, and you can do it without a lawyer. But the process varies among states and counties. Check the end of this guide for places to look for free legal help.

Name changes and immigration status

Different states have different requirements for name changes for people who are not U.S. citizens.

- Depending on where you live, you could be asked to provide proof not just of where you live but that you have a certain immigration status. Especially if you don't have immigration documents, you may want to talk to an attorney before going to court for a name change.
- Some information about your name and residence generally is visible to the public when you get a court-ordered name change. This can lead to safety concerns for survivors of domestic violence or anti-trans violence. Court cases and decisions are usually public records.
- In some states, you also have to publish a notice of your name change in a newspaper or other public forum. The requirements for making the record of a name change private, or sealing it, vary from state to state. So do the requirements for being excused from publishing notice. You can seek legal advice specific to your state if this is important for you to be able to stay safe and change your name.
- In some places, you need to get a copy of your criminal record to complete a name change. That makes it a great opportunity to review your record for errors.

You can learn more about state-specific rules for name and gender marker change on A4TE's **ID Documents Center**. If you notice information in the ID Documents Center that is out of date, please email **namechange@transequality.org**

Divorce

Are you legally married to someone you're no longer in a relationship with (or would rather not be)?

When relationships end, often the last thing we want to deal with is a legal process like divorce. If you're still legally married, though, your spouse may have rights you really don't want them to have. If you have a child, they might get treated as the other parent even if they aren't. If you get sick, they might get asked to make decisions for you. If you buy something, it could be as much theirs as yours. If you want to marry someone else, it would be against the law. If you die, your spouse may get whatever you leave behind, and they might get to say what happens to your body. For these reasons, it is often legally safest to get a divorce if you're no longer in a relationship or want to end the relationship. Even if you have no idea where your spouse is, it is usually possible to get a divorce.

Divorces can be complicated. Often, a lawyer is a good idea. That's especially true if you have children together, one or both of you want alimony, or you can't agree how to divide up property. But you may be able to get **free legal help** or **hire a lawyer**. And for a simpler divorce, you might not need a lawyer. Read more about divorce in **Alabama**, **California**, **Florida**, **Georgia**, **Illinois**, **Kansas**, **Kentucky**, **Michigan**, **Louisiana**, **New York**, **North Carolina**, **Ohio**, **Pennsylvania**, **South Carolina**, **Tennessee**, **Texas**, and **Wisconsin**.

Do you have children who are under 18?

If you have children under the age of 18 (or, in Alabama and Nebraska, 19), you may want to make a plan for who will care for them if something happens to you. These plans are especially important if you are a single parent or if close family members do not accept your or your child's gender.

Parents don't have total control over who would care for their children in any state. A court will make the decision based on the best interests of the child. But in many states, you can say who should care for your child. Making it clear and official who you would want to care for your child can make a big difference. Courts will usually go with what the parent(s) wanted unless it seems like the environment would not be safe or healthy for the child.

A standby guardianship, preneed guardianship or appointment of guardian is a legal document that lets you identify someone who will take care of your children if something happens to you. It is not available everywhere. In some states, you can appoint this person as a part of a will. In others, it has to be separate. In some states, it can cover situations like if you are hospitalized, incarcerated, or deported.

In others, it really just applies if you die or become unable to care for a child because of a physical or mental condition. Some states make it clear that these guardianships can be temporary—like for someone who is too sick to care for their child for a while, but then gets better, or for someone who is in jail, but then gets out. Other states do not make that clear, which can make it a lot harder to get custody of your children back from the guardian.

Read more about standby or preneed guardianship in **California**, **Florida**, **Georgia**, **Illinois**, **Kansas**, **Michigan**, **Louisiana**, **New York**, **North Carolina**, **Ohio**, **Pennsylvania**, **Texas**, and **Wisconsin**.

Second parent or stepparent adoption

Are you parenting a child who you did not give birth to or formally adopt, and who is not your genetic offspring?

If you did not give birth to your child and are not the genetic parent, you might not be legally recognized as the child's parent. To protect your relationship to your child, the safest thing to do—if you can—may be to legally adopt your child.

It can feel very strange to adopt your own child. The legal process can be long, complicated, invasive, and expensive. But it is often the strongest protection you can have if someone tries to claim your child is not really yours. Especially if you and your child will be traveling or living in places that do not accept or respect LGBTQ families, it is worth the investment if you have the option.

You can usually only get an adoption decree where your child lives. Once you have it, though, other states should accept it. Other countries don't necessarily have to respect adoption orders from U.S. courts. It may depend on the country.

If you are married and want to adopt your spouse's child, you are seeking a stepparent adoption. If you are not married but want to adopt your significant other's child, you are seeking a second-parent adoption. Rules for second parent adoption and stepparent adoption vary by state.

Stepparent adoption is generally a bit simpler and less expensive than a second-parent adoption, and it is available throughout the U.S. However, it is only available if you are married or in a similar legally recognized relationship with someone who is already the child's legal parent. For a stepparent adoption application, most states require that:

- You are married to a legal parent of the child.
- Both of you file a petition for adoption.
- You get a criminal background check.
- You share your reasons for the adoption and your role in the child's life.

Be aware that stepparent adoption may cost as little as $350 and as much as $2000, depending on where you and your child live.

Second-parent adoption can work for a wider variety of families, but it is available in fewer states. You can

look up whether it is available in your state on **this map**, and learn more about adoption law in your state generally through **this tool**.

- There tend to be more steps involved for second parent adoption, and they vary a lot by state.
- Beyond the requirements for a stepparent adoption, you may also need affidavits from a doctor or cryobank about how your child was conceived, a home study from a social worker, an adoption hearing, and extensive parental fitness evaluations.
- The cost also tends to be higher, ranging roughly from $1500 to $4000.

Adoption is complex, and it can help to find a **lawyer**.

Credit

Have you reviewed your credit report?

Your credit score can have a major impact on your economic security. Good credit makes it easier to get apartments, credit cards, car loans, business loans, and home mortgages. And good credit means you will get charged less interest.

Mistakes on credit reports are pretty common, and they may be even more common for trans people. There are three nationwide credit bureaus: Equifax, Experian, and TransUnion. You have a right to a free copy of your credit report and free correction of any mistakes made in credit reports.

Sometimes, trans people who change our first names lose our entire credit history, leaving us to build it again from scratch. The credit bureaus are used to dealing with last name changes, like for marriage. But they sometimes get confused when a first name changes, because these systems were not built by or for trans people. That's especially likely to happen if you change your last name at the same time you change your first name. To avoid that, or fix it if it happens, it helps to change your name directly with the credit bureaus. You have to do that with each of the three: **Equifax**, **Experian**, and **TransUnion**.

To order your free credit report, visit **AnnualCreditReport.com**, a website that centralizes the resources of the three national credit bureaus, or call their toll-free number at 1-877-322-8228. This is the only resource you can use to receive the free annual credit reports that you are legally entitled to. Be wary of any other site claiming to offer free credit reports, scores, or monitoring. These sites aim to steal your personal information or charge you money, often by using domain names similar to AnnualCreditReport.com. As such, it is good to practice caution when accessing credit-related websites, carefully inspecting domain names in both websites and emails. You can get a free credit report:

- Once every twelve months
- If you recently got a notice turning you down for something because of your credit
- If you don't have a job and are looking for work
- If you get public assistance

To fix a mistake on your credit report, you must "dispute" the error with each credit bureau: **Equifax**, **Experian**, and **TransUnion**. The process for disputing mistakes on a credit report varies slightly based on the type of mistake and which bureau you are dealing with. You will generally have to explain the mistake in writing, fill out a form, and provide copies of related documents. You should keep copies of whatever you send.

The dispute process is usually pretty straightforward. You don't need a lawyer or anyone else to do it for you. Watch out for credit repair businesses. Some of them are solid, but some are scams. No matter who they are, they cannot get accurate, negative information removed from your credit report. If they claim they can, they are either lying or trying to get you involved in identity theft. They also are not allowed to charge you until after they have provided the services.

If you don't have credit or your credit score is very low, you will need to work on building up your credit over time. That may mean negotiating with your creditors and paying off your debt. It may also mean getting a secured credit card or a loan with a co-signer and making your payments on time.

End of life planning

Do you have a plan for what happens once you die?

Even if you don't own very much, it's kindest to your loved ones for you to make a will or a living trust. It can make what will already be a painful time for them a little easier. If you die without a will or trust, it may be a struggle for people even to get into your home to care for your pets or plants.

Beyond deciding what will happen to your property, you may also want to decide what will happen to your remains.

Both a will and a trust make sure that what you own goes where you want after you pass away, but they work differently. These differences are explained below.

What is a will?

A will explains what should happen with your property once you die. Details of how to make out a will vary by state. Usually, you will need at least 2 witnesses who are over 18 years old. They should not be people who would inherit from you. Ideally, they should talk with you a little, so they have a sense that you knew what you were doing when you signed your will. In some states, the will may also need to be notarized.

You may want to sign a couple of original copies of your will. That way, you can keep one with your important papers, and you can give the others to people who would inherit from you.

While you don't need a lawyer for a will, it's a good idea to get one. It's especially helpful to get a lawyer if you:

- Have questions about how to do something;
- Want to give money to a disabled loved one who receives benefits;
- Want to set up trusts for other reasons;
- Worry that people might fight over what you leave to them;
- Own real estate, businesses, or large investments; or
- Want certain conditions to be met before someone inherits from you.

What is a living trust?

A living trust, also known as a revocable living trust, is an arrangement where you transfer ownership of your property (assets) into the trust. The legal document outlines how the trust's assets are to be managed and distributed. It's best to get a lawyer to set up a trust.

A trust can help if you have a lot of property that needs to be managed. After you die, it can let people access your property sooner. It is also more private than a will. If you don't have a lot of property, though, a will may be better. That's because a will is cheaper and simpler to create.

With a trust, you move your property into a trust while you are still alive. The trust owns it, rather than you. But you, or someone you choose, serve as the trustee. After you die or can no longer manage the property, someone you appoint takes over. And while you are alive, you also benefit from the trust—the property can be spent and used by and for you. But once you die, others of your choosing will be the "beneficiaries."

Appointing an agent for disposition of remains

In many states, you can also say what should happen to your body after you pass away or who should get to make that decision. This can matter a lot to trans people. Many of us want to be sure that we are not misgendered or dressed as the wrong gender. This form is usually very simple and does not need a lawyer.

The process for appointing an agent for disposition of remains, also known as a "funeral representative" or "agent for funeral arrangements," can vary from state to state.

General procedure

Designate an agent

- Choose someone you trust (e.g., family member, friend, or professional) as your agent for disposition of remains.

Create a document

- Prepare a document that formally appoints this person as your funeral representative. This can be done through:
    - A will
    - An advance directive or "living will"
    - A separate "Funeral Representative" document

Specify authority

- Clearly state the agent's authority to make decisions regarding your funeral arrangements, including:
    - Burial or cremation preferences
    - Funeral service details
    - Memorialization options (e.g., headstone, urn)

Sign and date

- Sign the document in front of a notary public and/or witnesses (if required by state law) and date it.
- Retain an original copy of the document for your records. Keep the copy in a safe place, like a safety deposit box.

Key considerations

State-specific requirements

- Familiarize yourself with specific requirements for appointing a funeral representative in your state, as mentioned earlier.

Communication

- Inform your designated agent about their role and responsibilities, and make sure they understand what you want.

Update your designation regularly

- Review and update your designation periodically (e.g., every 5-10 years) to reflect any changes or updates.

Remember that the specific process for appointing an agent for disposition of remains may vary depending on your state's laws and regulations. Consult with a qualified estate planning attorney or legal professional in your area for guidance tailored to your situation.

A state-by-state guide to appointing an agent of disposition of remains can be found **here**.

Finding legal help

If you are looking for legal assistance, here are some organizations that you can contact. We offer these resources for your information, and without our endorsement. Please vet them yourself and decide whether you would like to work with them.

Nationwide directories

- Lawhelp.org (free legal services for low-income people)
- National Employment Lawyers Association Directory
- LGBTQ + Family Law Attorney Directory
- Trans Legal Services Network Directory
- Trans Legal Clinic Calendar
- National Center for Lesbian Rights Helpdesk
- Transgender Law Center Helpdesk

State resources

- Alabama
  - Maynard Nexsen
- California
  - East Bay Community Law Center
  - Los Angeles LGBT Center
- District of Columbia
  - Whitman Walker Legal Services
  - Childrens Law Center
  - Families United DC Metro
- Florida
  - TransSocial
  - Family Diplomacy Law Firm
- Georgia
  - Atlanta Legal Aid
- Illinois
  - Transformative Justice Law Project
  - Chicago House TransLegal Program
- Kansas
  - Kansas Legal Services
  - University of Kansas School of Law Legal Aid Clinic
- Maryland
  - Whitman Walker Legal Services
  - Standby Guardianship Project

State resources

- Michigan
  - Grand Rapids Trans Foundation Name Change Workshops
  - Pitt Law
  - Jim Toy Center
- New York
  - Chosen Family Law
  - NYLAG LGBT Law
  - Erie County Volunteer Lawyers Project
  - Volunteer Lawyers Project of CNY, Inc
- Ohio
  - Equality Ohio
  - TransOhio
- Pennsylvania
  - Hugh Lane Wellness Foundation
  - Mazzoni Center
  - PA AIDS Law Project
  - Jerner & Palmer
  - Giampolo Law Group
- South Carolina
  - South Carolina Legal Services
- Tennessee
  - Bass, Berry & Sims PLC
  - Rubenfeld Law
- Texas
  - Law Office of Bryan Fagan
  - Trans Legal Aid Clinic Texas
  - Texas Rio Grande Legal Aid (TRLA
  - University of Texas Law Clinics
- Virginia
  - Whitman Walker Legal Services