May 2018

Announcements

June’s Dinner will be at will be at Rock Bass Bar & Grill on Saturday, June 9th. We will meet at 5:30 pm and dinner will seat promptly at 6:00 pm. Please RSVP at our website.

June’s Meeting is Saturday, June 9th at approximately 8:00 pm. After hour activities usually ensue after the meeting at the Sheraton’s Dog & Pony Lounge. Check with Katie W. for information.

Transwomen Program Director Gillian Branstetter has accepted a job with NCTE in Washington DC and subsequently has stepped down. Per the TransCentralPA bylaws, her appointed proxy, Holly Evans, will fulfill the remainder of her term.

TransCentralPA has made a $1500 donation to the LGBT Center of Pennsylvania’s youth program with a portion of the money earmarked for direct support of their upcoming Safe Space Prom in late June. If you are interested in making a donation in support of this wonderful event, you may either send a check directly to the center (which 100% then goes in support of the event) or visit their website to make a donation.

Upcoming Pride Festivals. TransCentralPA will be once again participating in several of the local pride festivals. We are looking for volunteers to help us at our booth at each of the events. Please see ‘From the President’ article on page 2 for dates and details.

2019 Keystone Conference is scheduled for March 19th-24th. Don’t miss out, mark your calendars.

Looking for Volunteers. Over the past 19 months, TransCentralPA has been working with the Department of Corrections to provide a video conference based support group for trans-identified inmates. This program is in support of the Prison Rape Elimination Act (PREA) and the program has been well received by the inmates. Recently, we have had requests for members of our organization to become pen pals with those inmates that request one. Communications must be by regular (snail) mail as they do not have access to the internet, thus email is not an option. If this interests you please let Joanne Carroll know as soon as you can.

Opportunity to Participate in Research Study – Focus Group. Researchers at Penn State College of Medicine want to better identify and understand the health-related successes, challenges and concerns of transgender individuals. The group discussions will audio recorded and later transcribed for the research without any identifiers.

You may qualify if: You identify as transgender, AND You are 18 years of age or older. You will be compensated for your time and effort in the form of a $20 gift card. All information will be strictly confidential. Due to limited space, only the first 20 eligible participants will be invited to participate in the research study.

If you are interested, please complete the eligibility survey at: https://redcap.ctsi.psu.edu/surveys/ then enter code NJ7DP48CF

TransCentralPA Family is a special meeting for families and friends with trans and gender expansive youth. They meet the first Sunday of each month from 3 to 5 pm. The next meeting is Sunday, June 6th. Please email us at family@transcentralpa.org with questions.

2018 Chair in Transgender Studies. Scholarships & Fellowships DEADLINE EXTENDED. All trans, non-binary, and Two-Spirit master’s degree students or UVic master’s students of any gender who are pursuing trans-related research in any field ($4,000). All trans, non-binary, and Two-Spirit doctoral degree students or UVic doctoral students of any gender who are pursuing trans-related research in any field ($5,000).

Not a UVic student but want to do research at UVic? Apply for one of visitor fellowships ($1,000)! APPLY TODAY! For all categories, priority will be given to those who self-identify as trans, non-binary, or Two-Spirit. Further preference will be given to students who demonstrate financial need. To see complete details and requirements, visit our website!

Questions about updating gender markers or gender designation on PA IDs or driver’s licenses and would like to talk to a supportive person inside of PennDOT before moving forward with the process? Inquiries about changing the gender designation on PA IDs or driver’s licenses, contact alcampbell@pa.gov or call 717-787-0485

TCPA Membership Dues are a one-time annual fee of $20. Dues are used to pay for meeting space, program literature, our website and our affiliation with and support of community groups and activities such as Common Roads, the Community Center, Central Pennsylvania Pride, etc. Please continue to support our organization and efforts by joining or renewing your membership—we are making a difference!

Sheraton Discount. We have negotiated the special rate of $119/night for TransCentralPA members and guests at the Sheraton Harrisburg-Hershey Hotel ($159/night during June, July and August). To take advantage, enter the SET code 529363 where it asks for a corporate code.

Red Roof Inn Discount. We have negotiated a rate of $42.99/night for TranscentralPA members and guests. To take advantage of this special offer, call the hotel directly at (717) 939-1331 and use the CP code 609306.

Got an Announcements? Maybe you have a great story or photo you would like published in the next TCPA Newsletter. E-mail us at info@transcentralPA.org
As we move into the month of May, just around the corner will be the beginning of the PRIDE season with many activities that should be of interest to us. They are...

**Pride Night at York Revolution**, 7 PM, Wednesday, June 20, 2018 at Brooks Robinson Stadium in York;

**Lancaster Pride**, Water Street, Noon to 6 PM, Sunday, June 24, 2018 (Set-up 11 AM)

**Harrisburg Pride**, 11 AM to 6 PM, Saturday, July 28, 2018, Riverfront Park (Set-up 10 AM)

**York Equality Fest**, Penn Park, Sunday, August 5, 2018, Noon to 6 PM (Set-up 11 AM)

**Millersville Pride Fest**, Millersville University, Friday, October 12, 2018, 5-8 PM, (Set-up 4 PM).

We will need the help of many of you to make these events a success, however, in saying that I realize that many of you are simply unable to participate because of the circumstances of your life. Regardless, I would challenge you to stretch a bit beyond your comfort zone and give it some thought.

Representing our community is a rewarding experience; in spite of the risks to my then comfortable and very private little life, back a few years ago, I participated anyway, and I never regretted the experiences. Hanging out for a few hours with friends from our trans-community was always an enjoyable time.

Some of you may recall that back a year or two ago, I used to list the many different activities or presentations that I participated in on your behalf. I stopped doing that because I felt it could be seen as a self-aggrandizing thing. Suffice it to say, I continue to represent you at every available occasion because I realize that not all of you have the time or the freedom to be out authentically, and someone needs to do the work.

Nonetheless, several of our members have stepped out and are participating in a variety of events as their schedules permit if any of you are interested in the things I am doing, just ask me and I will share our experiences with you.

We had a good turnout for the Pizza Party last month, the pizza was good, the fellowship was even better and we had a great time sharing our experiences from the just past Keystone Conference.

In a further look into events of 2018, on Tuesday, November 20th, we will once again observe the Transgender Day of Remembrance. We are examining all aspects of that event with a view to weather concerns, perhaps taking the event into the Capitol itself, in the East Wing Rotunda accessed from Commonwealth Avenue. We have it reserved, but we will be asking you if worrying about our creature comforts would take away from the somber nature of the event. We will kick it around at our next meet-

Tickets for the 2018 Trans Equality Now Awards are still available. Join NCTE at Hamilton Live in Washington DC on Thursday, May 17th to honor and celebrate 15 years!
Below are several news stories, blogs, opinions and resources for your reading pleasure. Opinions & views in these links cannot be assumed to be of TransCentralPA, nor the Officers or Members of TransCentralPA. Our goal is to simply provide you with information & thought-provoking viewpoints. If you would like to submit a story, please email us at info@TransCentralPA.org.

**Coca Cola’s Super Bowl ad nods at LGBTQ diversity**

**Philly sheriff sets guidelines for treating transgender people**

**GOP Sen. Ernst supports transgender troops in US Military**

**Philadelphia School District won’t change bathroom policy**

**A Philly coming out story**

**New transgender health training launched**

**Community helps Philly transgender teen**

**Transgender delegate Danica Roem’s district adds LGBT student protections**

**Trans teen fights to escape abusive parents & conversion therapy**

**ADL tells court to protect transgender students’ rights**

**Transgender Workers Gain New Protection Under Court Ruling**

**Chile’s Oscar for ‘A Fantastic Woman’ Bolsters Gender Identity Bill**

**Kim Petras Wants to Be a Pop Star**

**Small-town doctor wants to perform surgeries for transwomen**

**25 best LGBTQ movies of the past 5 years**

**CBBC follows transgender teen’s journey to become a boy**

**Trying to find love as a trans man**

**Transgender people open up about their lives and experiences**

**Transgender model helps smash barriers**

**Half of LGBT workers feel bullied at work**

**Gay philanthropist donates millions to LGBT fund**

**A Fantastic Woman—Best Foreign Film Oscar for Chile**

**Kim Petras Wants to Be a Pop Star**

**Now You Can See Us—Female director's Oscar film**

**Caitlyn Jenner Opens Up About Her Life 2 Years After Coming Out**

**Chile’s Transgender Vets look to the future**

**Homeland Security Plans: New local level LGBT community centers**

**Five sites of New York’s L.G.B.T.Q. history**

**Gender-Fluid artists come out of the Gray Zone**

**Boulder Co. students, teachers want schools to tackle gender and sexuality issues**

**A Federal Court Pushes Back on Transgender Military Ban**

**Battle over rights inspires more U.S. transgender candidates**

**Long Island Gay & Lesbian film festival to showcase 8 new films**

**Exploring Breast Cancer In Transgender Communities**

**Patriotic & Proud, Kansas City**

**First ever TransTech Summit aims to empower Trans community**

**Non-binary leaders who are changing the world**

**Author Heath Fogg: Does Gender Matter?**

**Learn about LGBTQ history with these films and documentaries**

**Unions, national education and civil rights orgs stand with TG students**

**Mazzoni names new medical director**

**LGBT chamber of commerce celebrates 10th anniversary**

**Transgender person stabbed to death in Upstate NY domestic incident**

**Caitlyn Jenner Opens Up About Her Life 2 Years After Coming Out**

**A Day in the Life of a transgendered Uber driver**

**PA gay man granted widower status**

**Liberty City elects new co-chair**

**Training educates LGBT Community on discrimination**

**Eight Pennsylvania mayors join against LGBT discrimination**

**Florida man on surviving Pulse, finding pride**

---

### Calendar of Events

**Bold text are TransCentralPA sponsored**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 4-6</td>
<td>Heartland TG Spring Soriee</td>
<td>Oklahoma City, OK</td>
</tr>
<tr>
<td>May 6</td>
<td>TransCentralPA Families Meeting</td>
<td>Mechanicsburg, PA</td>
</tr>
<tr>
<td>May 12-18</td>
<td>TransCentralPA Dinner Meeting @ the MCC Of The Spirit</td>
<td>Port Angees, WA</td>
</tr>
<tr>
<td>May 18-20</td>
<td>New Hope Pride Festival</td>
<td>New Hope, PA</td>
</tr>
<tr>
<td>May 23-27</td>
<td>Gal’s Spring Fling</td>
<td>Gananque, Ontario</td>
</tr>
<tr>
<td>Jun 3</td>
<td>TransCentralPA Families Meeting</td>
<td>Mechanicsburg, PA</td>
</tr>
<tr>
<td>Jun 9</td>
<td>TransCentralPA Dinner Meeting @ the MCC Of The Spirit</td>
<td>Sheraton</td>
</tr>
<tr>
<td>Jun 16</td>
<td>Anchorage PrideFest</td>
<td>Anchorage, AK</td>
</tr>
<tr>
<td>Jun 21-24</td>
<td>Gender Odyssey</td>
<td>Los Angeles, CA</td>
</tr>
<tr>
<td>Jul 1</td>
<td>TransCentralPA Families Meeting</td>
<td>Mechanicsburg, PA</td>
</tr>
<tr>
<td>Jul 14</td>
<td>TransCentralPA Dinner Meeting @ the MCC Of The Spirit</td>
<td>Sheraton</td>
</tr>
<tr>
<td>Aug 11</td>
<td>Transgender Pride in the Park</td>
<td>Ferndale, MI</td>
</tr>
<tr>
<td>Aug 9-12</td>
<td>Gender Odyssey</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>Sep 6-8</td>
<td>Southern Comfort Conference</td>
<td>Ft. Lauderdale, FL</td>
</tr>
</tbody>
</table>

Visit [www.TransCentralPA.org](http://www.TransCentralPA.org) for details & more event info!
Upcoming TransCentralPA Family Meetings

Jun 3rd

These meetings are for families with transgender or gender creative youth to come and share resources and experience. We provide an affirming environment for parents, aunts, uncles, children, and teens. Families meet the first Sunday of each month from 3:00 until 5:00 pm. The Family & Youth Meeting is at a new location. Please email us at family@TransCentralPA.org for location information.

ARTS of PA is a nonprofit that is committed to supporting trans* individuals who are in need to financial assistance. ARTS of PA was created with the intention of providing assistance for those most in need of financial support. Please do not apply if you have the financial ability to pay for your transition. Financial support is offered for physical transition expenses.

It was the most old-fashioned of courtships. Allison and T, both authors, began by writing letters to each other, sparking a friendship that blossomed into love. The couple met through the pages of the New York Times when they were both invited to write a playlist of their favourite songs. Reading T’s list, Allison felt an instant connection. Little more than a year later they were married. “We seemed meant to be,” Allison says.

Yet there was a less conventional aspect to their love story. T had been born female. When it became clear that Allison was more than a friend, he mentioned it to her, at the same time assuming she’d realised. “I actually thought she knew and wouldn’t be hanging out if she had concerns.”

In reality, Allison had had no inkling but said the only shock was how little the news perturbed her. “I took it in my stride,” she says, attributing her reaction to age and life experience. “I was a fully grown woman, I had two children – I had sampled a lot of life. I’d worked as a journalist for decades and supported myself since I was 17.”

More than that, Allison, 47, says the idea that someone’s gender can alter a person’s feelings – or that a change of gender fundamentally changes someone’s character is wrong.

“I think if you love someone, you love someone, full stop. People evolve and change in ways that can be just as profound [as gender].”

Today, eight years after they met, they are sitting side by side in the home they share with Allison’s two daughters, and it is clear how close the couple are. They swap in-jokes and pull faces when asked to describe what it was that brought them together, discussing the start of their romance in a mocking, but affectionate tone. “How I remember it is … she saw my picture,” teases T, referring to the photo that accompanied his newspaper column.

“Sure,” Allison scoffs, before deadpanning that her initial email, “sounds creepy – it wasn’t”.

Yet Allison admits to “some clutching of pearls in my family, a bit of ‘think of the children,’” when she told them about the relationship. But she had no qualms.

“Once you meet T, you realise how preposterous that is,” she says. “I just knew my children would see this incredible person and our amazing, healthy relationship – and have someone who has turned out to be an amazing father.”

Her only worries, she says, related to building a family life. “We were a very tight unit so my concerns were not about T being transgender or not, or Jewish or not, or short or not, but would he integrate into our family in a way that was healthy and beneficial?”

Allison’s daughters were very young – six and seven – so there was no “big sit down on the couch” to explain the situation. Instead, T, who is 43, and Allison provided them with information suitable for their age, and more as they got older or if situations arose.

Read More about Family Here
I loved playing sports when I was a kid. During my school days on the south side of Chicago, I jumped from soccer to softball to skateboarding and finally landed on basketball. I was heavier than most kids my age, and sports gave me confidence in my body. It gave me confidence about what my body was capable of. I remember staring at the basketball court, marked with cones for shuttle sprints, thinking, ‘There’s no way I can run this much. I did run that much, and at the end of each practice, I stood next to all my teammates and coaches feeling secure and confident in my body and who I was as an athlete.

This is the beauty of sport. It is one of the few institutions that bridges divides, brings people together, and elevates its best performers to celebrity status. It’s also one of the few institutions that can change an individual’s life on such a profound level. For me, a transgender athlete, sport continually acts as my north star.

Despite where I am in the process of discovering my identity, sport remains a constant safe space to play, connect with teammates, and just exist. The benefit of sports that I enjoy, however, is not universal. An entire population of people remains systematically excluded from the joys and benefits of sports — transgender, nonbinary, and gender-nonconforming athletes, like me, have to constantly jump through a patchwork of protections, inconsistent policies, and cultural ignorance just to stand on the field, pitch, or court.

Despite being 5 foot 5, I was a center on the women’s basketball team at my high school. For four years, I got to take a break from the nagging internal questions about my body, my gender, and my identity to just practice a game I loved playing. My teammates were my allies before I had the words to explain how I was feeling, and my coach was my role model when I needed one the most.

When I went to a small liberal arts college in the Midwest, my gender became a central and definitive part of my identity. At the time, I was questioning identifying with the sex I was assigned at birth. I was uncomfortable with labeling myself a woman, so trying to play women’s basketball in undergrad didn’t feel true to who I was. Luckily, during a student activities fair, I happened to see a table of people of all genders throwing around an oblong ball. I soon learned this weird shape was a rugby ball.

Rugby is a unique sport. Though it is separated along gender lines, the rules and uniforms look pretty identical on either side of the line. This special feature drew me to rugby, along with the accepting culture of my team.

After I came out as transgender, I was considering starting the process of taking testosterone. This could help me develop facial hair and a deeper voice, and help my body take a more traditionally masculine shape. Even though I wanted to start immediately, I felt compelled to wait because I feared that I wouldn’t be able to play sports under the combination of school policies, recreation policies, antidoping policies, and sport governing body policies. This is the all too often reality in collegiate athletics.

Now at 24 and out of college, I still compete in sports, sometimes playing rugby with a local men’s club in New York City. I also work for Athlete Ally — an organization that advocates for LGBTQ equity in athletics. In my role, I speak to a lot of college students. I also hear stories, similar to mine, of trans athletes who have to navigate the complexity of their colleges’ sports governing bodies just to figure out if they can play. Because schools and sports institutions adopt a reactive stance to trans and nonbinary athletes, it often falls to the athlete to figure out how they can play. This David versus Goliath approach creates a dynamic in which trans athletes often turn away from sports in the face of frustrations, inaccessibility, and ignorance. We are shutting out about 1.4 million adults from one of the greatest institutions.

We often hear from colleges that they “don’t have any trans athletes,” and “when we do have a trans athlete, we will of course implement inclusive policies." I’m here to tell you that stance is wholly unacceptable. You should never assume the identity or orientation of your student athletes, and by taking this approach you leave trans athletes who are not yet out open to ridicule and discrimination. Having proactive and accessible policies sends a clear signal about your campus or team’s culture. It sends a strong message to trans athletes who may be looking for a sports community where they are welcome.

I want to note that as a trans man, I find most sport policies that do exist for transgender athletes favor me. Compared to trans women, trans men often have less strenuous regulations regarding which team they can play for. Trans women are still subjected to the false notions that men are inherently stronger, which creates a culture in which trans women are subjected to much more rigorous regulation.

What’s the first step we can take to ensuring sports is an equitable space for all? The NCAA published a set of guidelines for transgender participation in 2011. College institutions have a responsibility to immediately adopt the NCAA’s guidance for trans participation in sports.

I urge everyone reading this article to see if your alma mater or prospective academic institution has publicly adopted this policy. Public adoption of more inclusive policies is the first step that we can take to including athletes like me in the joys of sports. Sign the Athlete Ally petition today to stand with trans athletes in search of equitable sports spaces.
Marvia Malik is Pakistan's first transgender news presenter. In a DW interview, Malik says she had to work hard to break taboos and finally be accepted by a society that discriminates against transgender people.

DW: Congratulations on becoming Pakistan's first transgender news presenter. How has the news been received in Pakistan?

Marvia Malik: The response has been overwhelming and welcoming. I was expecting a normal reaction but the feedback and messages I'm getting from Pakistani viewers and people around the world are extraordinary. I am very happy to receive so much love from everyone. Many Pakistani journalists also sent me congratulatory messages.

Junaid Ansari, the owner of Koheneroo TV, said in a recent interview that the channel selected you on merit and it had nothing to do with your gender. But you obviously can't shrug off the transgender TV presenter image. Are you comfortable with being labeled?

I have been fighting for the rights of the transgender community for a long time and I might have to live with this label. This is just a beginning. Should I be offered a government position, I am willing to take it as it will give me an opportunity to work for the welfare of my community, which faces many problems in Pakistan.

What is your take on the plight of the transgender community in Pakistan?

Transgender people face discrimination in Pakistan and are not accepted by society. We want to be accepted as equal citizens of the country. We have the right to employment and to inherit property.

There should also be an employment quota for our community. In Pakistan, religious minorities and women have reserved seats in parliament. I demand the government reserves seats for us in both lower and upper houses of parliament. That should be done before the upcoming general elections this year.

You studied journalism and also worked as a fashion model. How difficult has it been for you to make a career?

I had to struggle a lot to be accepted. My family parted ways with me when I was studying in school, so I had to work in a fashion salon to fund my own studies. I worked as a model, graduated in journalism and got a job at Koheneroo TV after spending three months as an intern there.

The sad part of the story is that people [in general] never supported me. I never received the respect that society generally gives to men and women. I have been teased and harassed constantly.

I think that things would have been easier for me had I received support from my family. I want to convey this message to all parents: Never disown your children even if they are transgender. Love them, educate them and support them. If you accept them, the society will accept them too and they will contribute to the progress of the country.

Transgender children usually end up working in the entertainment industry. They have to work as dancers or even as prostitutes because their families abandon them.

Do you think that as news anchor you will be able to help your community?

I am optimistic. We will fight until we get our fundamental rights. I hope that my selection will motivate other transgender people to work hard. The transgender community in Pakistan must be united for their rights.
Top Enlisted Soldier Says He Has 'No Concerns' About Transgender Service

Barbara Starr, CNN Pentagon Correspondent

The US Army’s top enlisted soldier says he has never heard of any problems resulting from transgender persons serving in the military, echoing the sentiments of the top officer, the Army chief of staff. Speaking to reporters at the Pentagon on Friday, Sgt. Maj. Daniel Dailey said, "I agree with the chief we haven’t heard any issues or concerns, and I personally have not had any issues or concerns."

Dailey was underscoring what Gen. Mark Milley, the Army chief of staff, told Congress earlier this month: that no problems had been reported from the service regarding what is believed to be a small number of transgender persons serving in the Army.

Top medical group says 'no medically valid reason' to ban transgender troops

It's not clear if the lack of reports is due to the small number of transgender people serving. The Pentagon has resisted publicly stating how many transgender persons are on active duty.

But Milley's and Dailey's comments could potentially undermine the Trump administration's efforts to restrict the ability of transgender people to serve. The fate of the matter now rests in several federal court cases, and the Pentagon has resisted publicly stating how many transgender persons are on active duty.

In the past, it's been argued that the cohesion of a military unit could be undermined by the inclusion of transgender service members. But Dailey, when asked, gave no indication that he thought that is a problem. He also acknowledged he served on the Pentagon’s review panel of transgender service.

In March the White House announced a policy to ban most transgender people from serving in the US military. The policy followed a lengthy review and months of controversy after President Donald Trump caught the Pentagon by surprise in July 2017 when he tweeted, "After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow ...... Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you"

White House announces policy to ban most transgender people from serving in military

In announcing the new policy last month, the Pentagon sought to make it more focused on the desirability of transgender persons. According to a Pentagon memo about the new policy after the review was completed, exceptions to the ban include people who have been "stable for 36 consecutive months in their biological sex prior to accession," service members who "do not require a change of gender" and troops who started serving under the Obama administration's policy prior to the new memo.

"This new policy will enable the military to apply well-established mental and physical health standards -- including those regarding the use of medical drugs -- equally to all individuals who want to join and fight for the best military force the world has ever seen," the White House said at the time. The new policy would potentially ban individuals who may require substantial medical treatment, including medications and surgery.

But the entire matter remains the subject of litigation. So for now, the Pentagon "will still comply with federal court rulings and continue to assess and retain transgender service members," said Army Maj. Dave Eastburn, a Pentagon spokesman.

The Highmark Walk for a Healthy Community is an annual fundraising walk that benefits local health and human service agencies. Highmark Inc. coordinates and underwrites the cost of the walk so that 100 percent of the money raised by walkers goes to the participating nonprofits.

The primary goal of the walk is to help participating organizations raise money for their individual missions. The secondary goal of the walk is to energize community members to have a greater hand in their health by becoming or staying physically active.

The 2018 Highmark Walk for a Healthy Community Harrisburg will be held on Saturday, May 19, 2018 at Harrisburg Area Community College. Join and/or support the Alder Health Team by clicking their logo below:
Transgender people face unique legal issues with regard to marriage. While marriage is legal for same-sex couples nationwide, it is an option -- and a reality -- for many who are transgender. This article summarizes the legal issues surrounding marriage for transgender people and suggests some ways that transgender people can protect their marital relationships.

A very real option

Some people are aware that transgender individuals are often able to enter into a heterosexual marriage after undergoing sex reassignment. What may be less well-known, however, is that a transgender person may also be married to a person of the same sex. That situation arises, for example, when one of the spouses in a heterosexual marriage comes out as transgender and transitions within the marriage. If the couple chooses to stay together, as many do, the result is a legal marriage in which both spouses are male or female. Alternatively, in states that do not allow a transgender person to change his or her legal sex, some transgender people have been able to marry a person of the same sex. To all outward appearances and to the couple themselves, the marriage is a same-sex union. In the eyes of the law, however, it is a different-sex marriage because technically speaking, the law continues to view the transgender spouse as a legal member of his or her birth sex even after sex reassignment. In short, marriage is a very real option for a variety of transgender people in a variety of circumstances.

Two contrasting cases

In practice, however, the legal validity of marriages involving a transgender spouse is not yet firmly established in the great majority of states. In 1999, for example, an appellate court in Texas invalidated a seven-year marriage between Christine Littleton, a transgender woman, and her deceased husband. The case arose when Ms. Littleton brought a wrongful death suit seeking damages for her husband’s death as a result of alleged medical malpractice. Rather than ruling on the merits of Ms. Littleton’s suit, the court held that a person’s legal sex is genetically fixed at birth and that Ms. Littleton should be deemed to be legally male, despite her female anatomy and appearance, and despite the fact that she had lived as a woman for most of her adult life. As a result of that decision, Ms. Littleton was denied all of the rights afforded to a legal spouse -- not only the right to bring a wrongful death suit, but the right to intestate inheritance (or inheritance without a will), to obtain her deceased husband’s Social Security and retirement benefits, and many others as well.

In contrast, in 1997, a trial court in Orange County, Calif., affirmed the validity of a marriage involving a transgender man. The case arose when the wife sought to invalidate the marriage in order to deprive her husband of his parental rights vis-à-vis the couple’s child, who was born through alternative insemination. The trial court rejected the wife’s argument that the transgender husband should be considered legally female and refused to nullify the marriage. The court held that California law recognizes the post-operative sex of a transsexual person for all legal purposes, including marriage. Notably, however, if the court had ruled differently, or if the transgender spouse had not undergone extensive and expensive sex reassignments surgeries prior to the marriage, it is likely that he would have lost any right to maintain a relationship with his child.

Still the need to protect yourself

As these and other similar cases make clear, it is critical that transgender people who are married become aware of their potential legal vulnerability and take steps to protect themselves as much as possible. As an initial matter, transgender people who are married should certainly act accordingly and should not hesitate to exercise their rights as legal spouses, whether that be the right to file married tax returns, the right to apply for spousal benefits or the right to have or adopt children as a married couple. At the same time, however, it is also important to create a safety net in the event that the validity of the marriage is challenged.

Although there are many benefits and protections that arise exclusively through marriage and cannot be duplicated through any other means, there are also some basic protections that can be safeguarded and secured through privately executed documents and agreements. At a minimum, a transgender person who is married should have:

1. A last will and testament for both spouses;
2. Financial and medical powers of attorney in which each spouse designates either the other spouse or another trusted person to be his or her legal agent in the event of incapacitation; and
3. A written personal relationship agreement including a detailed account of each spouse’s rights and responsibilities with regard to finances, property, support, children and any other issues that are important to the couple.

The agreement should also include an acknowledgment that the non-transgender partner is aware that his or her spouse is transgender to avoid any later claims of fraud or deception. Ideally, the couple should draft those documents with assistance from an attorney and supplement them with any other legal planning documents that are appropriate for their specific circumstances.

With those basic documents in place, transgender people who are married can at least ensure that the spouses can inherit each other’s estates and retain control over their own financial and medical decisions, even if the validity of the marriage is challenged. In many cases, the safety net created by extra legal planning will never have to be used. In others, the presence of that extra protection will shelter the transgender person and his or her spouse from devastating emotional trauma and financial loss.

Read More about Legal Planning