

CHAPTER IX

Survival Tips for Trans Youth

Transgender and gender-nonconforming (TGNC) youth face serious legal obstacles, and many endure discrimination and violence on a daily basis in school, while obtaining health care and in the criminal justice system.

The challenges of changing one's name, finding access to hormones or enduring police brutality demands a distinctly adult set of skills and can take a toll on a young person. If you don't have a safe place to call home, it's difficult to get a handle on the other struggles in your life. TGNC youth have a high rate of homelessness because many can't rely on parental support—whether financial or emotional. Not to mention that mistreatment at school is so common that many drop out.

The fact is, however, that nobody has the legal right to harass you simply because of who you are or are perceived to be. Laws and policies exist at multiple levels to prohibit discrimination based on gender identity or expression. These are generally new or still developing in most states and cities, and they vary widely. Lambda Legal (866-542-8336 or lambdalegal.org/help) tracks these laws and helps advocate on behalf of TGNC people of all ages.

Reaching out to other young TGNC people can also be a big help.

DEFINITIONS

Transgender refers to people whose gender identity, one's inner sense of being male, female or something else, differs from their assigned or presumed sex at birth; **cisgender** refers to people whose gender identity is the same as their assigned or presumed sex at birth.

Gender-nonconforming people don't meet society's expectations of gender roles.

MY STORY YOUNG, HOMELESS AND TRANSITIONING

KRYSTAL NEAL

"I left my house when I was 19 and keep trying to make it on my own. I've stayed in shelters where I have been harassed by both gay and straight people. And one time I was walking around the West Village with a friend and some cops asked for our ID. One cop said, 'You have to clear up this thing, John'—my birth name on my ID—in front of other people. It was really embarrassing.

"I decided to transition in November 2010. I had worked at a fast food place for a year and a half but as I transitioned, the changes were starting to show. When I came into work dressed as a woman, I got fired.

"My mother loves me, I know that, but she's also worried about what other people think.

"I want to be a role model for the trans community and show the world we're just people. Living my life as the true me—as Krystal—is not always easy, but I don't think there is any other choice."



FAQ

Answers to Common Questions from Transgender Youth

Q: How do I make sure people call me by the right name and use the right pronoun?

A: You have the right to insist that your school and community use the name and pronoun that reflects who you are—whatever your age. But most people find it useful to back up these changes officially as well.

If you are at least 18 years of age or have parental consent, you can legally change your name—whether you are trans-identified or not. Name change procedures vary slightly from state to state, but it generally involves filing paperwork at a clerk's office, paying a court fee of \$100-200, signing affidavits to assure the court you are not changing your name to defraud anyone and then appearing before a judge who will approve the change. The judge's order can then be used to change all your identity documents.

Changing your name is not the same as changing your gender marker on your birth certificate; that is a separate, sometimes complicated process, using different legal channels. Some transgender people wait and change both their name and their gender marker at the same time, but many change their name first. Lambda Legal's *Bending the Mold* has additional information to help with that and can be accessed online at lambdalegal.org/publications/bending-the-mold.

Q: How do I get trans-affirming healthcare?

A: Everyone deserves access to quality health care, regardless of one's ability to pay for it. Some cities have clinics designed to treat transgender youth specifically: for example, Callen-Lorde Community Health Center runs Health Outreach to Teens (HOTT) in New York City; Howard Brown offers a low-income walk-in clinic for LGBT people in Chicago; and Dimensions Clinic offers low-cost health services for queer, transgender and questioning youth in San Francisco. Most state Medicaid programs do not cover transition-related health care, but a growing number of states are lifting these discriminatory exclusions (California, Connecticut, Illinois, Massachusetts, Oregon, Vermont and D.C.) If you apply for Medicaid to cover your transition-related health care and are denied coverage, contact Lambda Legal's Help Desk. Lambda Legal's fact sheet on "Transition-Related Health Care" has more information about how advocates are working to remove discriminatory barriers to trans health care and can be downloaded at lambdalegal.org/publications/toolkits.

No matter where you live, it may be possible to find doctors with transgender patient experience.

Even if you are incarcerated or in foster care you have the

right to trans-affirming health care. Lambda Legal successfully claimed in *Rodriguez v. Johnson et al.* that a young transgender woman could not be denied access to her prescription hormone medication. In *Fields v. Smith*, Lambda Legal and the ACLU convinced the court to rule that a blanket ban on health care for incarcerated trans people is unconstitutional.

There is no set age limit for starting on prescription hormones related to transition; some doctors start transgender youth on hormone blockers at the onset of puberty, while others recommend waiting. But doctors need to assess a patient's situation on a case-by-case basis. If you are under 18 years old, you need parental or guardian consent to begin hormone treatment.

Because getting access to hormones can be difficult, some transgender people look for them without a prescription, but illegally trafficked hormones can cause additional health problems and hormone treatment should be monitored.

Q: How can I protect myself from anti-TGNC harassment and violence in school, on the street or by the police?

A: No matter where you live, you are entitled to equal protection under the law, according to the 14th Amendment of the U.S. Constitution. You're also covered under federal hate crimes law, which means that if you experience violence because of your gender identity or expression, the crime may prompt greater police attention and a higher penalty than if you're attacked for some other reason. Some states and regions also have laws specifically protecting TGNC people from discrimination. Even in areas with no such laws, however, you may have legal rights under existing sex discrimination or disability laws.

Schools are supposed to protect you as well. So if you experience physical or verbal violence at school, it is important that it gets reported to the administration, whether by you, a peer or a teacher whom you trust to speak on your behalf. Unfortunately, police are not immune to transgender prejudice, and many young people contact Lambda Legal to report being harassed while lawfully hanging out in public spaces or just walking the streets; officers often make assumptions that something illegal is going on. If you feel you have been targeted, illegally arrested, harassed or attacked because of your gender identity or expression or your race, please call our Help Desk at 866-542-8336 or visit us online at lambdalegal.org/help. You have the right to be yourself in public and not to be targeted by the police simply because of your appearance.

Q: How can I find work?

A: TGNC young people often find themselves needing to be

“ My mother loves me, I know that, but she’s also worried about what other people think.

—KRYSTAL NEAL

self-sufficient before their peers do, struggling to make money to survive on the streets or to pay for health care not covered by insurance or by their own families. Yet they are often passed over for jobs because of prejudice about the way they may look. The National Trans Discrimination Survey—data compiled by the National Center for Transgender Equality and the National Gay and Lesbian Task Force in 2009—found that trans people are nearly twice as likely to be unemployed and that the extreme poverty rate for trans people is four times that of the general population. The shortage of options forces many young TGNC people into street economies, including the drug trade and sex work.

Discriminating against workers for not conforming to sex stereotypes and assumptions has frequently been found illegal, however. The Equal Employment Opportunity Commission (EEOC) recently issued a landmark decision holding that transgender employees are covered by Title VII, the federal sex discrimination law. Lambda Legal recently won an important case in Georgia, for instance, on behalf of a transgender woman who was fired for transitioning on the job. For more information about that, see “Workplace Rights & Wrongs,” another fact sheet in this series, which can be downloaded at: lambdalegal.org/publications/toolkits.

Another great resource is the Transgender Economic Empowerment Initiative, which helps empower and educate transgender job seekers in the SF area through mentoring partnerships with other trans people. Their strategies and resources may be helpful in other parts of the country too. Transgender sex workers may benefit from information in the pamphlet *Taking Care of Yourself*, published by the Sex Workers Education & Advocacy Task Force (SWEAT) available at sweat.org.za.

Age may also be a factor for transgender young people looking for work. If you’re under 18, your state may bar it. In most cases, however, you can get a special permit from the Labor Department or a guidance counselor at school.

Q: How do I find a safe place to live?

A: First, remember that you are far from alone in needing shelter. Most transgender youth encounter some trouble at home, whether living with family or not. There are 1.6 million homeless youth in the United States, and studies estimate that 20 percent of them are LGBT-identified. There are very few homeless shelters focusing on the needs of LGBT youth, but one such shelter, the Ali Forney Center, offers housing and a range of services in New York City.

As you may know firsthand, prejudice at shelters and agencies serving homeless youth can be just as difficult as problems with family acceptance. If you are living in a group home, remember that you do have the right to be respected as a transgender person. If you encounter discrimination or mistreatment in a shelter, group home or other residential facility, call our Legal Help Desk at 866-542-8336, or visit us online at lambdalegal.org/help. For information on how to talk to loved ones and work towards acceptance, consider contacting the Family Acceptance Project (familyproject.sfsu.edu).

Q: If I have legal problems, how do I make sure my (criminal or family court) attorney is really advocating for me?

A: You have the right to be treated with dignity and respect in such matters and to have your gender identity respected by your attorney. Check out the American Bar Association’s *Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges* or Lambda Legal’s *Getting Down to Basics: Working with Transgender Youth*

NYC LAUNCHES FIRST-OF-ITS-KIND PUBLICATION FOR TGNC CHILDREN AND YOUTH

In 2014, the New York City Administration for Children’s Services published *Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Detention Systems*. This first-of-its-kind, comprehensive guide seeks to provide culturally competent care for TGNC children and young people in New York.

Created with the input of advocates for LGBTQ youth, *Safe and Respected* discusses best practices as well as strategies and common missteps to avoid when working on issues that TGNC children and young people encounter in their daily lives. With studies indicating that TGNC youth are disproportionately represented in foster care and juvenile justice settings, *Safe and Respected* discusses a variety of relevant topics such as use of language, privacy and disclosure, personal grooming, and affirming and appropriate gender placements.

(available at lambdalegal.org/publications) as well as information and tools to share with your advocate (available at lambdalegal.org/publications/toolkits). The attorneys at Lambda Legal are willing to share their expertise and research on these issues with other attorneys who have similar cases. You can call our Help Desk directly, but also encourage your attorney to call us at 866-542-8336, or visit us online at lambdalegal.org/help.

HEY, TGNC YOUTH OF COLOR! CALL OUR HOTLINE

Lambda Legal's toll-free hotline for LGBT teens is 1-866-LGBTTeen (1-866-542-8336).

Resources

SOME USEFUL GUIDES FOR TGNC YOUTH

BENDING THE MOLD: This Lambda Legal publication helps you make your school a safer place, whether you are transgender or gender-nonconforming, questioning or an ally. lambdalegal.org/publications

GETTING DOWN TO BASICS: This Lambda Legal publication offers practical tips and information to ensure that LGBTQ young people in care receive the support and services they deserve. lambdalegal.org/publications

HIDDEN INJUSTICE: This Equity Project report was created to promote leadership and provide guidance regarding lesbian, gay, bisexual and transgender (LGBT) youth in the juvenile justice system.

A PLACE OF RESPECT: This National Center for Lesbian Rights guide deals with group care facilities that serve transgender and gender-nonconforming youth.

TRANSGENDER RIGHTS TOOLKIT: A LEGAL GUIDE FOR TRANS PEOPLE AND THEIR ADVOCATES:

See a complete list of the 13 fact sheets now inside (including the one you are reading) and download some or all at lambdalegal.org/publications

TRANSITIONING OUR SHELTERS: This National Gay and Lesbian Task Force publication offers specific strategies for making homeless shelters safe for transgender people.

Photo of Krystal Neal © Amos Mac

FOR MORE INFORMATION: Contact Lambda Legal at 212-809-8585, 120 Wall Street, 19th Floor, New York, NY 10005-3919. If you feel you have experienced discrimination, call our Legal Help Desk toll-free at 866-542-8336 or go to www.lambdalegal.org/help.