

# MAINE YOUTH: YOUR QUESTIONS ANSWERED!

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This document is intended to provide general information only and cannot provide guidance or legal advice as to one's specific situation. Moreover, the law is constantly changing and evolving and this publication is based upon the information that is known to us as of this printing. For guidance on your particular situation, you must consult a lawyer. You should not act independently on this information. The provision of this information is not meant to create an attorney-client relationship. Check our website, [www.glad.org](http://www.glad.org), for more information.

If you have questions about this publication, other legal issues, or need lawyer referrals, contact GLAD Answers by live chat or email at [www.GLADAnswers.org](http://www.GLADAnswers.org) or by phone weekdays between 1:30 and 4:30 pm at (800) 455-GLAD (4523).

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## **AUTHORSHIP**

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GLBTQ Legal Advocates & Defenders (GLAD) attorneys put together this document and, in doing so, have benefitted from discussions with youth and with the other organizations listed below and others. We thank them all for their insights and work, but accept all responsibility for any errors in this guide.

**GLBTQ Legal Advocates & Defenders (GLAD)**  
[www.glad.org](http://www.glad.org)



Call or Live Chat Monday - Friday 1:30–4:30 pm  
800-455-GLAD (4523)  
Live Chat or Email – [w www.GLADAnswers.org](http://www.GLADAnswers.org)

**American Civil Liberties Union of Maine**  
[www.aclumaine.org](http://www.aclumaine.org)  
207-774-5444

**Consumers for Affordable Health Care**  
[www.maine cahc.org](http://www.maine cahc.org)  
1-800-965-7476

**Equality Maine**  
[www.equalitymaine.org](http://www.equalitymaine.org)  
[info@equalitymaine.org](mailto:info@equalitymaine.org)  
207-761-3732

**GLSEN Downeast Maine**

[www.glsen.org/chapters/downeastme](http://www.glsen.org/chapters/downeastme)  
downeastme@chapters.glsen.org  
207-217-9873

**GLSEN Southern Maine**

[www.glsen.org/chapters/southernme](http://www.glsen.org/chapters/southernme)  
glsensomaine@gmail.com  
207-619-1417

**Health Equity Alliance**

[www.mainehealthequity.org](http://www.mainehealthequity.org)  
info@mainehealthequity.org  
207-990-3626

**Out & Allied Youth Theatre**

[www.wicpme.wordpress.com](http://www.wicpme.wordpress.com)

**OUT Maine**

[www.outmaine.org](http://www.outmaine.org)  
info@outmaine.org  
1-800-530-6997

**Trans Youth Equality Foundation**

[www.transyouthequality.org](http://www.transyouthequality.org)  
contact@transyouthequality.org  
207-478-4087

## INTRODUCTION

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LGBTQ youth should be safe, affirmed, and celebrated wherever they are – at home, in school, in the community, the child welfare system, or the juvenile justice system. For far too many youth, this is not yet a reality. The following legal questions were posed by youth, and we hope the answers will help to empower youth to make informed choices, protect themselves, advocate for equality, and stand up for those unable to do so on their own.

You can search for questions and answers under the topics AT SCHOOL (p. 3), TAKING CARE (p. 13), AT WORK (p. p. 39), and IN THE WORLD (p. 47).

All of the organizations listed in this guide want to be helpful to you and many work directly with youth. Please reach out!

**Please keep the questions coming!** We will answer additional questions in a second version of this guide.

## AT SCHOOL

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### 1. **What rights do LGBTQ students have when facing discrimination, harassment, and bullying?**

LGBTQ students have the right to attend safe schools that are free of discrimination and bullying. (Note that for purposes of Maine law, bullying and harassment often overlap).

## ***Discrimination and Harassment***

If you are being bullied or harassed, you are not alone. And the State of Maine says it is wrong. Students in public schools are legally protected from discrimination, which can include harassment based on being an LGBTQI person, and from bullying. The laws are described below.

*TIP:* Keep a log and jot some notes down of what is happening, when, where and who is involved. Are there teachers or staff who can or should be seeing/hearing this occur? How have you responded? Do not give away your only copy of your notes.

Maine law (Title 5 Maine Revised Statutes section 4602) prohibits discrimination:

- in education;
- based on the person's sexual orientation (which includes gender identity and expression), sex, physical or mental disability, and national origin or race; and
- in any academic, extracurricular, research, occupational training, or other programs or activities.

The Maine Human Rights Commission enforces this law. For more information on pursuing complaints at the Maine Human Rights Commission see:



- GLAD Overview of Legal Rights, Section 1  
[www.glad.org/wp-content/uploads/2017/01/me-lgbt-overview.pdf](http://www.glad.org/wp-content/uploads/2017/01/me-lgbt-overview.pdf)
- ME Human Rights Commission Website  
[www.state.me.us/mhrc](http://www.state.me.us/mhrc)

*TIP:* Maine laws can be found online on the website of the Revisor of Statutes at [www.legislature.maine.gov/legis/statutes/](http://www.legislature.maine.gov/legis/statutes/) or via the State of Maine website.

## ***Bullying***

Maine law also prohibits bullying in public schools. Bullying sometimes overlaps with harassment, and the Legislature thought it important to clarify that whatever it is called, it is not ok to single out people because of their “personal characteristics.” The anti-bullying law forbids bullying based on:

“[A] student’s actual or perceived race; color; religion; national origin; ancestry or ethnicity; sexual orientation; socioeconomic status; age; physical, mental, emotional or learning disability; gender; gender identity and expression; physical appearance; weight; family status; or other distinguishing personal characteristics...” (Title 20-A Maine Revised Statutes Section 6554)

The anti-bullying law states that “[a]ll students have the right to attend public schools that are safe, secure and peaceful environments.”

Bullying is defined as any communication (written, oral, or electronic) or physical act or gesture that:

- harms or seriously threatens you or your property;
- creates a hostile school environment; or
- interferes with your academic performance or ability to participate in school activities.

Schools are legally required to develop policies and procedures to address bullying and cyberbullying in schools and to prevent it and address it when it does occur. Someone in the school should be designated to handle complaints. Read your school's or district's policy and follow up with the person designated! If the school can't resolve the bullying, you may want to consider filing a complaint at the Maine Human Rights Commission for discrimination and harassment.

*TIP:* Advocates are working to clarify that the “sex” discrimination provisions of the federal Title IX of the Education Amendments of 1972 also protect LGBTQ people from discrimination. Title IX forbids sex discrimination in all educational programs and activities that receive any federal funding, and at all levels.

- The law requires each covered entity to have a “Title IX coordinator” who should be available to assist with discrimination complaints. This link explains the law and

the duties of the coordinator:

[www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf)

- If you are considering filing a complaint with the U.S. Department of Education, Office for Civil Rights, call GLAD Answers (see page 1) or another legal advocate for assistance. For information on how to file with the Office for Civil Rights, see: [www2.ed.gov/about/offices/list/ocr/docs/howto.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf).

**2. Can a teacher, administrator, or school staff member, such as a school nurse, refuse to use a student's chosen name because it is not the student's legal name?**

No. The school would be in the wrong as long as the student had made a request in writing that the school use the student's chosen name and pronouns. This information comes from the Maine Human Rights Commission (MHRC) guidelines issued in January 2016.

The MHRC Guidelines specifically address names and other topics. Go to: [www1.maine.gov/mhrc/guidance/CCmemo.education.so.pdf](http://www1.maine.gov/mhrc/guidance/CCmemo.education.so.pdf). On the next page is a section of this gem. Please read it! (The bolding has been added and is not in the original.)

**MHRC GUIDELINES ON WHAT IT MEANS  
NOT TO DISCRIMINATE BASED ON  
GENDER IDENTITY IN SCHOOLS**

***On Student Names and Appearance:***

“A student’s official record shall bear their legal name, which may be changed only upon proof that the student’s legal name has been changed pursuant to a court order. **At the written request of a student, however, and consistent with the student’s gender identity, the educational institution shall use the student’s preferred name and pronouns consistent with their gender identity on all other documents. If a student so chooses, the educational institution’s employees should be required to address the student by the student’s chosen name and use pronouns consistent with the student’s gender identity.** The educational institution should also, at the request of any student, instruct its students to address the student by the student’s chosen name and use pronouns consistent with the student’s gender identity. Inadvertent slips and honest mistakes will not be considered a violation of the Act, but a pattern of refusal to acknowledge a student’s gender identity by using their chosen name and pronouns may be considered to constitute such a violation.”

*Continues on next page*

***On Respect for Students Gender Identity:***

Importantly, given the possibility of conflict between parents and a youth about gender identity, the Guidance urges respect for the student's gender identity to the extent possible:

**“In the event that the student and their parent/legal guardian do not agree with regard to the student’s sexual orientation, gender identity, or gender expression, the educational institution should, whenever possible, abide by the wishes of the student with regard their gender identity and expression while at school.”**

***On Dress Codes:***

“Students should be permitted to dress in a manner consistent with the student’s gender identity, subject to any dress code adopted by the educational institution. The dress code should be applied to the student consistent with their gender identity.”

**3. If a school refuses to fly the rainbow flag outside the school building, is that unlawful? Right now the school flies only the American and Maine flags.**

These kinds of questions are very tricky. And even though it sounds like “a lawyer answer,” the truth is that it may or may not be unlawful depending on the facts and circumstances.

By law, the only flags that must be flown at public buildings are the U.S. and Maine flags. If the school flies only those flags and allows no other flags to be flown, there may be little to be done about it.

On the other hand, if the school flagpole is open to all students who want to fly a flag (subject to rules and restrictions applicable to all), then the rainbow flag should fly on the same terms and conditions applied to other student requests. If the school refuses to fly only the rainbow flag while flying similar flags, that could well amount to interference with the student’s free speech rights based on the content or viewpoint represented by the rainbow flag. But if no other flags are flown, or if there are rules forbidding other flags from being flown, then no one is being singled out for who they are or their points of view.

From another angle: If a school banned students from displaying rainbow flags inside the school, then those actions suggest interference with free speech rights. Students don’t shed their constitutional rights when they walk into the school building. In a famous 1970s case known as *Tinker*

*v. Des Moines*, the U.S. Supreme Court ruled that it is unconstitutional to punish students for wearing black armbands in silent protest of the Vietnam War. There are some limits on student speech though. Among other things, schools may limit speech that impinges on the rights of other students, including their rights to be secure and let alone, or speech that causes a “substantial disruption or material interference with school activities.”

***What if students succeeded in flying the rainbow flag and someone then asked to fly the confederate flag?***

For many people, the confederate flag is a symbol of hate, racism, prejudice, and bigotry. For others, the confederate flag is a symbol of U.S. history, specifically the American Civil War from 1861 to 1865, or regional pride. The display of the confederate flag and other confederate paraphernalia at public schools has been an on-going controversial issue for many years. American Civil Liberties Union (ACLU) chapters in different states have come out different ways about whether that flag can be displayed by students, depending on the circumstances.

If schools allow any and all flags to be flown, which seems unlikely, then a school would have to justify why particular viewpoints are barred from expression. The school may not want to fly the confederate flag because it may convey a message the school does not wish to endorse, or because of its associations with racial hostility and the school’s

wish to protect students from abuse and intimidation.

***Would a complaint to the Maine Human Rights Commission be viable if the school refused to fly the rainbow flag?***

The Maine Human Rights Commission takes a broad view of discrimination and welcomes complaints. Complaints must be filed within 300 days of the claimed discriminatory action.

- For steps on filing a complaint go to: [www.state.me.us/mhrc/file\\_a\\_complaint/index.htm](http://www.state.me.us/mhrc/file_a_complaint/index.htm)
- The Intake Questionnaire is available at: <https://mainehumanrightscommission.formstack.com/forms/intake>

Assuming that requests to fly a flag are covered by education anti-discrimination laws, then the person who files the claim of discrimination has to prove that the flag was not flown for discriminatory reasons as opposed to legitimate reasons. Discrimination might be proven by showing that other groups were allowed to fly flags, or that the school didn't follow its own rules for allowing flags because it was an LGBTQ group or individual making the request.

*TIP:* Bulletin boards are place for students to get the word out and express themselves. If schools allow students to post on bulletin boards about non-school events, then they can't refuse a posting about a Rainbow Ball or GLSEN meeting



simply because of its LGBTQ+ content. But schools can prohibit lewd and vulgar speech (and that is generally true in the school setting), and they can also ask you to identify yourself on your posting.

**4. In my school, it seems like LGBTQ students and students of color get singled out for suspensions and discipline. Can I do anything about this?**

Numerous national studies document “disproportionate discipline” in schools, such as this 2016 report from GLSEN: [www.glsen.org/article/drop-out-push-out-school-prison-pipeline](http://www.glsen.org/article/drop-out-push-out-school-prison-pipeline). Please contact GLAD (see page 1) or other supports and legal resources if you believe this is occurring at your school.

There are also ways to contest your suspension or expulsion. See the website of Pine Tree Legal Assistances, Maine’s Legal Services agency, for information: [www.ptla.org/category/nsmi/education/school-discipline-suspension-expulsion](http://www.ptla.org/category/nsmi/education/school-discipline-suspension-expulsion).

## **TAKING CARE**

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**1. Do I have to get health insurance?**

The Affordable Care Act (ACA), often called “ObamaCare,” requires most people to have health insurance, provides new opportunities to secure coverage, and often subsidizes the plan costs. Health care is currently a political football, with some in Congress seeking to replace it with inferior plans. For now, it is the law and the ACA

rules remain in effect. General information about the ACA is available on Consumers for Affordable Health Care (CAHC) website at [www.maine cahc.org/affordable-care-act-advancing-health-care-lgbtq-americans](http://www.maine cahc.org/affordable-care-act-advancing-health-care-lgbtq-americans).

CAHC is a Maine-based organization that regularly posts up-to-date information about health insurance issues at the state and national levels. All of their HelpLine staff are certified as LGBTQ-competent. They run a toll-free HelpLine that you can call with any questions about getting, keeping, using, or fixing problems with health insurance (such as helping you appeal if your insurance company denies a service). You can call the HelpLine at 1-800-965-7476 or visit their website at [www.maine cahc.org](http://www.maine cahc.org).

Under current law (which could change), most people are now required to have some basic health coverage because of the ACA. Insurance normally comes through:

- 1) your parents (if under age 26);
- 2) your college or an employer;
- 3) the Health Insurance Marketplace (directly set up by the ACA);
- 4) direct sales from private insurers; or
- 5) government programs like Medicare (for older persons and people with disabilities) and Medicaid, also called MaineCare, (e.g.

for income eligible families, young adults, seniors, and people with disabilities).

## **2. How do I get health insurance and will transition related care be covered?**

Let's break down how you can get health insurance from each of the five sources listed on the previous page:

### ***1) Important ACA Rules Allow Coverage Under Parent's Plan Until Age 26***

Under the ACA, young adults may remain on or be added to their parents' coverage until the age of 26. So if a parent has an existing plan – whether through a job or the Marketplace – that provides transition-related care, then you could qualify for some types of care depending on your age and the terms of the plan.

If you aged out of the foster care system in Maine and are under 26 years old, then you are eligible for free MaineCare coverage no matter what your income is.

As discussed below, young people have many options to obtain health insurance separately from parents' plans. If you're not sure which option is right for you, find a local navigator or enrollment assister or call the CAHC HelpLine at 1-800-965-7476.

## **2) Insurance Through Your Own Employer**

If you are working, you may have insurance through your job. Look at the “Evidence of Coverage” or “Certificate of Coverage” or “Contract of Insurance” to understand what is and is not covered. If there are exclusions in the coverage, you may file a complaint about a blanket exclusion on all transgender-related care (under ACA Section 1557) directly in court. Please contact GLAD (see page 1) or another knowledgeable attorney as soon as possible!

## **3) The Insurance Marketplace of the ACA**

If you don't have health care coverage you can buy a plan with private companies through the Health Insurance Marketplace, also called healthcare.gov.

You can find additional information and resources about Maine's Marketplace at:

- CAHC's website:  
[www.maine cahc.org/guide-to-maine-health-care/resources](http://www.maine cahc.org/guide-to-maine-health-care/resources), or call 1-800-965-7476
- The Maine Bureau of Insurance website:  
[https://www1.maine.gov/pfr/insurance/consumer/individuals\\_families/health/purchasing\\_health\\_insurance/shopping\\_health\\_insurance.html](https://www1.maine.gov/pfr/insurance/consumer/individuals_families/health/purchasing_health_insurance/shopping_health_insurance.html)

You can apply for health insurance through the Marketplace in three ways:

1. Apply online at [www.healthcare.gov](http://www.healthcare.gov)
2. Apply in-person with the help of a local health insurance navigator or enrollment assister. To find a navigator or assister near you, visit <https://localhelp.healthcare.gov/>, or call CAHC at 1-800-965-7476.
3. Apply over the phone by calling the Marketplace directly at 1-800-318-2596.

If the ACA is still in effect, open enrollment on the Marketplace will start on November 1, 2017 and continue through December 15, 2017. You might be able to sign up other times of the year if you've had a change in circumstances – for example, if you've lost other insurance. This is called a “special enrollment period”. You can obtain private insurance for yourself, as a couple or as a family through the three companies that work within the Marketplace: Anthem, Community Health Options (CHO), and Harvard Pilgrim HMO.

In the past, Anthem and Harvard Pilgrim's Marketplace plans had blanket exclusions on transition related care, and Community Health Options only covered hormones. For 2017, however, all of the insurers that sell plans on Maine's individual market (meaning coverage you buy for yourself) have removed those exclusions.

When you buy a plan through the Marketplace, depending on your income, you may be eligible for tax credits and subsidies that lower your monthly

premiums and out-of-pocket costs. Almost 9 out of every 10 Mainers buying coverage through the Marketplace qualify for discounts

***BEWARE:* These discounts are not available if you buy a catastrophic plan, which is a type of plan that offers very little coverage. These plans are an option only if you are under 30, or if you qualify for a “hardship exemption” from purchasing other types of insurance.**

#### ***4) Private Insurer Plans Sold Outside the Marketplace***

Discounts available to health insurance policies purchased through the federal Marketplace are not available when you buy an insurance policy outside the Marketplace – even from the same company.

Any health policy sold on or off of the Marketplace must cover “essential health benefits,” including preventive care, and may not discriminate based on a pre-existing condition like gender dysphoria. In addition, if, for example, an individual who identifies as male has ovarian cancer, the insurer cannot deny coverage.

According to Consumers for Affordable Health Care, Aetna has no explicit exclusion but only sells policies in some counties in Maine. Maine’s other three individual market insurers – Anthem, Harvard Pilgrim, and Community Health Options – sell plans statewide and also do not have exclusions on transition related care. However, all of these companies follow the same open

enrollment periods as the Marketplace, so even if you are buying a plan directly from the company you'll still have to enroll between November 1<sup>st</sup> and December 15<sup>th</sup> or have a change in circumstances that allows you to sign up at other times of the year (this is called a "special enrollment period").

### **5) *MaineCare***

Depending on your income, you may qualify for Medicaid, also called MaineCare here in Maine. There are several ways to apply for MaineCare:

- Apply online at [www.maine.gov/mymaineconnection](http://www.maine.gov/mymaineconnection)
- Apply in-person with the help of a local navigator or assister. You can call CAHC to find a navigator or assister near you. Or, visit your local DHHS office and apply using the application kiosk
- Mail a paper application to DHHS. Call CAHC to have an application sent to you, or find the application to print at: [www.maine.gov/dhhs/ofi/public-assistance/](http://www.maine.gov/dhhs/ofi/public-assistance/)

DHHS has 45 days to determine if you're eligible for MaineCare after you apply. **DHHS sometimes makes mistakes, so if your application is denied, or if you don't hear back within 45 days, call CAHC to find out what you should qualify for.** You can also call DHHS directly to ask for a Fair Hearing. CAHC has

resources available on Maine Care at [www.maine cahc.org/guide-to-maine-health-care/resources/](http://www.maine cahc.org/guide-to-maine-health-care/resources/) and can be reached at 1-800-965-7476.

In practice though not in law, the State of Maine excludes transition-related care. The good news is that it has also covered hormones when the underlying diagnosis of gender dysphoria is made by a qualified physician. As a practical matter, this creates uncertainty. If you have an issue, you should contact CAHC, and CAHC may refer you to GLAD for legal assistance.

### **3. What plans cover transition related care?**

You must look at the terms of your plan. The same company may have different terms depending on whether the plan is from an employer or whether you bought it yourself from the insurance company or on the Marketplace. However, **all individual policies that you buy on the Marketplace or directly from an insurance company cover transition related care in 2017.** We do not know if the rules will change as we move into 2018 and beyond.

In addition to contractual exclusions included in the terms of a plan, insurance companies also use medical guidelines or clinical standards of care that describe what care is covered under what circumstances. Some care you believe should be covered may be deemed “cosmetic” rather than medically necessary by your plan if you don’t meet their guidelines.



So, even if a plan doesn't explicitly exclude transition related care, this doesn't mean all services are covered for all people. For example, Aetna, Anthem, and Harvard Pilgrim's individual plans all use medical guidelines for transition related surgeries that require a person:

- to be at least 18 years old;
- to have a gender dysphoria diagnosis; and
- to have letters of support from qualified health and mental health professionals.

In addition, Anthem and Aetna usually require 12 months of hormone therapy for most surgical procedures, and sometimes also require 12 months of "living in a gender role congruent with their gender identity" or "of successful, continuous full time real-life experience in their new gender."

You can find the full guidelines summarized above at the links below (current as of 5/3/17). **These guidelines are updated periodically, so contact your insurance company directly for the most recent guidelines used by your plan.** Medical guidelines can be confusing, so ask your doctor or an advocate if you need help. You should also check your plan's coverage documents to find out what is covered or excluded under the terms of your plan.

- Aetna:  
[www.aetna.com/cpb/medical/data/600\\_699/0615.html?TLAETGuiddTS\\_101\\_R0=4c9e44c3fbd01f24353f33371a21c6c8c2800000](http://www.aetna.com/cpb/medical/data/600_699/0615.html?TLAETGuiddTS_101_R0=4c9e44c3fbd01f24353f33371a21c6c8c2800000)

00000000000089e20262ffff00000000000000000000000000058de6f0b000c42d571

- Anthem:  
[www.anthem.com/medicalpolicies/guidelines/glpw\\_a051166.htm](http://www.anthem.com/medicalpolicies/guidelines/glpw_a051166.htm)
- Harvard Pilgrim:  
<https://www.harvardpilgrim.org/pls/portal/url/item/4885C8C7BC844D74B58660ABDD2986D9>

### ***For people under 18***

Even if you're under 18, your plan may still cover hormone therapy. Aetna, Anthem, and Harvard Pilgrim all cover hormones for people under 18 years old when their guidelines for those treatments are met. Ask your insurance company for the medical guidelines used by your plan to find out when hormone therapy is covered.

Please call CAHC or GLAD (see page 1) if you are concerned about meeting the terms of the plan or are denied coverage for a medically necessary procedure because you do not have sufficient documentation or do not meet the durational requirements. If you have trouble getting a copy of the medical guidelines used by your plan, call CAHC or the Maine Bureau of Insurance at 1-800-300-5000 for help.

#### **4. Can I appeal unfair treatment or discrimination by my insurance?**

In many instances, yes! In many instances, you shouldn't take "No" for a final answer! If you

are denied necessary care or face an improper exclusion, you have rights of appeal, and may also have a discrimination claim that can be filed in court on your behalf by a qualified attorney. As with any denials of coverage, be sure to review your plan and follow any prescribed deadlines for appeals of or challenges to denials.

If you would like to make an insurance appeal, CAHC has resources and may be able to help you file your appeal. You can call their HelpLine at 1-800-965-7476 or refer to their online appeals guide at <http://www.maine cahc.org/wp-content/uploads/2016/09/Appeals-Guide.pdf>.

In addition, attorneys may file a claim for discrimination in court. Challenging discrimination in court is an enormous undertaking. You can call GLAD to request help with the process, including deciding whether it's the right course of action for you. GLAD's legal help line, GLAD Answers, is available online and at 800-455-4523 (see page 1).

The U.S. Department of Health and Human Services (HHS) has a procedure for filing a complaint directly with them at the Office of Civil Rights Office, at <http://www.hhs.gov/ocr/office/file/index.html>).

- The regulations interpreting the ACA, including the non-discrimination regulations, remain in effect except for those on gender identity and contraception.

- Denying coverage based on gender identity still states a claim for sex discrimination that can be brought in court. HHS regulations stated that a ban on transition-related care is forbidden, and that may also be influential information to a court.
- If your coverage is through an insurance policy issued by an employer, Maine's employment discrimination laws may also provide recourse.
- Consult an attorney if you face these barriers. GLAD Answers (see page 1) is a good place to start. In order to ensure your ability to challenge exclusions, it is important to read your insurance contract and meet any deadlines for taking an appeal from a denial of coverage for medically necessary care.

**5. Can a minor start a medical transition (hormone blockers) with the consent of only one parent?**

Generally speaking, parents have the legal custody and control of their children and that extends to medical care and decisions around medical treatment.

***If the parents are currently married***

Yes, one of the parents can authorize medical transition. However, if the other parent disagrees strongly, good counseling or mediation are

advisable to avoid unnecessary contention or a separation.

***If the parents were married and later separated***

If the parents were married and later separated, then there is a court order about “parental rights and responsibilities.” If the court orders say that the parent supportive of medical transition has sole decision-making authority for medical care, then yes, consent of one parent is enough. But if they have shared decision making for medical decisions and cannot agree, the matter could go back to court for determination by a judge about whether medical transition is in the youth’s best interests.

***If the parents are divorced or were never married***

Courts issue orders about parental rights and responsibilities when unmarried persons make claims for paternity or parentage. If the court orders say that the parent supportive of medical transition has sole decision-making authority for medical care, then yes, consent of one parent is enough. But if the parents have shared decision making for medical decisions and cannot agree, the matter could go back to court for determination by a judge about whether medical transition is in the youth’s best interests.

In addition, a parent opposing medical transition could go to court and try to modify the court orders about which parent has responsibility for decisions about medical care. For example, the opposing

parent could seek joint or sole medical decision making, either of which could prevent the requested medical care. The opposing parent may also request additional parental rights and responsibilities, such as taking over decisions about where the child lives or attends school. These cases require good legal representation. Feel free to contact GLAD (see page 1), Pine Tree Legal, and others for assistance or referrals.

## **6. What can I do if my parent or parents are not being supportive of me?**

In a perfect world, parents would be immediately accepting of their LGBTQ children, but familial journey to acceptance is often that – a journey. It might be helpful to provide your parents with some of the following resources designed to assist families with recently “out” children. Here are some of the many resources available:

- Amy Ellis Nutt, *Becoming Nicole: The Transformation of an American Family* (a book about a Maine family)
- Derry & Nicole Rundlett, *Full Circle: A Father's Journey With a Transgender Child* (a book about a Maine family)
- American Academy of Pediatrics and Human Rights Campaign, “Supporting and Caring for Transgender Children,” (2016), [www.aap.org/en-us/Documents/solgbt\\_resource\\_transgenderchildren.pdf](http://www.aap.org/en-us/Documents/solgbt_resource_transgenderchildren.pdf)

- American Academy of Pediatrics Resource, [www.aap.org/en-us/about-the-aap/Committees-Councils-Sections/solgbt/Pages/informationforfamilies.aspx](http://www.aap.org/en-us/about-the-aap/Committees-Councils-Sections/solgbt/Pages/informationforfamilies.aspx) (includes information for parents about of youth who are coming out)
- PFLAG (Parents, Families and Friends of Lesbians and Gays), “Our Children: Questions and Answers for Families of Lesbian, Gay, Bisexual, Gender-Expansive and Queer Youth and Adults,” [www.pflag.org/sites/default/files/OUR%20CHILDREN\\_PFLAGNational\\_FINAL.pdf](http://www.pflag.org/sites/default/files/OUR%20CHILDREN_PFLAGNational_FINAL.pdf)
- Family Acceptance Project, [www.familyproject.sfsu.edu](http://www.familyproject.sfsu.edu) (includes the “Family Education Booklet,” which provides information based on research on how families can best support their LGBTQ children: <https://familyproject.sfsu.edu/family-education-booklet>)
- Maine TransNet, [www.mainetransnet.org](http://www.mainetransnet.org) (supports Maine’s transgender community, including transgender youth, and their families and allies)
- Trans Youth Equality Foundation, [www.transyouthequality.org](http://www.transyouthequality.org) (provides education, advocacy, and support for transgender youth and their families)

- Gender Spectrum, “Parenting and Family,” [www.genderspectrum.org/explore-topics/parenting-and-family/#more-340](http://www.genderspectrum.org/explore-topics/parenting-and-family/#more-340)
- Safe Schools Coalition, “GLBT Youth of Color: Resources for Parents/Guardians, Family Members, Educators and Allies,” [www.safeschoolscoalition.org/RG-glbt\\_youth\\_of\\_color.html](http://www.safeschoolscoalition.org/RG-glbt_youth_of_color.html) (includes a list of numerous resources)

### ***Faith Based Resources***

- Human Rights Campaign, “Faith Resources,” [www.hrc.org/resources/faith-resources](http://www.hrc.org/resources/faith-resources) (includes a list of numerous resources for faiths including Christianity, Buddhism, Judaism, and Islam)
- Family Acceptance Project, “Family Education LDS Booklet,” <https://familyproject.sfsu.edu/family-education-booklet-lds> (for Mormon families)
- The March 2017 “friend-of-the-court” brief filed on behalf of transgender student Gavin Grimm in the case *G.G. v. Gloucester County School Board* was signed by multiple faith denominations and over 1,800 different religious leaders and clergy members. The list begins on page 53: [www.scotusblog.com/wp-content/uploads/2017/03/16-273-bsac-presiding-bishop-of-the-episcopal-church.pdf](http://www.scotusblog.com/wp-content/uploads/2017/03/16-273-bsac-presiding-bishop-of-the-episcopal-church.pdf)



## **7. What can I do if my parent or parents are actively opposing my sexual or gender identity, including trying to change me?**

It's important to remember that *your sexual orientation or gender identity are not parts of you that anyone should ever try to change*. You are wonderful the way you are, even if you're currently being met with opposition.

Seek support! Many of the organizations supporting this guide can help you directly, and others can help you indirectly with information and referrals.

Because we live in a society that perpetuates myths and stereotypes about LGBTQ people, your parents likely believe that their efforts to change you are coming from a place of love. Most are shocked to learn that saying things like “this is a phase” or “you’re too young to know,” denying access to friends, and pretending you are not who you are can be harmful behaviors that can lead to depression, anxiety, and self-destructive behavior. Enlist siblings, other relatives, and supportive adults who can help educate your parents or caregivers with the resources listed in this guide.

As discussed below, there are also limited legal steps available when a situation is destructive or intolerable.

## **8. What is “emancipation” and how can I use it?**

The emancipation process makes the youth into an adult for many legal purposes, such as being able to sign a rental contract for an apartment, hire a lawyer, and obtain medical care.

A youth who is 16 years of age or older, and who refuses to live with a parent or guardian, may file a petition in the District Court where the parents or guardian live. To prevail, they must prove:

- they possess adequate maturity for decision making;
- have a plan to take care of their basic needs, e.g. where they will live, how they will support themselves, their educational plans; (note: there is no parental child support if the petition is granted)
- it is in their best interests for the emancipation to be granted.

The youth will be appointed an attorney for the proceeding. As with guardianship, the petition may be uncontested or the parents may contest.

One of the biggest difficulties with emancipation involves proof that the youth can care for themselves. And given the amount of discrimination against transgender youth in particular, this presents a real bind.

Kids Legal (part of Pine Tree Legal Assistance) has good information online explaining emancipation and describing the process for filing for emancipation at: [www.kidslegal.org/emancipation-maine](http://www.kidslegal.org/emancipation-maine). Kids Legal is also currently working to add more materials that speak directly to the needs of LGBTQ youth.

**9. What do I do if I'm not old enough to be emancipated, but I am feeling awful because of how my parent or parents are treating me? Can a supportive relative become my guardian instead of my parent or parents?**

A youth may file a petition for guardianship on their own in the county probate court where they live or are present. Someone else (like the relative) may file to obtain guardianship over a youth as well. Another individual can also file a petition seeking guardianship, either temporarily, or permanently (until age 18). Pine Tree Legal (our statewide legal services office) has good written materials online describing the process and alternatives: <http://ptla.org/library/449>.

Sometimes guardianship proceedings are uncontested and things can move more quickly. But when the parent(s) fight the guardianship request, the person petitioning for guardianship must basically prove parental unfitness. There are many parent behaviors and family situations that are far from ideal, but the courts will likely not allow the petition unless the parent(s) is causing trauma and harm to their child. Some trauma and harm is obvious – like bruises and sexual abuse – but an LGBTQ youth who is not physically beaten or

sexually assaulted can expect to have to prove trauma and harm when it comes to rejecting behaviors by the parent(s). It is probably obvious, but it is not abuse and neglect to not like your parent(s) or to think you could have more freedom somewhere else.

Youth 14 and older have some voice in the proceedings in that they are asked to indicate their consent to a guardianship. Depending on the circumstances, the youth may also file in court a sworn statement (declaration) about harm caused by the parent(s).

A guardian can enroll the youth in school and make medical decisions, and generally provides for the child's welfare. However, legally (if not always practically), the parent(s) remain financially responsible for the child.

Most county courts have the necessary guardianship forms online and the court "register" – a clerk – may assist those who come into court for help. For Guardianship forms, see:

- <http://maineprobate.net/downloadforms.html>

OR

- <http://ptla.org/guardianship-minor>

## **10. What if things aren't working out at home or I'm feeling unsafe in my foster care placement and am thinking about running away?**

Ideally, when a youth leaves an unsafe home or foster home, they will have a supportive adult in their lives to address next steps.

Most urgently, if there are no other places for the youth to sleep, there are 3 youth-serving shelters in Maine that are each knowledgeable about LGBTQ youth and provide services:

- Portland, Joe Kreisler Teen Shelter, [www.preblestreet.org/what-we-do/teen-services/joe-kreisler-teen-shelter](http://www.preblestreet.org/what-we-do/teen-services/joe-kreisler-teen-shelter)
- Lewiston, New Beginnings, [www.newbeginmaine.org](http://www.newbeginmaine.org)
- Bangor, Shaw House, [www.theshawhouse.org](http://www.theshawhouse.org)

Advocates are working to expand options for sheltering youth in the rest of the State.

Even if you do not reside near one of the 3 youth serving shelters, everyone, of any sexual orientation, gender identity, or gender expression, has the right to access shelter services free of discrimination and harassment. For transgender people in particular, you have the right to access shelter restrooms, showers, dormitories, and other facilities consistent with your gender identity; to be referred to by names and pronouns consistent with

your gender identity; and to express yourself by wearing gender affirming clothing.

Some youth who are 14 and over who have no home, or leave their homes, or leave foster homes, may have difficulty accessing services from the State Department of Health and Human Services. Please contact an attorney if this happens to you. This leaves youth with the option of shelter, guardianship with a willing adult, or, if the youth is 16, they may be able to be legally emancipated from the parents. (In Maine, youth are considered adults at age 18.) Advocates are examining how to create more shelter and housing options.

For those who want to offer a bed to youth, Maine has no specific legal prohibition on “harboring” runaways.

For youth under 14 who do not want their parents to know where they are, they must make that request in writing and that will keep them at the shelter for three days. Also, if the youth is in danger of being hurt, the shelter will not call the parents but will contact the Maine Department of Health and Human Services (DHHS).

It is not illegal to run away, and a child cannot be arrested, fingerprinted or put in jail for running away. Local police can take youth into “interim care” for up to 6 hours, but this is not an arrest. If the youth is in a safe place, the police may decide not to take the youth into interim care while they work something out with their family. Once in interim care, the police must call the parent(s) and can ask them to take the child home only if the

parents and youth agree. If there is no agreement, they will take the youth to DHHS.

Whether it is a shelter, the police, or the youth themselves that contact DHHS, the agency has several options. If DHHS believes the child would be harmed at home, or the youth does not agree to return home, DHHS may obtain temporary custody and place the child with another parent, relative, or a foster parent.

See Kids Legal’s resource “Running Away: You’re Not Alone” for more information:  
[www.kidslegal.org/running-away-youre-not-alone](http://www.kidslegal.org/running-away-youre-not-alone).

Additionally, many organizations – including GLAD (see page 1) and many of the organizations co-sponsoring this guide – work directly with youth. There are resources all over the State so you can find someone to talk to! You can reach out to:

- Equality Maine  
[www.equalitymaine.org](http://www.equalitymaine.org)  
[info@equalitymaine.org](mailto:info@equalitymaine.org)
- The Health Equity Alliance  
[www.mainehealthequity.org](http://www.mainehealthequity.org)  
[info@mainehealthequity.org](mailto:info@mainehealthequity.org)  
Bangor: 207-990-3626  
Ellsworth: 207-667-3506  
Machias: 207-255-5849  
Augusta: 207-242-0709

- Kids Legal  
[www.kidslegal.org](http://www.kidslegal.org)  
(207) 774-8246  
1-866-624-7787 (toll free)
- OUT Maine  
[www.outmaine.org](http://www.outmaine.org)  
[info@outmaine.org](mailto:info@outmaine.org)  
1-800-530-6997
- Outright Lewiston-Auburn  
[www.outrightla.org](http://www.outrightla.org)  
[info@outrightla.org](mailto:info@outrightla.org)
- Portland Outright  
[www.portlandoutright.com](http://www.portlandoutright.com)  
[portlandoutright@gmail.com](mailto:portlandoutright@gmail.com)  
(207) 558-2429

## **11. How do I change my name in Probate Court?**

The Maine Law Court, our highest court, has already ruled that a judge should grant a name change as long as the petition is not submitted for any fraudulent reasons and the change of name does not interfere with the rights of others. *In re. A.M.B.*, 2010 ME 54, P4 (2010). Being transgender in itself is certainly not cause for concern.

In order to change your name, your legal custodian will need to file a petition on your behalf in the Probate Court in the county where you live. An emancipated minor and youth 18 years old or older may proceed on their own without a legal custodian.



You will need to complete and file form CN-2, a petition for a name change for a minor (available at <http://ptla.org/sites/default/files/CN-2.pdf>). As the form explains, you will need to include a certified, up-to-date copy of your birth certificate. When you file the petition (along with your birth certificate and other necessary documentation), you will be charged a \$40 filing fee. (You may also need a certified, up-to-date copy of a divorce judgement, court order pertaining to custody, and/or certified death certificate of a deceased custodian, if these apply to you.)

Cases must be filed in District Court rather than Probate Court in some circumstances. If there are ongoing proceedings about your custody or parental rights of you or your children in the District Court, the petition must be filed in the District Court.

Either way, the judge typically requires public notice of a proposed name change – in writing through newspapers – so that people can object if they are concerned you are changing your name to commit fraud or to avoid responsibilities like debt repayment. You or your lawyer can request permission NOT to publish your name change request – called a motion to waive notice by publication – if you have good reasons. Maine law also specifically allows someone who is an “abuse victim” to request waiver of notice. Title 18-A Maine Revised Statutes section 1-701 (b), (c).

You may ask the judge to waive the publication requirement when necessary to protect your safety. If you are making a safety claim, you and/or your

legal custodian will need to show that you are a victim of abuse and that you are currently in reasonable fear of your safety. The Court (Judge) makes the decision about whether to let go of the notice requirement in your case.

Because of concerns about fraud or avoiding responsibilities, the judge may require you to undergo one or more of the following background checks: a criminal history record check; a motor vehicle record check; or a credit check. You may be required to pay the cost of each background check that is required.

Once the petition is granted, the judge will also make and preserve a record of the name change.

You or your lawyer may request that your records be sealed. The advantage of sealing is that it makes your records unavailable to the public.

The law governing name changes is Title 18-A Maine Revised Statutes section 1-701. For more information on filing a petition for a name change, see <https://www.glad.org/wp-content/uploads/2017/01/trans-legal-issues.pdf> beginning on page 42.

## AT WORK

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- 1. Is an employer required to respect the chosen name of a minor (and for that matter, allow a uniform or name tag or bathroom access in accord with gender identity)? If the employer doesn't honor chosen name and uses legal name, is that a violation of law?**

GLAD believes the answer is yes, and that an employer has to respect the chosen name of an employee of any age, including on a nametag, and allow an employee to wear the uniform consistent with their gender identity. This does not mean that an employer won't take a different point of view. This issue has not been litigated in Maine. GLAD also believes that an employer has to allow an employee to use the bathroom or other facilities consistent with their gender identity. Again though, this does not mean an employer won't take a different point of view, and it may take advocacy to resolve.

In Massachusetts, a recent decision of the Massachusetts Commission Against Discrimination recognized that an employer's continued misuse of an employee's name and pronouns violated the gender identity and constituted unlawful harassment.

The Maine anti-discrimination law (Maine Human Rights Act, Title 5 Maine Revised Statutes Sections 4551-4634) provides protection against discrimination based on actual or perceived "sexual orientation," which is defined to "include

heterosexuality, bisexuality, homosexuality, and gender identity and expression.” 5 Maine Revised Statutes Section 4553. The law applies to local and state governmental employers and private employers with any number of employees. The law also applies to employed minors, since there is nothing in the definition of employer or employee to suggest that an employed minor is not an employee.

It is unlawful for an employer to discriminate against an employee or potential employee on the basis of sexual orientation, including gender identity and expression, in hiring, recruitment, discharge (firing), promotion, compensation, and any other terms or conditions directly or indirectly related to employment. GLAD believes that if an employer requires a name tag or uniform, then those are conditions of employment. Likewise, access to facilities in the course of the job is also a condition of employment.

The Maine Human Rights Commission (HRC) also has issued regulations clarifying the scope of anti-discrimination protections for employees (Chapter 3: Employment Regulations of the Maine Human Rights Commission, 94-348). These regulations require employers, employment agencies, and labor organizations to make “reasonable accommodations” for employees in rules, policies, practices or service that apply directly or indirectly to gender identity or gender expression.

As noted, name tags, uniforms, and access to facilities are conditions of employment. In addition,

the duty to reasonably accommodate employees in rules, policies, practices, or services that apply directly or indirectly to gender identity or expression includes a duty to reasonably accommodate employee's wearing the name tag and uniform and using the facilities consistent with their gender identity.

Note that there is an exception to the duty of accommodation, however, if the business can show that the accommodations would impose an "undue hardship" on the conduct of the business. The burden of proving undue hardship falls on the business, not the employee. GLAD believes that using an employee's chosen name, including on a nametag, and allowing an employee to wear the uniform and use the facilities consistent with their gender identity are reasonable accommodations that do not impose undue hardship on a business.

GLAD believes employers must allow employees to use the facilities consistent with their gender identity for an additional reason as well: the Maine Law Court already decided a comparable situation in schools, ruling that transgender students must be allowed to use the bathroom consistent with their gender identity. See *Doe v. Reg'l Sch. Unit 26*, 2014 ME 11 (2014), <https://www.glad.org/wp-content/uploads/2016/10/doe-v-clenchy-decision-1-30-14.pdf>. There is no difference between the anti-discrimination laws in employment and public accommodations where both prohibit different treatment based on gender identity. In fact, GLAD brought a lawsuit against Denny's for denying a transgender woman access to the women's

restroom. (<https://www.glad.org/cases/freeman-v-dennys/>). As a result of the lawsuit, Denny's changed its policy to welcome customers to use the restroom consistent with their gender identity. Stated another way, where the law requires respect for a person's gender identity in schools and employment, that rule applies whether the employee is a youth or adult.

*TIP:* Some people are confused about where things stand for transgender people and restroom facilities because of the U.S. Supreme Court's April 2017 dismissal of Gavin Grimm's case. Grimm's case involved his high school's decision to bar him from using the boys bathroom and his challenge to that. He won his case at the federal appeals court because of a Guidance document from the U.S. Departments of Justice and Education, which explained why sex discrimination laws apply. When President Trump's administration rescinded that Guidance, the Court sent the case back to the Appeals Court for review. **Remember: Maine non-discrimination law provides protections in Maine. While we work to expand protections under federal law, you can still turn to Maine law for addressing discrimination.**

**2. What do I do about facilities on the job if I am a transgender or queer youth? Where do I go to the bathroom? What changing rooms and locker rooms do I use? And what if my employer refuses?**

GLAD believes that an employer must allow an employee to use the facilities (including bathrooms, changing rooms, and locker rooms) consistent with

their gender identity. As explained above, GLAD believes this because:

- 1) Maine's anti-discrimination law protects employees from discrimination based on actual or perceived sexual orientation, which includes gender identity and expression. Maine Human Rights Act, Title 5 Maine Revised Statutes Section 4551-4634.
- 2) The Maine Human Rights Commission employment regulations require employers to make reasonable accommodations for employees that apply directly or indirectly to gender identity or gender expression, as long as there isn't an undue burden on the business. Chapter 3: Employment Regulations of the Maine Human Rights Commission, 94-348. GLAD believes that allowing employees to use the facilities consistent with their gender identity is a reasonable accommodation that does not impose an undue burden.
- 3) In *Doe v. Reg'l Sch. Unit 26*, the Maine High Court found that schools must allow students to use the bathroom consistent with their gender identity. The Denny's case GLAD litigated was resolved quickly in favor of bathroom access when Denny's realized it was violating the law.

This should ensure access to any sex-segregated facility – including showers, changing

rooms, or restrooms – consistent with a person’s gender identity.

If your employer refuses, you can file a complaint of discrimination with the Maine Human Rights Commission by phone, mail, or online at:

(207) 624-6050  
State House Station #51  
Augusta, ME 04333-0051  
[www.state.me.us/mhrc/index.shtml](http://www.state.me.us/mhrc/index.shtml)

For more information on pursuing a complaint, refer to GLAD’s website at:

<https://www.glad.org/wp-content/uploads/2017/01/me-lgbt-overview.pdf>  
beginning on page 10 or call GLAD Answers (see page 1).

**3. Does the law only cover people whose gender identity is “male” or “female” or does it also include those who identify as “non-binary?”**

Regulations issued by the Maine Human Rights Commission (HRC) define the terms “gender identity” and “gender expression” as follows:

*“Gender identity means an individual’s gender-related identity, whether or not that identity is different from that traditionally associated with that individual’s assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous.”*



This definition of gender identity is not limited to “male” and “female,” and appears broad enough to encompass those not on the gender binary, including but not limited to those who are “genderqueer” or “androgynous.”

The regulations define *gender expression* as:

“the manner in which an individual’s gender identity is expressed, including, but not limited to, through dress, appearance, manner, speech, or lifestyle, whether or not that expression is different from that traditionally associated with that individual’s assigned sex at birth.”

Gender expression is simply the outward manifestation of gender identity, and need not be “male” or “female.”

In an Advisory Opinion clarifying regulations (Maine Human Rights Commission, Advisory Opinion – Employee Bathroom Access, Sept. 10, 2013), the HRC stated that gender expression is protected only when it accords with a person’s gender identity. Or, a gender expression that does not accord with a person’s gender identity is not protected. What the HRC is getting at here is that a person whose gender identity is male cannot expect anti-discrimination protections to apply if he dresses as a woman or attempts to access sex-segregated facilities set aside for women. It does not limit gender identity or gender expression to male and female only.

In that Advisory Opinion, the HRC also said it is not necessary that a person have gender-reassignment surgery or other medical intervention to be covered by the protections on gender identity and expression. As they put it; “what is important is a person’s internal sense of being male or female.”

**4. How can an individual navigate job applications when their name and official identity are different from their chosen name and affirmed gender? Do people have to hide their identity?**

As explained above, the Maine anti-discrimination law protects potential employees (people applying for jobs) from being discriminated against based on their sexual orientation (which is defined to include gender identity and gender expression) during hiring (the job application process). The HRC employment regulations also protect people from discrimination based on their gender identity and gender expression. For these reasons, GLAD does not believe people should have to hide their identity, including if their chosen name and affirmed gender are different than their legal name and gender. However, this does not mean a potential employer won’t take a different point of view. In addition, it is unfortunately very hard to prove discrimination during hiring.

***TIP:* Anyone applying for a position of employment should be careful not to lie or misrepresent information on an application that can be used by the employer to justify not hiring them even if the real reason may be bias.**

If you believe you have been discriminated against during hiring, you can file a complaint with the Maine HRC and/or call GLAD Answers (see page 1). If you suspect or have reason to believe you may have suffered discrimination in the hiring process of a job, you can also call GLAD Answers so we can keep track of the specific employer.

Employer questions during a job interview may reveal discriminatory animus in the hiring process. It may help to know that the Maine anti-discrimination law also forbids employers, employment agencies, or labor organization from eliciting (asking about directly or indirectly, trying to find out about) or recording (writing down) information about a person's sexual orientation (which is defined to include gender identity and gender expression). In other words, a potential employer can't ask you about your sexual orientation, gender identity, or gender expression.

GLAD has resources to help if you are interested in changing your legal documentation to reflect your chosen name and affirmed gender. See <https://www.glad.org/wp-content/uploads/2017/01/trans-legal-issues.pdf> beginning on page 42 or call GLAD Answers (see page 1).

## **IN THE WORLD**

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### **1. What options exist for youth to contact each other outside of school?**

There are events and activities throughout the State. A monthly resource is the Family Affairs

Newsletter. Contact Zack Paakkonen by email to be added to the list:  
[zack@familyaffairsnewsletter.com](mailto:zack@familyaffairsnewsletter.com).

## **2. Where is Maine on a bill to ban sexual orientation and gender identity change efforts?**

Bans on “therapy” to make people into “ex gays,” (called “conversion therapy,” “reparative therapy” and “sexual orientation change efforts”) prohibit state-licensed medical and mental health providers from trying to change the sexual orientation or gender identity of a person under age 18. These “therapies” are based on the idea that there is something wrong with being LGBTQ, but we know, and the larger medical and social science community know, our orientation and/or identity are not a problem – discrimination and stigma are the problem.

**The nation’s leading medical, mental health, and human services professional organizations reject conversion therapy as a legitimate practice.** This includes the American Medical Association, the American Academy of Nursing, the American Psychiatric Association, the American Psychological Association, the Child Welfare League of America, and the National Association of Social Workers, among many others. The U.S. Substance Abuse and Mental Health Services Administration also issued an authoritative report entitled “Ending Conversion Therapy: Supporting LGBTQ Youth” in 2015, full of helpful information. See HHS Publication No. (SMA) 15-4928. Rockville, MD (2015).

**Kids who are sent to conversion therapy may be sent by parents who reject them.** Minors who experience family rejection because of their sexual orientation or gender identity face serious health risks. Research demonstrates that lesbian, gay, and bisexual young adults who reported higher levels of family rejection, including admission to conversion therapy, were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sex when compared to non-gay peers who reported no or low levels of family rejection. LGBT Policy Spotlight: Conversion Therapy Bans / Ryan, Caitlin, et al. "Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults." *Pediatrics* 123.1 (2009): 346-352.

### ***What is happening in Maine?***

A bill to ban conversion therapy is being carried over to the second half of the legislative session in January 2018, with Representative Ryan Fecteau as lead sponsor.

- To support or assist this effort, contact EqualityMaine, GLAD (see page 1), ACLU of Maine or Maine Women's Lobby
- Contact GLAD (see page 1) if you or someone you know (including someone who lives in Maine now, used to live in Maine, or was sent here from their homes

out of state) have been subjected to such “therapy” against their will.

***Where does this issue stand nationally?***

Right now, there are laws barring these “therapies” in California, Illinois, New Jersey, New York, Oregon, Vermont and D.C. A number of bills are underway in the 2017-18 session of state legislatures, including in Maine Massachusetts, Connecticut, Colorado and New Mexico.

***Do these laws interfere with religious rights?***

No. Some say laws forbidding licensed professionals from engaging in conversion therapy interferes with free speech and religious liberty and are too vague. But the licensing limitations do not target religion. They simply exercise the state’s power to regulate licensed care providers to ensure safety and efficacy. None of the lawsuits making these claims have succeeded, and for good reason. The U.S. Supreme Court in May 2017 also turned down a challenge to California’s conversion therapy ban.

**3. What is the most important thing youth can do to make change?**

There are so many ways to make change. We would all love to hear your answers about the most important things to do!

How you live your day-to-day life can make an enormous difference! You can give others a chance to get to know, understand, and appreciate you as

you and as an LGBTQ person. And you can likewise learn about them and what you have in common with others. This is community building and demonstrates that respect is a two-way street. It is only if others understand us as “real people” that we can make a fairer society and lasting change.

Get involved in the issues that matter to your life. Form a GSTA or support the one at your school and use it as a platform to decide how to improve things. Look into your state and local political candidates and volunteer for one you support. Get involved as a volunteer in organizations where you can learn and contribute your passion. When youth speak out about issues affecting their lives, people are apt to listen.

- In 2011, GLAD, EqualityMaine and the ACLU worked with people all over the State, and with star lobbyists Wayne and Nicole Maines, to defeat a “bathroom” bill like the notorious law in North Carolina.
- Youth activism has encouraged legislators to take stands against discrimination and bullying, is driving the renewed attention to racism and Islamophobia, and making transgender and queer people more visible.
- Youth across New England are leading efforts at their schools to provide more gender neutral bathrooms for students.

There are plenty of ways to connect with like-minded people and **do something!**