

LGBTQIA+ TEXANS: MAKE PLANS NOW



Identification Documents

Each state has its own rules about the gender signifiers that you can change in your identification documents. Your state's rules may differ from the federal government's rules.

IN TEXAS

In Texas, you can only change your name on state IDs, driver's licenses, and birth certificates. To change your name, get a court order signed by a judge.

BORN IN ANOTHER STATE OR COUNTRY?

Check the law there to determine what you need to change your gender marker. Advocates for Trans Equality has basic information about other states' ID requirements.

U.S. PASSPORTS

On your U.S. passport, you can only change your name. To change your name, you will need a court order signed by a judge.

- ✓ To change **your name**, get a court order signed by a judge.



Looking Out for Your Loved Ones

MARRIAGE

Married in Texas or any state that lacks laws recognizing same-sex marriage?

Consider:

- ✓ remarrying in another state that does recognize same-sex marriage, or
- ✓ registering a domestic partnership with your county clerk. *Not all Texas counties accept domestic partner registrations, so talk to a lawyer where you live to learn more.*

CHILDREN

Are you in a partnership and share children, but aren't a biological or legal parent?

- ✓ Think about adopting the children or getting custody orders so that you can keep the right to parent them.
- ✓ Talk to a lawyer who focuses on family law. They can help you assess your needs.



Discrimination

It is illegal to discriminate against someone for their sex, sexual orientation, gender presentation, or identity.

If you feel you are receiving unequal treatment in work, school, or housing because of any of these factors, contact your city Office of Civil Rights, the Texas Workforce Commission, or the US Equal Employment Opportunity Commission to file a complaint.

Discrimination cases are hard to win, so talk to a lawyer about the merits of your case.

In Texas, you must file an EEOC charge with the Texas Workforce Commission.

- ✓ You must file within 180 days from the day the discrimination took place.
- i The deadline can be extended to 300 days if a state or local agency enforces a law that prohibits employment discrimination on the same basis as a federal law.
- i Talk to a lawyer for advice about your individual situation.

Different states have different rules, and federal employees only have 45 days to file a complaint.

Laws and policies affecting the LGBTQIA+ community are changing rapidly. Even if you can't control shifting rules and laws, **you can control how you prepare.** *These tips are no substitute for legal advice. Before you do anything else, talk to a lawyer.*

Planning Ahead

It's tough to think about losing your health and passing away. But remember—advance directives and estate planning will give you peace of mind and help your loved ones.



Healthcare

HIPAA CONSENT FORM

- ✓ Complete a HIPAA consent form. Give it to each of your medical providers. That way, you authorize someone you trust to access your medical records when you need help.

POWERS OF ATTORNEY

- ✓ Complete a **medical power of attorney** to ensure that someone you trust can make your health care decisions if you become incapacitated.
- ✓ A **durable power of attorney** is another legal tool to designate a trusted individual to manage critical tasks on your behalf that can be made effective any time or upon incapacity.

INSURANCE

- ✓ Before starting any medical treatment or procedure, check with your health insurance to make sure it's covered.
- ✓ Call your insurance provider to find out what documentation they need from you, since coverage requirements may vary by policy.

DISABILITY

- ✓ You can name a **guardian** in advance of need. But guardianships may be expensive, and they do require court involvement and representation by a lawyer. Consider alternatives such as **supported decision-making agreements**.
- ✓ Qualified Income Trusts help Texas residents qualify for public benefits—for example, Medicaid coverage for long-term care.



End of Life Documents

- ✓ **Will:** Make sure your will is up-to-date so your assets will go to your chosen heirs, and your wishes about child custody will be known.
- ✓ **Out-of-Hospital Do-Not-Resuscitate (DNRs):** Tell emergency personnel not to resuscitate you but still allow pain-relief and comfort care.
- ✓ **A Directive to Physicians, or “living will,”** states your wishes about stopping life-sustaining treatment if two doctors certify your condition is terminal or irreversible.
- ✓ Set up other end-of-life documents too, like the appointment of an agent to **control disposition of remains**.

PROPERTY

Follow these steps so your largest assets will pass to whomever you want—without your heirs having to go through probate court.

- ✓ Own a home? Consider filing a transfer on death deed (TODD).
- ✓ Own a vehicle? Prepare a motor vehicle beneficiary designation and add them to the car title.
- ✓ Check all bank, retirement, and insurance accounts to make sure that you list the right beneficiaries, and make them “payable upon death” to your designated loved one(s).

TIPS

- ✓ Keep originals or at least a copy of each of these documents you complete and give copies to anyone named in the documents.
- i The Texas Department of Health and Human Services has free forms and instructions for advance directives noted here.

The information in this pamphlet created by

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