Documentation for Transgender Individuals, Successes, Failures, and Challenges

Equality NC and The Transgender Initiative
Where are all the places we are "legally sexed"?

- Passports
- Driver's Licenses
- Birth Certificates
- Anything requiring a credit check (buying a car, applying for credit cards, student loans, applying for mortgage)
- Rent/Lease anything
- Voting
Agenda

- Identification documentation
  - Name Changes
  - Passports
  - Driver's Licenses
  - Birth Certificates
What are we talking about?

M / F

- Any legal document that has a gender marker
- Gender Marker: F or M designation
- Can be state or federally issued
Limitations

- Typically does not allow for anything other than M or F
- Each document must be changed separately
- No uniform process for changing gender or name
- State and federal policies vary based on the document
- One transition is hard, two is near impossible
Documents

Identification documentation
Name Change

- No gender marker involved in this process
- Typically, first step in process so changing gender marker documents aligns with gender of new name
  - Ex: Driver's licenses with masculine name and F gender marker
- Typical Process:
  - Criminal Background check (Federal and local)
    - Fingerprint (2 of them = $20)
    - FBI Background Check ($18) - 2 weeks - 3 months (mine took 1 month)
    - SBI Background Check ($14) - 1 week
  - Complete forms ($3.50 if you pick up the packet from the courthouse)
  - Provide 2 affidavits of good character (notarized copies)
  - Post at the courthouse for 10 days
  - Clerk issues name change ($120 - filing charge, if you want another copy for Passport documentation, an additional ~$5 is needed)
- Varies by county
● Obtain a passport with updated gender if you've had "clinical treatment" by your doctor to be appropriate.
● Physicians certification is only required if you submit forms of ID with your application that do not all align with gender of the application.
● Physician can be any licensed physician who is familiar with your treatment
● June 2011 revision of the policy - no longer requires surgery and a letter from surgeon
Australian Case Study

- Australian Passports allow for third gender option
- "X" option for trans or intersex people
- Trans people can still choose "M" or "F"
Social Security

- **Name:** Proof of legal name change
- **Gender:** Letter from surgeon or attending physician stating sex change surgery has been completed (next slide)
- **No-match letters issued to employers when name/gender doesn't align with database** (as of September 2011, this no longer applies -- source: http://www.metroweekly.com/poliglot/2011/09/social-security-ends-gender-no.html)
How do I change my gender on Social Security's records?

To change your gender on Social Security's records:

**Step 1:** Gather documents proving your:
- Gender (You need a letter from your surgeon or attending physician. It must verify completion of your surgery. It also must have enough biographical data (e.g., name and date of birth) to clearly identify you;
- Identity;
- U.S. citizenship (if you have not established your citizenship with us); and
- Immigration status (if you are not a U.S. citizen).

**Step 2:** Complete an [Application for a Social Security Card](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security%27s-records).

**Step 3:** Take or mail your completed application and documents to your [local Social Security office](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security%27s-records) or your [local Social Security Card Center](http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security%27s-records).

All documents must be either originals or copies certified by the issuing agency. We cannot accept photocopies or notarized copies of documents. We will return any documents you mail to us, along with a receipt.

Source: http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/1667/~/changing-gender-on-social-security%27s-records
If your name changes

A person whose name changes from the name stated on a driver license must notify DMV of the change within 60 days after the change occurs and obtain a duplicate driver license stating the new name. You must change your name listed by the Social Security Administration before you change the name on your driver license. You must use your full name and the name on your driver license must match the name used by the Social Security Administration.

Name changes can be completed with:

- A certified marriage certificate issued by a governmental agency;
- Documented proof from the courts or the Register of Deeds establishing that the name change was officially accomplished; or
- A divorce decree which includes the name change.

Source: http://www.ncdot.gov/dmv/driver/renewal/
From DMV Website:

If you are requesting a duplicate license because of a name change:

First, change your name with the Social Security Administration. Please allow 24-36 hours for this change to be updated before you visit DMV.

Second, bring proof of your name change to a DMV Driver License Office. Proof of Name Change documents may include:

- Marriage License
- Divorce Decree
- Court Order
- Affidavit

Questions? Call your local DMV Driver License Office.

Source: http://www.ncdot.gov/dmv/driver/renewal/

Cost of duplicate license: $10
"If a customer desires to change the gender code on the driver's license or ID card, a court order or physician's statement verifying procedure must be presented and comments entered indicated what documentation was accepted."

Inconsistent application at best; varies by DMV field office

For information about your other states:
http://www.tsroadmap.com/reality/drivers-license.html
Birth Certificates in NC

- NC Statute 130A-118
- Requires notarized letter from SRS surgeon
- Requires certified copy of name change
- Issue a new birth certificate and seal original rather than issue amended one

(4) A written request from an individual is received by the State Registrar to change the sex on that individual's birth record because of sex reassignment surgery, if the request is accompanied by a notarized statement from the physician who performed the sex reassignment surgery or from a physician licensed to practice medicine who has examined the individual and can certify that the person has undergone sex reassignment surgery.

Source: [http://law.onecle.com/north-carolina/130a-public-health/130a-118.html](http://law.onecle.com/north-carolina/130a-public-health/130a-118.html)
For a copy of this presentation, leave one of us your email address to help keep us “GREEN”

Special thanks go to both Paige and Elaine for assisting with making this presentation a success.

If you need specifics for your state, please visit http://www.tsroadmap.com/reality/index.html

Additional Resources:
Misidentification Impact
Agenda

- Impact on Trans people's lives
  - Marriage
  - Voting
  - Traffic stops
  - Access to social services
  - Housing and public accommodation
IMPACT

Impact on Trans people's lives
Law Enforcement

- One purpose of identity documents is to provide accurate descriptive information to authorities
- Hair color, race, height, weight ... gender?
- Inaccuracies cause difficulty for authorities and uncomfortable situations for trans folks
- Example: Routine traffic stops
- Unnecessarily confusing for cops, dangerous for trans folks
Single Gender Facilities

- Homeless shelters, prisons, student housing, nursing homes, medical facilities
- Typically utilize driver’s license for legal gender
- Can lead to isolation or exclusion when confusion arises
- Dangerous for disenfranchised individuals who lack resources to advocate for proper accommodations or treatment
Marriage

- Requires identification such as driver’s license, passports, or birth certificate

- Birth certificates typically required for younger applicants, others can use driver’s licenses

- Trans folks who are opposite legal sexes can typically marry without incident

- If not opposite legal sexes, gay marriage currently prohibited by law and permanently prohibited by proposed constitutional amendment

- If legally married, then one partner transitions, does legal marriage then become invalid?
Case Study - Littleton v Prange

- Christie Littleton
  - Transitioned MTF and changed documents
  - Married a man who died and filed malpractice suit
- Defense attorney argued invalid marriage because Christie is transsexual and won
- Set precedent for reexamining legal sex as it relates to marriage rights

A lawyer for Littleton illustrated the capricious nature of gender and marriage: "Taking this situation to its logical conclusion, Mrs. Littleton, while in San Antonio, Texas, is a male and has a void marriage; as she travels to Houston, Texas, and enters federal property, she is female and a widow; upon traveling to Kentucky she is female and a widow; but, upon entering Ohio, she is once again male and prohibited from marriage; entering Connecticut, she is again female and may marry; if her travel takes her north to Vermont, she is male and may marry a female; if instead she travels south to New Jersey, she may marry a male."
3/21/13: A transgendered student (Calliope Wong) applied to a woman's college (Smith College) and was rejected by the school, because her financial aid documents declared that she was male.

In several states across the United States, require that you show proof of gender affirmation surgery before you are able to change the gender on your birth certificate/social security card.

Source: http://www.huffingtonpost.com/2013/03/21/smith-college-transgender-calliope-wong_n_2920845.html
Arizona Legislature is attempting to pass a law that will require you to show your ID in order for you to go to the bathroom, or face possible 6 months of jail time and/or a $2,500 fine.

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Kavanagh’s proposed amendment to bill S.B.1432 would allow police to stop anyone they suspect is not using the public bathroom, shower, or changing room that matches the sex on their birth certificate. The accused would have to show proof of sex, and if they don’t have ID or if the sex on their ID doesn't match their gender identity, the offender could face up to six months jail and a $2,500 fine.

The bill is to be heard by the legislature on Wednesday.

Source: http://www.policymic.com/articles/30882/arizona-transgender-bathroom-bill-let-us-pee-without-showing-id
Document: Documentation for trans folks is a patchwork of policy, law, and jurisdiction

Making changes is daunting but not impossible

Impact on day to day life is broad and far reaching

Being trans is complicated enough...basic items like documentation should not prevent trans people from living their lives as others do

Summary