

KNOW YOUR RIGHTS

Transgender Inclusion & Protection

The desire to live authentically and in an environment free from discrimination is one most certainly shared by all members of the LGBT family, yet the reality of doing so greatly varies among us. For the Transgender community this is most certainly true. For many Transgender individuals, authenticity requires the ability to self-determine one's own gender identity and expression in order to live fully with dignity and respect. This fact sheet is to serve as a resource to the Transgender community in order to provide guidance through the process of changing their identification documents while also providing information on other central issues in healthcare, restroom access, and the workplace. Do you **know your rights**?

Identification Documents

What is the process for changing my identification documents to reflect my true identity?

Court Process for Name Change

- In South Carolina, an important first step in changing one's identification documents begins with pursuing a legal name change. This first step makes it easier to change the federal and state document outlined in this fact sheet.
 - The requirements for legal name change are outlined in [South Carolina Code Section 15-49-10](#).
 - [Resource Guide for the Process](#)

Federal Documentation

Social Security Information (Legal Gender Change)

- As of June 2013, the Social Security Administration implemented a policy which allows for a transgender person to change their gender on their Social Security records by submitting either government-issued documentation reflecting a change, or a certification from a physician confirming that they have had appropriate clinical treatment for gender transition. This policy no longer requires that an individual have gender reassignment surgery to change their documentation.
- For more about this process, please see the [National Center for Transgender Equality's detailed guide](#) regarding the specifics of this change.

Passport (Legal Gender Change)

- Similar to the Social Security Administration, the US State Department no longer requires that an individual undergo Gender Reassignment Surgery (GRS) in order to have their gender marker changed on their passport.
- [Understanding the New Passport Gender Change Policy](#)

State Documentation

Birth Certificate (Legal Gender Change)

- South Carolina laws regarding the issue of birth certificates
 - [Statute: S.C. Code Ann. § 44-63-150 \(2005\)](#)
 - [Administrative Code: S.C. Code Ann. Regs. 61-19 \(2006\)](#)



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- Although not explicitly addressed by statute or administrative code, South Carolina will issue an amendment as an attachment to the original birth certificate.
- [Birth Certificate Policies by State](#)

PLEASE NOTE: South Carolina Equality has received conflicting information in regards to this issue. A court order may be needed in order to make this change. According, obtaining a court order may require an additional statement from a physician indicating treatment has been completed. **As with any information provided in this fact sheet, it is important to consult a lawyer for legal advice regarding your particular situation.**

Driver's License (Legal Gender Change)

- South Carolina - "The general accepted method to change one's gender is to present medical documentation that gender has been changed and a court order to the local DMV."
- [Driver's License Policies by State](#)

PLEASE NOTE: The South Carolina DMV have indicated to South Carolina Equality staff that **medical documentation alone is insufficient to make the change.** In order to issue an amended driver's license, a court order or updated birth certificate are required. Please see above for more information on obtaining an updated birth certificate.

See Lambda Legal's [Transgender Resource Guide](#) and [Resources for Changing Your Documents](#) for Additional Information

Workplace

Can a potential employer in South Carolina refuse to hire me because of my sexual orientation or gender identity? Can my current employer fire me or deny me a promotion on the basis of my sexual orientation or gender identity?

Title VII (Federal)

- While the Transgender community are not explicitly protected under federal or South Carolina law in the area of workplace non-discrimination, transgender employees protected under [Title VII of the 1964 Civil Rights Act](#).
- In 2012, the Equal Employment Opportunity Commission (EEOC) declared unanimously that **anti-trans bias was sex discrimination under Title VII.**
- Title VII covers almost all of public and private-sector employees, as well as job applicants at companies with 15 or more employees.
- [Additional Resource Regarding Title VII and the EEOC](#)
- If you think you have a discrimination claim, call the EEOC: 1-800-669-4000. For more details, check out [Transgender Law Center's step-by-step guide to filing an EEOC charge](#).

[For Additional Information Regarding Non-Discrimination in the Workplace, Housing, and Public Accommodations please See South Carolina Equality's Non-Discrimination Fact Sheet](#)

- [Additional Lambda Legal Transgender Workplace Resource](#)
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Healthcare

Does my insurance policy cover transition-related care? What are my rights in regards to health provider discrimination?

Health Provider Discrimination

- With the passage of the *Patient Protection and Affordable Care Act* in 2010, it is now illegal for any health program or organization that is funded or administered by the federal government to discriminate against you because you are transgender, or because you are perceived as not conforming to gender stereotypes.
- These include:
 - Physicians' offices
 - Hospitals
 - Community Health Clinics
 - Drug rehabilitation programs
 - Rape crisis centers
 - Nursing homes and assisted living facilities
 - School- and university-based clinics
 - Medical residency programs
 - Home health providers
 - Veteran's health centers
 - Health services in prison or detention facilities
- See this [resources guide by the National Center for Transgender Equality](#) for more detailed information regarding the new healthcare law.
- Additional Resource by the American Center for Progress -- [The Affordable Care Act: Progress Toward Eliminating Insurance Discrimination Against Transgender People](#)

Transition-Related Care

- [HRC Resource for Finding Insurance for Transgender-Related Healthcare](#)
- [See Section 13 of this guide developed by Strong Families](#) to assist LGBT individuals and their families choose a healthcare plan.
- [Lambda Legal Transgender Health Care Resource](#)

Restroom Access

What are my rights when it comes to public restroom access?

- For an in-depth guide regarding the public restroom access, please see this [Lambda Legal Restroom Access Resource](#)

CLICK HERE FOR A [COMPREHENSIVE LIST OF SOUTHEASTERN TRANS RESOURCES](#)



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