



Safeguarding Our Rights

Legal Strategies for the LGBTQIA+ Community and
Families During Challenging Times

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Vision & Mission

Vision

We envision a Maryland where people across the spectrum of lesbian, gay, bisexual transgender, and queer identities are free to live authentically, with safety and dignity, in all communities across the state

Mission

Free State Justice is a legal advocacy organization that seeks to improve the lives of low-income lesbian, gay, bisexual, transgender, and queer ("LGBTQIA+) Marylanders.

Topics

- The Changing Legal Landscape
 - Revocation of Transgender Rights
 - Religious Justifications for Discrimination
 - Threats to Marriage Equality
 - Healthcare Discrimination
 - Rollbacks of Other Vital Policies
- Legal Protections and Strategies
 - Maryland Protections for Civil Rights
 - Second-Parent Adoptions
 - Name Changes
 - Gender Marker Updates
 - Gender-Affirming Care
 - Anti-Discrimination Advocacy



If you are scared, you are not alone

- The reelection of Donald Trump, rising anti-LBGTQIA+ sentiments, and discriminatory laws and policies are worrying
- Policy changes are happening at both the federal and state level
- State policies are likely to have the most immediate and direct effects
- It is not clear how proposed federal policies relating to sexual orientation and gender identity will be implemented
- Maryland has many progressive policies that protect LGBTQIA+ folks
- There are ways to protect yourself and your family from potential policy changes
- **A lot** is unknown so it is important to stay alert but try not to panic
- We are in this together—FSJ and others are here to stay and help



The Changing Civil Rights Landscape

The Rollback of Transgender Rights

- President Trump has said he wants to reduce or eliminate civil rights protections for trans youth and adults
- On January 20th he signed an executive order intended to define binary sex classifications and rollback some gender-based protections
 - The order seems to be meant to cause fear and confusion even if much of **it may not be workable**
- Some states have taken steps to restrict civil rights and access to gender-affirming care
 - SCOTUS is expected to rule on the constitutionality of care restrictions this year
- Most civil rights protections are handled at the **state** level
- Federal changes are concerning and we will continue to monitor and report on how best to respond to them

Religious Exemptions and Discrimination

- Religion has long been used to justify discrimination of all forms
- Legal precedent on the issue is mixed but SCOTUS seems amenable to exemptions for now
 - In the long run we think **broad** exemptions are unworkable
- Last year Maryland amended its laws to ensure religious exemptions are **narrow** and that anti-LGBTQ+ discrimination is generally prohibited
- **Do not** let concerns about religious exemptions stop you from filing a complaint if you are the victim of discrimination
 - Let investigators determine when and how exemptions apply
- In general, religion is the **grayest of gray areas**
 - People of the same religion can have different beliefs and there is no concrete legal definition of religion

Threats to Marriage Equality

- Marriage has many interpretations, but marriage equality is about the legal ramifications of having the right to marry
- SCOTUS (especially Justice Thomas) and others have signaled interest in rolling back marriage equality
- **If** this happened, marriage would **probably** revert to being a state-by-state issue
- The Respect for Marriage Act ensures that marriages performed in one state are valid in all states regardless of a partners' sex or race
- **Were** marriage equality to be rolled back, marriages performed **before** the change **should** still be valid
- It is likely that states like MD would continue to permit and recognize same-sex marriages
- Estate Planning, including Advance Directives and Powers of Attorney, can assist in protecting marital relationships and interests

Healthcare Discrimination

- Healthcare is complicated and there is **a lot** of federal-state overlap
- **Most** aspects of healthcare are handled on a state-by-state basis
- Federal rules prohibiting anti-LGBTQ+ discrimination in healthcare are paused
- The Trump Administration has expressed interest in allowing discrimination in healthcare
- Maryland **prohibits** insurers and providers from discriminating based on sexual orientation or gender identity
- For now it is largely a **waiting game** to see what the administration does and if and how proposed policies are implemented

Education Discrimination

- Education laws have a lot of federal-state overlap, like healthcare
- Maryland has good educational policies generally, but we need to ensure they are enforced consistently and fairly
- Many counties in Maryland, especially in the more rural areas, are supporting legislation to allow parents to opt out of health curriculums that include sexual orientation or information about gender diversity



Laws and Strategies for Protecting Our Civil Rights

Civil Rights Protections in Maryland

These are only *some* of civil rights protections in Maryland

Hate Crimes
Penalties Act
(2005)

Marriage
Protection Act
(2012)

Fairness for
All
Marylanders
Act (2014)

Gender marker
updates on
birth certificates
(2015)

'X' gender
marker on
Maryland
licenses (2019)

Conversion
therapy banned
(2019)

Second Parent
Adoption
(2019)

Trans Health
Equity Act
(2024)

Second-Parent Adoption

- Ensures both parents have a legal connection to a child when assisted reproduction is used
- **Requires** the petition and consent to be completed and filed with the court
- Does **not** require notice or a hearing (different from other adoptions)
- The adoption can be granted after a waiting period
- If one parent dies or the partners split up, the other parent will still have a legal relationship with their child
- **All** adoptions can be complicated, mistakes are easy to make and have lasting consequences, so they are best handled with the help of an attorney

Name Changes

- In Maryland name changes can be filed **with or without** a request for a Judicial Declaration of Gender Identity (JDGI)
 - Petitions filed with a JDGI are **automatically sealed**
- A petition setting forth your current name, requested name, and reason for the change must be filed in court, along with a copy of your license or birth certificate
 - Additional information may be required if you changed your name previously or have ever been required to register as a sex offender
- Name changes for minors are similar but are filed "by and through" a parent or guardian, and require additional consent forms
 - If one parent objects to the name change a hearing will be held
- Most name changes are granted after a 30-day waiting period.
- Name changes in Maryland cost \$165, but fee waivers are available

Gender Marker Updates

- In most cases you can update your gender marker **without** a court order
- Your gender marker typically does not have to match what is on your birth certificate
- Maryland allows you to self-select 'M,' 'F,' or 'X' on your driver's license
- Currently, Maryland birth certificates only allow 'M' or 'F'
- A court order is not required to update the gender on a Maryland birth certificate if you have a signed affidavit from your healthcare provider
- Each state has different rules and procedures for updating names and gender markers on birth certificates

The Importance of an Up-to-Date ID

- Changing your name and updating your ID documents can be tedious but it is worth it
- Having an accurate ID with your lived name and gender reduces your risk for
 - Negative/dangerous interactions with police
 - Being denied access to goods, services and housing
 - Embarrassing and intrusive questions from employers, banks, credit card companies, etc.
 - Violence and discrimination
- The most challenging part of a name change or gender marker update might be the administrative updates with banks, insurance companies, and others
- If you pursue a name change or gender marker update it is important to make sure all of your documents are consistent

Gender-Affirming Care

- Access to gender affirming care is determined on a **state-by-state** basis.
- Maryland has enacted **shield laws** that protect providers from lawsuits and arrests based on bans enacted by other states
- The Trans Health Equity Act requires that Maryland Medicaid pay for gender-affirming care
 - It is not clear if or how new federal policies could affect this law
- Maryland defines gender-affirming care **very broadly**, and procedures like hair removal and facial feminization surgery are included in the definition
- If coverage is denied, it is important to carefully follow the appeals process to protect your right to benefits

Anti-Discrimination advocacy

- Maryland law **prohibits** discrimination on the basis of sexual orientation and gender identity
- Current Supreme Court precedent affords some employment protections under Title VII
- If you believe you have been the victim of discrimination you can file a complaint with the MD Commission on Civil Rights (MCCR)
- FreeState and other legal organizations can help with the process of filing a complaint, **even if** you do not file a lawsuit
- Much is unknown right now, but it is important to keep advocating for ourselves

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- Much is unknown right now relating to Federal discrimination protections, but it is important to keep advocating for ourselves
- The first step is always to notify the entity or organization of the discriminatory behavior in writing, via their formal complaint process if they have one

Additional Resources

- American Civil Liberties Union LGBT & HIV Project
- Chase Brexton
- FreeState Justice
- GLAD (GLBTQ Legal Advocates & Defenders)
- GLAAD
- GLSEN
- Human Rights Campaign (HRC)
- Lambda Legal
- Movement Advancement Project (MAP)
- National Center for Lesbian Rights (NCLR)
- National Center for Transgender Equality (NCTE)
- PFLAG (national and regional chapters)
- SAGE (Advocacy and Services for LGBT Elders)
- SMYAL
- Sylvia Rivera Law Project (SRLP)
- The Trevor Project
- Transgender Law Center (TLC)
- Trans Lifeline
- USPATH
- WPATH
- Whitman-Walker Health
- Williams Institute at UCLA School of Law

**REQUEST RESOURCE
ASSISTANCE:**



OR REACH US AT
CALL/TEXT: (443) 977-4243
EMAIL: RESOURCES@
FREESTATE-JUSTICE.ORG

**Are you an LGBTQ+ person in Maryland
and in need of resource assistance?**

We're here to help.

- Insurance & Benefit Applications
- Appointment Scheduling
- Resume Building & Job Search
- Housing & Healthcare Resources
- Vine Registration
- Gender-Affirming Care Access
- Resources for Victims of Crime



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Questions? Need to Contact Us?

(443) 977-4254

2601 N. Howard St, Suite 120
Baltimore, MD 21218

**Are you an LGBTQ+ person in Maryland
and in need of legal services?**

We're here to help.

- Name & Gender Marker Changes
- Discrimination Claims
- Criminal Record Expungements
- Divorce, Custody, Domestic Violence
- Peace & Protection Orders
- Legal Support for Victims of Crime
- Estate Planning and More



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