

RESOURCES

Discrimination:

If you believe you are a victim of gender identity-motivated discrimination in housing, public accommodations or employment, the Illinois Department of Human Rights can assist you in filing a claim. For most cases, a claim must be filed within 180 days of the incident; a full year is allowed for housing cases.

To learn more about the requirements of the Illinois Human Rights Act or to file an employment discrimination complaint, visit the Illinois Department of Human Rights website at www.state.il.us/dhr or call them at (312) 814-6200 or (217) 785-5100.

Hate crimes:

If you are the victim of a hate crime, or witness an incident, call 911, 0, or the emergency number in your area. Be sure to get medical attention for any injuries. After reporting, write down the details of the crime as quickly as possible. If you saw the perpetrator(s), try to remember gender, age, height, race, weight, build, clothes and other distinguishing characteristics. Take note of anything that was said, such as threats or anti-LGBT comments, the time and location of the incident, and the responding officer's name and badge number. You should also try to preserve any evidence and take photographs of any injuries.

Once a police report has been filed, your local officials are required by law to report the incident to the Illinois State Police for investigation. If you want the crime to be reported as a hate crime, tell the officer to note that on the report. Make sure the officer files an incident report form and assigns a case number. If the police do not assist you properly, file a complaint. If a police report is not taken at the time of your report, go to the police station and ask for one, and make sure to get your own copy.

The Illinois Safe Schools Alliance offers assistance with any safe schools-related topics and can be reached at (312) 368-9070.

Navigating different aspects of the law and how it affects us in our daily lives can be difficult for anyone, but knowing exactly how the law affects the rights of LGBT citizens can be even more confusing. Equality Illinois presents a series of informational **KNOW *your* RIGHTS** brochures designed to educate the LGBT community about its rights and responsibilities under state and federal law. The contents of this pamphlet do not constitute legal advice. Please consult an attorney for legal advice.



Visit www.eqil.org or call us at (773) 477-7173 if you have other questions that have not been addressed in this brochure.

KNOW
your
RIGHTS:
LGBT
EQUALITY
IN
ILLINOIS

**TRANSGENDER
ISSUES**



TRANSGENDER ISSUES

Can I change my legal name?

Yes. To change your name in Illinois, you must file a name change petition with the Circuit Court for the county in which you live. You will need to meet extensive requirements, including publishing a notice of intended name change in a newspaper. After the court grants your petition for name change, be sure to obtain stamped and certified copies of the judge's order.

Court fees and publishing generally cost a few hundred dollars. For a referral to an attorney in your area who can assist you in the process, call Lambda Legal's referral line at (312) 663-4413.

See Equality Illinois' *Name and Gender Marker Change Tool Kit* for more detailed information.

How do I change my name and gender marker on my identification?

You can change your name and/or gender marker on your identification documents as follows:

Illinois Driver's License or Identification Card: To change the name, bring your current ID and a certified copy of your Final Judgment of Name Change to your local driver's license office. You are required by Illinois law to obtain a replacement card showing your new name within 30 days of legally changing your name.

To change the gender marker on your ID, you must provide either a certified copy of your amended birth certificate or a letter or affidavit from your physician certifying that you have taken or are taking appropriate clinical steps to change your gender. The State of Illinois charges a \$5 fee to amend a driver's license.

Birth Certificate: To change the name, send a certified copy of the final court order of legal name change, a copy of your non-expired government issued photo ID, and a check or money order payable to the "Illinois Department of Public Health" for the required \$15 fee.

To change the gender marker, you must submit a State of Illinois Gender Reassignment Application, with supporting affidavits, along with an "Affidavit for a New Birth Certificate After Completion of Gender Reassignment Surgery" completed in their entirety and notarized. You need only prove that you have had some kind of surgery; genital surgery is not needed in order to update the marker on a birth certificate.

Your amended birth certificate will state that it is an "amended birth certificate," but will not indicate what items were changed or why they were changed.

Social Security: To change your name on your social security card, you must complete Form SS-5, "Application For A Social Security Card," and provide one or more identity documents in your new legal name, proof of former identity, and a certified copy of your Final Judgment of Name Change.

To change your social security records to reflect your gender, you must provide the identity documentation described above, plus medical records or other combination of documents showing that you have completed gender reassignment surgery.

Passport: If you would like to amend your existing U.S. passport to change your name and/or gender marker, you must fill out and submit the Passport Amendment/Validation Application (DS-11). If one or more of your supporting documents does not reflect your gender accurately, a physician's certification also is required. You must renew your passport in person at any passport acceptance facility.

Other Documents: You can change the name on your bank accounts, credit accounts, and property documents by presenting your certified court ordered name change.

Which restroom can I use?

As a general rule, you can use the restroom consistent with your gender identity. If confronted, you are not obligated to produce identification to prove your gender, and you are protected by public accommodations laws in Illinois.

Once I have officially changed my gender marker, can I legally marry someone of the opposite gender or should my partner and I obtain a civil union?

At present time, Illinois limits the freedom to marry to heterosexual couples only. Civil unions are available to both different-gender and same-gender couples.

How does being transgender change my health insurance coverage?

Denial of health insurance coverage, coverage for claims related to gender transition, coverage for claims for gender-specific care, and coverage for claims unrelated to gender transition may be considered health insurance discrimination. Health insurance companies should not drop your coverage or refuse your

application for coverage because you are transgender. Illinois law prohibits discrimination against transgender people by places of public accommodation, and insurance has been held to constitute a public accommodation.

It is important to review health insurance exclusions, generally located in a benefits plan summary. A vast majority of health insurance companies exclude all or most coverage for treatment related to gender transition, such as hormones, counseling and surgery. Some language is so broad that it may deny coverage to a transgender person for treatments unrelated to transitioning.

Can I be denied health care based on my gender identity?

No. Medical care providers cannot refuse to treat a patient simply because of the patient's gender identity.

What protections from discrimination do Illinois and the federal government provide for transgender individuals?

Under Illinois law, it is illegal to discriminate on the basis of gender identity in housing, employment, and public accommodations. Federal regulations have also been clarified to protect transgender individuals in housing and employment.

Am I protected by hate crimes laws?

Yes. The *Illinois Hate Crime Act* protects individuals based on their actual or perceived sexual orientation, which is defined as homosexuality, bisexuality, and heterosexuality. Although gender identity or gender expression is not specifically listed in the act as a protected category, according to the Illinois Department of Human Rights, state law protects actual or perceived gender identity under the current hate crimes law by including it as a provision of sexual orientation.

Additionally, the federal *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act* adds sexual orientation, gender identity, gender, and disability to the categories included in the existing federal hate crimes statute.

