


Center for Children's Advocacy  
**Medical-Legal Partnership Project**

## **Know Your Rights**

**If you are trans or  
gender nonconforming,  
you have legal rights  
to protect you  
against discrimination.**





**You have legal rights  
to protect you against  
discrimination based on  
gender identity or expression  
and to preserve your privacy.**

**Federal and Connecticut laws  
require that you are treated equally  
and able to affirm your identity.**

# Know Your Rights

## Trans and Gender Nonconforming Youth

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## Name and Records

### How do I change my name on legal documents?

If you are at least 18 or have parental consent, you can legally change your name and gender marker.

#### **The first step is to petition the Probate Court.**

A Probate Court order will let you change your name with the Social Security Administration (SSA) and the Department of Motor Vehicles (DMV). You may also be able to get a new birth certificate from the Department of Public Health (DPH).

You must submit these things to the Probate Court:

1. name change form and affidavit or letter
2. birth certificate
3. two forms of ID, including a photo ID
4. \$225 fee or completed waiver application

The name change form and affidavit are available at [ctprobate.gov](http://ctprobate.gov). If you apply for a fee waiver and are denied, you can ask the court for a hearing so you can explain why you can't afford to pay. To protect your privacy, you can request that the court seal or impound the name change, which helps prevent it from appearing in future background checks.

When the judge approves your name change, you will get a court order that you can use to change your IDs.

#### **To change your name on your Social Security Card**

You must file with the SSA. You can do this at your local Social Security office and it is free.

You must bring proof of your identity, citizenship or legal status, and name change. You could show a passport to prove your citizenship and identity, and show the Probate Court order to prove your name change. You will have to fill out an application for a Social Security Card and the SSA will mail your new card to you.

#### **To change your name with the DMV**

Go to the DMV to get your new name on your driver's license or non-driver ID card. You must submit a Name Correction Request form and show the Probate Court order as proof of your name change. There is a \$30 fee. You may want to change your gender marker at the same time.

## **To change your name on your birth certificate**

It is best to do this at the same time as your gender marker change. Submit a Birth Certificate Request Form and the Probate Court order to the DPH. There is a \$30 fee for a new birth certificate.

## **How do I change my gender marker on legal documents?**

### **To change your gender marker on your driver's license or non-driver ID card**

Complete a Gender Designation Change Form and give it to the DMV. You can download the form at [cca-ct.org/gender-designation-change-form-dmv](http://cca-ct.org/gender-designation-change-form-dmv).

### **To get a birth certificate that reflects a gender different from the one you were assigned<sup>1</sup>**

You must submit these documents:

1. birth certificate request form (you can use the same form used for your name change)
2. written statement that your gender differs from the sex on your original documents
3. notarized affidavit from physician, nurse, or psychologist stating that you have undergone clinical treatment for gender transition (pick up form at DPH or ask them to mail it to you). Clinical treatment could be surgical or hormonal treatment, or other treatment clinically appropriate for the purpose of gender transition, including gender affirming therapy.
4. copy of your photo ID
5. \$30 money order to "Treasurer, State of CT"

Keep a copy of your completed documents and mail the originals to:

Vital Records Office Department of Public Health  
410 Capitol Avenue, Hartford, CT, 06134

### **To update your passport**

You need similar information and forms, and parental consent if you are under 16. Check the link on the back of this brochure for passport information.

1. CONN. GEN. STAT. § 19a-42

## How do I make sure my school uses the correct name and pronouns?

The federal Family Educational Rights and Privacy Act (FERPA), allows you (if you are over 18 or in post-secondary education) or your parents to request that your schools change the name and gender marker on your records. You can ask for a change if you feel the records are incorrect, misleading, or violate your privacy.<sup>2</sup>

It can violate your privacy for your school to keep records that differ from your changed name and/or gender marker. Your school should not keep your birth name in your records. If your birth certificate or health records have your birth name on them, the school can keep those documents separately from the rest of your school record, or not keep them at all.

If you request a change to your records, your school must grant your request or give you a formal hearing.<sup>3</sup> If there is a hearing, you can present evidence to prove that your records are incorrect or misleading. If the hearing is successful, the school will make the change. If you don't succeed, you still have the right to add a note to your records about the contested information, and that note should be disclosed with the rest of your record.

Sometimes schools do not respond to requests quickly or will claim that their policies prevent them from changing records. Any policy that prohibits changes could conflict with FERPA.

Your name change should be respected and your birth name kept private even if you have not completed a legal name change. Connecticut guidelines tell schools to use a student's chosen name and to keep their birth name private, provided that their parents have confirmed the change. The same guidelines say that the school should use the student's chosen gender pronouns.

If the parent and student disagree, the guidelines recommend referring families to appropriate outside counseling services. Be aware that your school may contact your parents if you come out to teachers or staff members.

2. 34 C.F.R. § 99.7(a)(2)(ii)

3. 34 C.F.R. § 99.20

## Health Care

### How do I get trans-affirming healthcare?

Connecticut Medicaid covers transition-related health care services. There is no set age at which transgender youth can start receiving prescription hormone blockers. Doctors need to assess each patient on a case-by-case basis. If you are under 18, you will need the consent of a parent or guardian to begin hormone treatment.

The Affordable Care Act (Obamacare) prohibits any health program or facility that receives federal funds from discriminating on the basis of sex. This includes transgender, gender nonconforming, non-binary, and intersex individuals. Private and state insurance plans cannot impose a blanket denial of coverage for transition-related hormone treatments or other services, and cannot deny care based on gender identity or assigned sex.

If you believe you have been improperly denied care, you can file an online complaint with the federal Office for Civil Rights (OCR) at [ocrportal.hhs.gov](https://ocrportal.hhs.gov), or call at 800-368-1019. OCR will evaluate your complaint, and you and the institution you complained about will receive notification if OCR decides to open an investigation.

### What can I do if my insurance denies coverage for my treatment?

Connecticut prohibits discrimination by insurers on the basis of gender identity or expression.<sup>4</sup> If your insurance denies coverage, you can appeal through the company's internal procedures.

A lot will depend on your individual case and your insurance plan. You will need your denial letter, your insurance plan's full explanation of benefits, and the guidelines that say what counts as "medically necessary."

Depending on what the denial letter says, some appeals will focus on whether the treatment fits in the plan, and some appeals will require you to prove the treatment is medically necessary. If you need to prove medical necessity, you should have your doctor write a letter, and you can use official statements by medical organizations.

4. CONN. INSURANCE DEP'T, BULLETIN IC-34, GENDER IDENTITY NONDISCRIMINATION REQUIREMENTS (2013)

## Safety

### How can I protect myself from harassment and violence?

The 14th Amendment of the U.S. Constitution promises equal protection under the law. As a transgender or gender-nonconforming person, you are covered by federal and state hate crimes law, which means that if you experience violence, intimidation, or harassment because of your gender identity or expression, the crime may prompt a harsher penalty for the attacker than if you were harmed for some other reason.

CT has laws that prohibit discrimination on the basis of gender identity or expression wherever the law prohibits sex discrimination (with some exceptions).<sup>5</sup> These laws cover many areas, including housing, public accommodations, and loan eligibility.

If you think you have been treated differently based on gender identity or presentation, you can consult an attorney and consider filing a claim with the Commission on Human Rights and Opportunities (CHRO). Call CHRO at 860-541-3400, or go to a CHRO Regional Office.

You will be interviewed by a CHRO Intake Officer to file a complaint. The person or institution in your complaint will have a chance to respond, and CHRO will conduct an initial review. If CHRO does not dismiss the case, you will begin mediation with the other party to see if you can reach an agreement. If you cannot reach an agreement, CHRO may begin an investigation. You may want to consult with an attorney to help you navigate the complaint process, but an attorney is not required.

5. CONN. GEN. STAT. § 46a-51





## **School**

### **Am I protected at school?**

Connecticut law provides all students equal access to public school education without discrimination.<sup>6</sup>

If you experience harassment or discrimination, especially if it interferes with your education, contact your school administration, the State Department of Education (SDE) or the CHRO.

### **Can I use the bathrooms and locker rooms that match my gender identity?**

Connecticut guidelines instruct public schools to give students access to bathrooms and locker rooms that correspond to their gender identity. If a student and school administrator are concerned about the student's safety, a student may be given access to a single-stall restroom and/or private changing room. Guidelines say that no student should be forced to use a locker room or bathroom that is inconsistent with their gender identity, or to use a separate changing space.

### **What are my rights in other gender-specific matters?**

Students should be allowed to participate in gender-specific programs like sports and gym class in accordance with their gender identity.

Students should be permitted to dress in accordance with their gender identity as long as they follow the school's dress code.

### **How do I complain about violations of my rights?**

Your public school should have a published procedure for you to make a complaint. You can also direct complaints to the SDE and CHRO.

6. CONN. GEN. STAT. § 10-15c

## **Work**

### **What can I do if I am mistreated at work or denied a job because of my gender identity?**

Discriminating against workers for not conforming to stereotypes and expectations about gender and sex is illegal. The Equal Employment Opportunity Commission (EEOC) says transgender employees are protected by Title VII, the federal sex discrimination law.

Connecticut has laws against employment discrimination on the basis of gender identity or expression.<sup>7</sup> If you believe you were discriminated against at work, you can file a complaint with the EEOC or the CHRO. You may want to consult with an attorney but it is not required in order to file a complaint.

## **State Services and Public Accommodations**

### **What if I am discriminated against in housing or while using a public business or service?**

Connecticut law prohibits discrimination against people on the basis of gender identity and expression in housing and public accommodations. If you experience discrimination, you can contact the CHRO or a legal organization.

### **What are my rights in foster care or the juvenile justice system?**

#### **Foster Care**

The Department of Children and Families must ensure fair, equal, nondiscriminatory treatment of transgender and gender-nonconforming youth.

#### **Juvenile Justice**

Transgender youth have the right to be safe and free from discrimination or harassment in the juvenile justice system. State policy permits juvenile justice placements to be made on a case-by-case basis, but requires youth's views on their own safety to be considered.

If you have concerns about your treatment in foster care or the juvenile justice system, contact GLAD or call the Center for Children's Advocacy. Contact information is on the next two pages.

7. CONN. GEN. STAT. § 46a-60

## Resources

### Name and Gender Marker Change Forms

#### Application for Change of Name

ctprobate.gov and search “change of name form”

#### Affidavit for Change of Name

ctprobate.gov and search “affidavit for name change”

#### Department of Motor Vehicles Name Correction Request

ct.gov/dmv and search “change of name”

#### Gender Designation Change Form

portal.ct.gov and search “gender designation change”

#### Department of Public Health Birth Certificate Change

portal.ct.gov/DPH/Vital-Records/Gender-Change

#### Social Security Card Application

ssa.gov/forms

#### U.S. Passport Gender Designation Change

travel.state.gov and search “change of sex marker”

#### Passport Forms

travel.state.gov and search “passport forms”

### State Policies and Guidelines

#### CT Department of Education Guidance on Civil Rights

Protections and Supports for Transgender Students

sde.ct.gov/sde and search “transgender”

#### Guidelines for Schools to Comply with Gender Identity and Expression Non-Discrimination Laws

ct.gov/chro and search “gender identity”

#### Schools in Transition Guide

genderspectrum.org and search “schools transition”

#### CT Executive Order 56: Protecting students from discrimination based on sex, gender identity or expression

portal.ct.gov and search “Executive Order 56”

#### CT Insurance Bulletin IC-34: Prohibiting discrimination on basis of gender identity or expression

portal.ct.gov and search “Insurance Bulletin IC-34”

### Filing Complaints

**Commission on Human Rights and Opportunities** ct.gov/chro

**Office of Civil Rights** hhs.gov/civil-rights

**State Department of Education** sde.ct.gov/sde

### Legal Help

**GLBTQ Advocates and Defenders (GLAD)** glad.org

**National Center for Lesbian Rights** nclrights.org/legal-help 9

**Center for Children's Advocacy  
Medical-Legal Partnership**

[cca-ct.org/mlpp](http://cca-ct.org/mlpp)

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The information in this guide reflects the law as of August 2020. Law and policy regarding protection of transgender and gender nonconforming individuals is rapidly changing. Information in this guide is provided as reference only and should not be interpreted as legal advice in an individual case. If you would like specific information, please contact one of the attorneys listed above.

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