

# TRANSGENDER BUREAUCRATIC PROCESSES TOOLKIT

SKY HART, ABBY JUNG, DAISY TURNMIRE

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## Context

Laws have been exclusively written in favor of the ruling class, which has been white cisgender males historically. They seem to have complete control of what social norms are and how these norms are governed. In turn, this ruling class of white supremacy historically writes the laws governing our country, states, and territories. Obeying the rules of gender has been carved into US culture; we have specific colors for certain genders, and only the binary is taught to everyday people. So what do you do if you are breaking the law by simply being yourself? What if you are denied these rights because of your gender expression or sexual orientation? Where can you get gender justice?

Although the world has made leaps and bounds towards transgender inclusivity, the United States has many limitations in legal proceedings. In this toolkit, resources on navigating the ID, name change, and voting laws and how this is important within the medical field and insurance.

# Name Change Laws

Name change laws are important to allow transgender people to legally identify as their preferred name, and use that name in other bureaucratic areas of the United States legal system. Often, a transgender person will refer to their assigned name at birth as their 'Dead name'. However, without legally changing a 'dead name', areas such as medical care, legal assistance, taxes, and law enforcement, will refer to people as what their identification states. In order to change documents like a driver's license, passport, and social security card, one must first obtain a court-ordered name change. This can be applied in a variety of different areas however the process to do so all begins with a court order name change. This is a tedious, time-consuming, and not easily navigable pathway that makes legally changing a name a daunting task. Luckily there are a variety of resources available to try and make things clear.

## Equitas Health

Equitas Health is one of the most noteworthy resources for navigating laws such as these, as well as being a great resource for medical needs, mental health assistance, wellness and sexual health treatment / prevention. Equitas Health provides a very handy "Name & Gender Change Guide for Ohio Residents" packet which walks through the guidelines for obtaining a court ordered name change. Additionally, it provides the necessary belongings one must have to qualify for each step of the journey. These include paying a fee, having a current ID and a proof of residency. So even at step one of the process, people without concrete housing, with limited funds, or with extenuating circumstances do not have access to the necessary 'qualifications' to file. This is a highly detailed packet therefore it is a very necessary tool for any potential name changers.

## TransOhio

Next, TransOhio provides a much easier to read, and personable website on name changes. They break down terms one may encounter, and the best way to navigate situations within this legal system. They thoroughly explain the utilization and application of a very important Supreme Court of Ohio case, *re Maloney* (2001), 96 Ohio St.3d 307, 2002 Ohio 4214, 774 N.E.2d 239. This case sets the precedent for name change laws in Ohio, making it possible for those who desire a name that does not match their assigned birth identity able to change to a preferred name.

Additionally TransOhio and Equitas Health both provide legal clinics, with lawyers prepared to assist in court hearings and applications for name change. Equitas states this is only necessary if you believe a problem has arisen during your hearing and is not needed in most cases. Once the hearing is over both of these resources are then prepared to help navigate you with the next processes such as changing name and gender for social security, a passport, a driver's license, citizenship status, and many other identification methods. At the end of the day, these resources are not comprehensive and are still quite confusing. The framework in which name change laws are set is to purposely confuse and create difficulty for individuals to change genders. American systems inherently catered towards cis straight white men, and things such as gender change do not fit into this mold. Therefore, rights that go against this grain are neglected and the processes to change them are very difficult. Resources like Equitas and TransOhio allow navigating these turbulent waters to occur, but there needs to be large changes made to the system as a whole if we want to make these processes available to those without resources.

# Voting Rights

Voting is more crucial than ever in 2021. The stakes are high as voter suppression laws are passed by elected officials playing by the rules and regulations that have been exclusively written in favor of the ruling class, which has been white cisgender males historically. These elected officials are voted to serve their communities and everyone in them, regardless of their identities and backgrounds. They seem to have complete control of what social norms are allowed and how these cis-het norms are governed, so it is in every eligible voter's self-interest to be able to vote without roadblocks like having a state I.D. that doesn't match your gender expression and having your name changed so that you can live your life in peace. In turn, this ruling class of white supremacy historically writes the laws governing our country, states, and territories. Obeying the rules of gender has been carved into U.S. culture; we have specific colors for certain genders, and only the binary is taught to everyday people.

## Secretary of State

On Ohio's Secretary of State's website, <https://olvr.ohiosos.gov>, there are steps laid out on how to get yourself registered or update your voter registration information. You will need your Ohio driver's license or Ohio identification card number, all your current information like your name, date of birth, address, and last four digits of your social security number. There is also needed attention to the registration deadlines for voting, which is no later than 30 days before an election.

## Transform the Vote

A national campaign called Transform the Vote has a precise breakdown of your rights and what to do if you run into a situation where you are being turned away or disenfranchised from voting. This site has checklists that assist in gathering all the proper documents needed so voting can go as smoothly as possible. They have English and Spanish versions of their handouts, and their site is mobile-friendly. They note all the different ways of voting and how to gain access to those methods. There are phone numbers to call when there are issues at the polls and valuable tips on how to handle a situation by listing what the laws are and your rights so you can stand up for your right to vote.

# Healthcare and Medical Insurance

Alongside name changes and voting laws, medical insurance and healthcare are also civic/procedural barriers for transgender people. In the United States, there are many states that make transgender health procedures difficult if not impossible to receive by excluding transgender coverage in Medicaid. Few states offer protection for transgender individuals from private insurance companies and most laws that offer protection are about prohibiting exclusion, not mandating inclusion. This language could allow loopholes in protection that give insurance companies leverage to refuse coverage. Furthermore, recent studies have shown that one of the biggest barrier to health care is "lack of access due to lack of providers who are sufficiently knowledgeable on the topic". As transgender rights continue to gain traction, there are increasing amounts of organizations that offer vital information about insurance and health care.

## Equitas Health and OSU Wexner Medical Center

Equitas Health provides specific lists of treatments provided for transgender or nonbinary people. Another unique service Equitas Health provides is their Mozaic Wellness Space. Equitas describes it as "an opportunity to be yourself, talk with trans mentors, access safer sex supplies, and get HIV/STI testing" with "no sliding check-in windows, no exam tables, no assumptions, no labels, no definitions". It is important to note that due to the coronavirus pandemic, Mozaic is not open, but their facebook offers virtual ways to be involved. The Ohio State University Wexner Medical Center does not have as clear support of transgender health care as Equitas Health, but there is a Transgender Primary Care Clinic that offers many of the same treatments as Equitas and can be reached with this number: **614-293-5123**.

## The Human Rights Campaign and UCSF Guidelines

Navigating insurance coverage can be difficult, which is why it is crucial to obtain as much information about transgender healthcare protections as possible, especially because they vary by state. The Human Rights Campaign has a State Equality Index Report that documents laws by state regarding LGBTQ State Legislation. The section labeled Health & Safety can indicate current legislation about transgender healthcare and there is also a map that show which states have exclusion laws for transgender coverage. The University of California San Francisco provides more specific information for primary care providers about health insurance that can be helpful to those who are being treated. Under the section "Health Insurance", there is a chart that summarizes the types of insurance and their policies about transgender health care.

# Sources and Links

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