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## Informational Guide for the LGBTQ+ Community

We at Jerner Law Group, P.C., understand the unsettling and scary times in which we find ourselves. When our firm was founded in 2003, our mission was to provide experienced, knowledgeable, and LGBTQ+ competent representation for our clients. It is disheartening to know that, over 20 years later, our mission is more important than ever. But we are proud to continue our work to support our community in and around Philadelphia.

This guide includes information for concerned LGBTQ+ families and individuals about legal protection and planning. Please be aware of a few important things before you start reviewing this guide:

We will attempt to update the guide as quickly as possible when relevant legal or regulatory changes take place. However, given the sheer number and speed with which such changes are being implemented, **we may not be able to make such updates immediately.**

At Jerner Law Group, P.C., our attorneys are licensed to practice in Pennsylvania, New Jersey, and the District of Columbia. **We are not licensed to practice in, and are not qualified to give advice about, the laws and regulations of other states and jurisdictions.**

The information provided is for informational and educational purposes only. **Nothing contained in the guide should be construed as legal advice.** Because each person's situation is unique and because laws, regulations, and court rules vary from jurisdiction to jurisdiction and are subject to change, please consult a lawyer licensed to practice in your jurisdiction to obtain legal advice appropriate to your individual situation.

The LGBTQ+ community is stronger than the current political environment and the obstacles it presents. Stay informed. Stay empowered. You are valid.

\* Special thanks to William Singer, Esq., of Singer & Fedun, LLC, whose work inspired this Guide.

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## Estate Planning

Estate planning is a powerful tool to communicate your wishes in the event of your disability or death. This is especially important when individuals who are legally defined as “next of kin” are not the individuals whom you would want to make medical or financial decisions on your behalf if you become incapacitated or to whom you would wish to leave property at your death.

### *Last Will and Testament*

If you die intestate (without a Will), there are laws in place that dictate exactly how your probate property<sup>1</sup> will be distributed. Intestacy laws do not account for important relationships you may have in your life with people who are not legally considered to be family members.

People who are excluded from inheriting under intestacy laws may include:

- Unmarried partners
- Children who are not related to the deceased person by biology or adoption
- Friends

Non-probate assets<sup>2</sup> will usually pass to the surviving joint owner of the asset or to the person or organization named as the beneficiary. However, even non-probate assets can be impacted by intestacy laws, such as when there is a failure to name a beneficiary and the asset is transferred to the deceased person’s estate.

Because intestacy laws are inflexible and because you cannot predict which of your family members will survive you, making a Will can give you the peace of mind that your wishes will be followed as to who will receive your property.

Wills can also be used by parents to name guardians for their minor children.

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<sup>1</sup> Probate property is property that does not pass by operation of law (such as to certain surviving joint owners) or by virtue of contract law (such as by beneficiary designation).

<sup>2</sup> Non-probate property includes certain assets that are jointly owned with others, accounts that have transfer-on-death or payable-on-death designations, and retirement accounts and life insurance policies that have beneficiary designations.

## ***Beneficiary Designations***

If you have a life insurance policy, a retirement account or a pension, chances are you were asked to designate beneficiaries. These beneficiaries are the individuals or organizations you name to receive these assets when you pass away. Beneficiary designations control what happens to such assets even if there is a different direction in a Will or trust. Therefore, it is crucial to make sure that these designations accurately reflect your wishes.

Even if you believe you have designated your beneficiaries, it is critical that you confirm, in writing, that the life insurance company or retirement account administrator has correctly recorded your beneficiary designations. Unfortunately, beneficiary designations can be “lost,” particularly when a retirement plan is transferred to a new company tasked with holding the account.

If you intend to name a child as a beneficiary, you should identify an adult custodian to hold and manage the funds for the benefit of the child. Do not assume that a child’s surviving parent will automatically be able to hold funds on behalf of a minor child. In Pennsylvania, for example, if no custodian is assigned to hold and manage property on behalf of a child, a parent or another adult must petition a court to be named as the guardian of the child’s estate in order to receive property on behalf of the child. This is time-consuming and expensive and places this critical decision in the hands of a court.

## ***General Durable Power of Attorney***

A general durable power of attorney identifies who can handle your financial affairs. This document can become effective immediately upon signing or if you become sick or injured and you are unable to manage your finances.

Importantly, being married does not give your spouse the ability to make financial decisions for you if you become unable to make such decisions yourself. Therefore, even people who are married should complete this document.

## ***Health Care Power of Attorney/Health Care Proxy***

A health care power of attorney, sometimes called a health care proxy, allows you to name a person to make medical decisions for you if you are unable to make them yourself. Without such a document, state laws will control who can make medical decisions for you if you are unable to make them yourself. Such power is typically given to legal next of kin.

## ***Living Will/Advance Directive for Health Care***

A living will or advance directive is a document in which you state your wishes regarding life-sustaining measures in the event you lose your ability to make or communicate your own medical decisions and you are in the end stage of a terminal illness or are in a persistent vegetative state.

## ***Standby Guardianship Designation***

Many states, including Pennsylvania, have laws permitting parents to designate someone to immediately (although temporarily) assume care for, and make decisions on behalf of, minor children in the event of certain triggering events. Such triggering events can include the parents' incapacity or death.

## **Securing Parental Rights**

Appearing on a child's birth certificate, being married to the child's other parent, or even being genetically related to a child may not be enough to conclusively establish parentage or confer parental rights. Many families have benefited from the advancements of assisted reproduction technology (ART) procedures. While there have been rapid advances in ART, state laws have not evolved as quickly.

Even if a person's parental rights are recognized in the state where they currently live, those parental rights may not be recognized if:

- Their marriage breaks up
- They travel or move to another state
- The parent or the child dies

Parents should try to ensure that their parental rights will be recognized in the state where they currently live and that those rights will be recognized if they leave their home state or if family circumstances change.

Parents who are not biologically or genetically related to their child, mothers who are genetically related to their child but who did not gestate (carry) their child, and/or parents who have used a gestational carrier to carry their child should **obtain an adoption to confirm and secure their rights as soon as possible.**

## ***Frequently Asked Questions (FAQs) - Confirmatory Adoptions***

- ★ **Why is an adoption to confirm my parental rights necessary if I am listed as a parent on my child's birth certificate?**

A birth certificate is an administrative document, not a legal one. A birth certificate alone is not enough to establish parentage in the United States.

- ★ **Why is an adoption to confirm my parental rights necessary if I am married to my child's genetic/legal parent?**

Some states, including Pennsylvania and New Jersey, recognize certain rights and obligations with respect to a child based on the marriage of the parents at the time of the child's birth. However, recognition of these rights can be lost if a marriage ends. Additionally, even if the parents are still married, it is likely that such parental rights will not be recognized in many other states.

- ★ **Why is an adoption to confirm my parental rights necessary if I have raised my child with my child's genetic/legal parent?**

Some states, including Pennsylvania and New Jersey, recognize certain rights and obligations with respect to a child based on whether a non-biological parent acts as a parent to the child. However, these rights and obligations may be lost if the non-biological parent ceases to parent the child for a period of time. Also, it is likely that such parental rights will not be recognized in many other states.

Even in Pennsylvania, where the Pennsylvania Supreme Court recently adopted the doctrine of intent-based parentage<sup>3</sup> – recognizing those who plan for and use artificial insemination to create and raise a child as legal parents – it is likely that such parental rights will not be recognized in many other states. It is even possible that such parental rights will not be recognized for all purposes *within Pennsylvania*. For instance, it is likely that the relationship will not be recognized for purposes of determining whether the child and parent have the right to inherit from one another via intestacy (when someone dies without a Will) and for purposes of determining whether a child of such a parent is entitled to certain Social Security survivor benefits.

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<sup>3</sup> See *Glover v. Junior*, 2025 Pa. LEXIS 390 (Pa. 2025). You can read about the *Glover* decision in Jerner Law Group's blog post **here**: <https://www.jernerlaw.com/pennsylvania-supreme-court-adopts-a-new-pathway-to-establish-legal-parenthood/>

★ **Why is an adoption confirming my parental rights necessary when my partner/spouse and I used reciprocal in vitro fertilization (IVF) or co-IVF?**

Reciprocal in vitro fertilization (IVF) or co-IVF, where one partner's egg is used to create an embryo which the other partner carries to term, can create legal ambiguity for parents. In most jurisdictions, including Pennsylvania and New Jersey, the gestational parent – the one who carries the pregnancy – is considered the legal parent, even if they are not genetically related to the child. This results in the genetic parent not having parental rights to the child that will be recognized for all purposes in all states.

For these reasons, it is very important for parents utilizing co-IVF to seek a confirmatory adoption in order to confirm the genetic parent's rights, as well as to affirm the gestational parent's rights.

★ **Why is an adoption confirming my parental rights necessary when my partner/spouse and I used a gestational carrier and we obtained a pre-birth order stating that we are the child's legal parents?**

If you have obtained a pre-birth order regarding parentage, it is a great first step. However, it is advisable to obtain an adoption after the birth of the child. While the U.S. Supreme Court has ruled that states must recognize adoptions from other states under the U.S. Constitution,<sup>4</sup> there is no similar U.S. Supreme Court case regarding pre-birth orders. Therefore, adoptions provide the maximum protection.

★ **What is the difference between step-parent and second-parent adoptions?**

In Pennsylvania and New Jersey, the difference between a step-parent and a second-parent adoption is the parents' marital status. Step-parent adoptions occur when the adopting parent and the child's current legal parent are married, while second-parent adoptions occur when the adopting parent and the child's current legal parent are unmarried. In Pennsylvania and New Jersey, both are considered confirmatory adoptions, but each type of adoption is subject to different requirements.

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<sup>4</sup> See *V.L. v. E.L.*, 577 U.S. 464 (2016).

## Protecting Your Relationship

### ***Marriage***

Following the United States Supreme Court's decision in *Obergefell v. Hodges*, marriage became available to same-sex couples throughout the U.S. Through marriage, same-sex couples can ensure that their relationships are recognized by state governments and by the federal government.

Same-sex marriage is still legal in the United States, and there is no immediate threat to the U.S. Supreme Court's ruling in *Obergefell v. Hodges* or to same-sex marriage equality. Even if *Obergefell* were to be overturned, there are other protections in place for same-sex marriage:

- The United States Congress passed the Respect for Marriage Act (RFMA) in 2022, which requires the United States government and all U.S. states and territories to recognize the validity of same-sex and interracial marriages in the United States.
- States control their own marriage laws. Many states have their own laws protecting same-sex marriage and some have state constitutions that may provide stronger protection for same-sex marriage than does the U.S. Constitution.

### **Prenuptial Agreements**

Before marrying, individuals can enter into a prenuptial agreement setting forth each party's legal rights and obligations to one another, including details regarding support obligations and/or property division should the couple divorce.

### **Post-Nuptial Agreements**

After marrying, individuals can enter into a post-nuptial agreement setting forth each party's legal rights and obligations to one another, including details regarding support obligations and/or property division should the couple divorce.

## *Alternatives to Marriage*

### **Domestic Partnerships & Civil Unions**

In New Jersey, domestic partnerships and civil unions are available alternatives to marriage. In Pennsylvania, domestic partnerships are offered by some cities, including Harrisburg, Pittsburgh, Allentown, and Philadelphia. However, domestic partnerships, civil unions, and marriage all carry different rights and responsibilities. Domestic partnerships and civil unions are not recognized in every state and are generally not recognized by the federal government.

### **Cohabitation Agreements**

Unmarried individuals can enter into a cohabitation agreement, sometimes called a domestic partnership agreement, setting forth their legal rights and obligations to one another and how property will be divided should they break up.

## **Legal Name Changes**

Individuals can change their name in various ways – including marriage, adoption, or by court order.

The procedure to obtain a court-ordered name change varies by state. For most adults and children in Pennsylvania and New Jersey, a legal name change must be done through the court in the county in which they reside.<sup>5</sup> Every state (and, in some states, every county) has its own requirements for legal name changes.

At the conclusion of the legal name change process, individuals can order certified copies of their name change order. Certified copies are used to update an individual's government-issued identity documents (IDs) following their name change. The most common federal and state documents to update include:

- U.S. Passports
- Social Security cards
- Birth certificates
- State-issued IDs (such as REAL IDs, driver's licenses, non-driving IDs, or learner's permits)

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<sup>5</sup> In some limited circumstances, parents of young children born in Pennsylvania may change their child's name administratively through the Pennsylvania Department of Health, Division of Vital Records (Pennsylvania Vital Records). Interested individuals can find more information about these processes on Pennsylvania Vital Records' website [here](https://www.pa.gov/agencies/health/programs/vital-records/birth-certificates/amending-birth-record): <https://www.pa.gov/agencies/health/programs/vital-records/birth-certificates/amending-birth-record>

## ***Name Changes for Transgender and Gender Non-Conforming People***

Legal name changes are still permitted in every jurisdiction of the United States, including name changes for transgender and gender non-conforming people. The tumultuous changes in federal policy and issuance of federal executive orders affecting the transgender community do not directly affect state procedures for obtaining a legal name change or updating one's legal name on state-issued documents – including birth certificates, driver's licenses, and REAL IDs.

In Pennsylvania, people who fear that public knowledge of their name change could jeopardize their safety may request that the publication requirement be waived and that the court record be sealed. Adults seeking a name change who wish to request waiver of publication and sealing of the court record and parents seeking a name change for their minor transgender or gender non-conforming children are **strongly encouraged** to consult with a knowledgeable name change attorney before starting the name change process.

## **Identity Documents (IDs)**

### ***Carrying Documents With You***

**U.S. citizens** who are concerned that they be swept up in the current administration's aggressive targeting of immigrants and visa holders may decide to carry copies of their U.S. birth certificate, Consular Report of Birth Abroad, Naturalization Certificate and/or U.S. Passport or Passport Card.<sup>6</sup>

**Legal permanent residents** should carry their Permanent Resident Card (Green Card) with them at all times.

**U.S. visa holders** should carry their visa and other required immigration documents with them at all times.

**It is not advisable to carry such documents electronically on your cell phone.**

Presenting your phone to authorities – including police officers, immigration officers, or other authorities – may expose any information stored on your phone to scrutiny, including your personal information.

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<sup>6</sup> U.S. Passport holders can order a Passport Card. A Passport Card is a wallet-sized, plastic passport that has no visa pages. It is a federal ID and can be used as an alternative to a REAL ID for domestic travel or to prove U.S. citizenship but cannot be used for international travel. It is possible that, for transgender and gender non-conforming people, ordering a Passport Card at this time may result in issuance of a Passport Card reflecting their sex assigned at birth. For more information about Passport Cards and other federal IDs, see the discussion on page 10 of this Guide.

## ***Storing Documents for Safe-Keeping***

Make sure that you have the originals or certified copies<sup>7</sup> of your important documents and that they are stored securely. Store copies of such documents in secure digital cloud storage or in a safety deposit box.

## ***Updating Names and/or Gender Markers on IDs***

Anyone who legally changes their name, whether through marriage, adoption, or a court-ordered name change, can update their IDs to reflect their name change. Individuals will be required to present documentary evidence of their name change, which may include:

- A certified copy of their marriage license
- A certified copy of an adoption decree or parentage order
- A certified copy of their name change order

**Legal names and gender markers can be updated separately.** Individuals may decide to update their gender marker on their state-issued IDs before obtaining a legal name change.

People are encouraged to check their birth state's requirements to update their birth certificates and their resident state's requirements to update their state-issued IDs.<sup>8</sup>

If changing the name on a particular ID following a name change is not required – or if changing the name may result in a document being issued with the incorrect gender marker – you may decide not to update an ID. If so, make sure to have an original or certified copy of your documentary evidence of the name change (such as the court order, adoption decree, or marriage license) with you when using that ID.

## ***Birth Certificates in Pennsylvania & New Jersey***

In Pennsylvania:

- A person's gender marker can be set to either female (F) or male (M).
- For individuals under 18 years old, gender markers can be changed by self-attestation by their parents or guardian(s).
- For individuals 18 years old or older, gender markers can be changed by self-attestation and providing a physician's statement on office letterhead stating the applicant has had the “appropriate clinical treatment” for their gender transition.

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<sup>7</sup> A certified copy is a copy of a document that has been officially verified as true and accurate by the issuing entity (such as a government agency or court).

<sup>8</sup> This information is available at Advocates for Trans Equality (A4TE)'s ID Documents Center, available **here**: <https://transequality.org/documents>.

In New Jersey:

- A person's gender marker can be set to either female (F), male (M), or undesignated/non-binary (X).
- For individuals under 18 years old, gender markers can be changed by self-attestation by their parents or guardian(s).
- For individuals 18 years old or older, gender markers can be changed by self-attestation.

### **State-Issued IDs in Pennsylvania & New Jersey**

State-issued IDs may include driver's licenses, non-driving state IDs, learner's permits, or REAL IDs.<sup>9</sup>

In Pennsylvania, a person's gender marker can be set to either female (F), male (M), or undesignated/non-binary (X). Gender markers can be changed by **self-attestation**.

In New Jersey, a person's gender marker can be set to either female (F), male (M), or non-binary/other (X). Gender markers can be changed by **self-attestation**.

### **Federal IDs**

Federal policies currently prohibit updating gender markers on federal documents, including Consular Reports of Birth Abroad, Certificates of Naturalization, and Global Entry Cards, as well as in data retained by the Social Security Administration.

Changes to federal policy do not affect the validity of current valid federal documents, including passports. All previously issued passports with updated gender markers – including X gender markers – are valid until they expire and may be used for domestic or international travel.

### *U.S. Passports*

Prior to January 2025, the U.S. State Department issued passports reflecting an individual's chosen gender marker, which could include female (F), male (M), or nonbinary/undesignated (X). Effective January 22, 2025, the U.S. State Department issued a new passport policy requiring that all passports reflect an individual's sex assigned at birth, rather than their chosen gender marker. This policy applies to all new passports, renewed passports, and updated/corrected passports, regardless of whether applicants have updated their gender marker in the past. Under this policy, the only

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<sup>9</sup> While REAL IDs are primarily used as IDs for domestic flights and for entering certain federal buildings, they are state-issued documents. Requirements regarding gender markers on REAL IDs are set by an individual's state of residence, not by the federal government.

markers available are female (F) or male (M).

The State Department has confirmed that any previously-issued passports – including those with X gender markers or reflecting an individual’s chosen gender marker – shall remain valid until they expire, “under International Civil Aviation Organization (ICAO) policy.”

However, any applications for new, renewed, or corrected passports will be processed under the State Department’s passport policy and will likely be returned reflecting the applicant’s sex assigned at birth, instead of their chosen gender marker. This will apply regardless of whether the applicant is seeking to change information in their passport.

There is litigation in progress to challenge the passport policy:

- *Orr v. Trump* was filed by the American Civil Liberties Union (ACLU), ACLU of Massachusetts, and Covington & Burling LLP on behalf of seven transgender, gender non-conforming, and intersex plaintiffs. The case is being litigated in the U.S. District Court for the District of Massachusetts.<sup>10</sup>
- *Schlacter v. Department of State* was filed by Lambda Legal on behalf of seven transgender and nonbinary plaintiffs. The case is being litigated in the U.S. District Court for the District of Maryland.<sup>11</sup>

#### *Frequently Asked Questions (FAQs) – Passports*

★ **What will happen if a transgender, gender non-conforming, or intersex person applies for a passport for the first time?**

Under the State Department’s current passport policy, new passports will be issued reflecting the applicant’s sex assigned at birth, even if the marker does not correspond with the applicant’s chosen gender marker.

State Department officials will make efforts to confirm the applicant’s sex assigned at birth, based on the applicant’s supporting documents and information currently available to federal agencies. This likely includes information available to the Social Security Administration and the Selective Service System.

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<sup>10</sup> More information about *Orr v. Trump* is available on the ACLU’s website [here](https://www.aclu.org/cases/orr-v-trump#legal-documents): <https://www.aclu.org/cases/orr-v-trump#legal-documents>.

<sup>11</sup> More information about *Schlacter v. Department of State* is available on Lambda Legal’s website [here](https://lambdalegal.org/case/schlacter-v-us-dept-of-state/): <https://lambdalegal.org/case/schlacter-v-us-dept-of-state/>.

★ **What will happen if someone has previously updated the gender marker on their passport and then applies to renew their passport?**

Under the State Department's current passport policy, renewed passports will be issued reflecting the applicant's sex assigned at birth, even if the marker does not correspond with the applicant's chosen gender marker.

State Department officials will likely alter an applicant's passport to reflect their sex assigned at birth, even if the applicant has not requested to update or change any information.

★ **I want a gender marker on my passport that is different than my sex assigned at birth. Can I write a different marker in my application?**

Under the State Department's current passport policy, all passports will be issued reflecting the applicant's sex assigned at birth, even if the marker does not correspond with the applicant's chosen gender marker.

The application form will ask applicants for their "sex assigned at birth," rather than their gender or chosen gender marker. Reporting false information on a federal form can have serious consequences, including imprisonment or fines.

★ **I updated my gender marker on my U.S. Passport before legally changing my name. What will happen when I apply to update my legal name on my U.S. Passport?**

Applications to update the legal name on an individual's passport are often processed like passport renewals. Under the State Department's current passport policy, renewed passports will be issued reflecting the applicant's sex assigned at birth, even if the marker does not correspond with the applicant's chosen gender marker.

State Department officials will likely alter an applicant's passport to reflect their sex assigned at birth when issuing the applicant's updated passport after a legal name change. Because of this, many transgender people are forced to decide between having a passport reflecting their old legal name and correct gender marker, or reflecting their new legal name and incorrect gender marker.

Transgender, gender non-conforming, and intersex applicants may decide to wait to update their legal name on their U.S. passports and travel using their current passport, reflecting their old legal name and correct gender marker. If you decide to do so, please keep two things in mind when traveling:

- **Book your travel accommodations, including your plane ticket, under the name listed on the ID you will be using while traveling.** For example, when flying internationally, be sure to book your plane ticket under the name listed on your U.S. passport, even if this is no longer your legal name.
- **Carry a certified copy of the name change order, marriage certificate or adoption decree changing your name while traveling.** That way, if someone questions the name on the passport, you will be able to show that the passport belongs to you.

★ **I previously updated my gender marker on my U.S. Passport. Can I still use it for ID and/or for travel?**

Yes. Any validly-issued federal IDs – including passports – remain valid until they expire, regardless of the gender marker listed. All passports, including those with an X gender marker or with a gender marker that does not match the holder’s sex assigned at birth, will remain valid for travel until their expiration date.

★ **My U.S. passport has an X gender marker. Can I still use it? Are there any concerns or risks to using it?**

The State Department has confirmed that all passports, including those with an X gender marker, will remain valid for travel until their expiration date.

However, there are some risks when traveling internationally while using a passport with an X gender marker. These risks include:

- **Potential discrepancies may lead to extra scrutiny, including additional questioning or security screening, by U.S. Customs and Border Protection (CBP).** Since 2005, CBP has required commercial airlines to report advance passenger information about international travelers, including their gender. Effective October 14, 2025, CBP has resumed enforcement of a formal rule requiring commercial airlines to submit male (M) or female (F) gender markers for international travelers; other markers, including X, will result in an error and will require airlines to submit a binary marker instead. This means that international travelers using a passport with an X gender marker may be contacted by their airline for more information about their gender when booking, or that there may be a discrepancy between an international traveler’s passport and the information reported to CBP. This discrepancy may lead to international travelers being subject to extra scrutiny when entering or leaving the United States, including additional questioning or security screening by CBP.

- **Some countries may not recognize the validity of passports with X gender markers.** Many countries will not permit entry for international travelers using travel documents with X gender markers, even if the documents were validly issued by their country of citizenship. Saudi Arabia, Nigeria, United Arab Emirates, and Libya are among the countries reported to deport or deny entry to international travelers using travel documents with X gender markers.

At this time, there have been no confirmed incidents of travelers with X gender markers on their passports being detained or having their travel documents confiscated. However, amidst the current political climate and growing uncertainty, some individuals may decide to renew their passport so it reflects their sex assigned at birth rather than an X gender marker. Ultimately, people are encouraged to travel using the ID reflecting the gender marker they are most comfortable using.

## Selective Service & the Transgender Community

Individuals who are between the ages of 18 and 25 and who were assigned male at birth are required to register with the U.S. government for conscription by the Selective Service System – more commonly known as Selective Service, or just the draft. Failure to register is a felony offense that can result in fines, imprisonment and denial of government aid, programs, and loans.

### ***Individuals Assigned Male at Birth (AMAB)***

AMAB individuals who later transition or identify as another gender are required to register with Selective Service within 30 days of turning 18 years old.

Following registration and until the age of 26, if individuals legally change their name and/or move to a new address, they are required to notify Selective Service of the change within 10 days. To update this information, individuals can complete the Change of Information Form (SSS Form 2) or call 888-655-1825.

### ***Individuals Assigned Female at Birth (AFAB)***

AFAB individuals are not eligible to register with Selective Service. If an AFAB individual wishes to identify as male in applications for federal programs or loans, they will be asked if they are registered with Selective Service. If they are not registered, they will be deemed ineligible for such government assistance. Those individuals should a

Status Information Letter, often referred to as an exemption letter.<sup>12</sup> Status Information Letters themselves will not state the reason for the exemption and using it will not automatically “out” the individual as being transgender or gender non-conforming. So long as the AFAB individual has a Status Information Letter, they can show that they are exempt from the draft on future applications for government aid, programs, or loans, and remain eligible for government assistance.

### ***Frequently Asked Questions (FAQs) - Selective Service***

- ★ **Can a transgender man, trans-masculine person, or gender non-conforming person register for Selective Service instead of requesting a Status Information Letter?**

The registration for Selective Service asks the applicant for their sex assigned at birth to determine whether they are eligible to register. Reporting false information on a federal form can have serious consequences, including imprisonment or fines.

- ★ **Can a transgender woman, trans-feminine person, or gender non-conforming person refuse to register for Selective Service?**

Failing to register for Selective Service is a felony punishable by a fine of up to \$250,000 and up to 5 years imprisonment. A person who knowingly counsels, aids, or abets another person to fail to comply with their registration requirement is subject to the same penalties. Failing to register will also make an individual ineligible for certain government assistance.

- ★ **Does a transgender man or gender non-conforming person need to provide documentary evidence of their sex assigned at birth when requesting a Status Information Letter?**

Yes. A request for a Status Information Letter requires a copy of the individual’s birth certificate indicating their birth-assigned sex. If their birth certificate has already been updated, individuals will need to provide other documentation to explain the change.

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<sup>12</sup> More information about requesting a Status Information Letter can be found on Selective Service’s website [here](https://www.sss.gov/verify/sil/): <https://www.sss.gov/verify/sil/>.

## Gender-Affirming Care for Minors

“Gender-affirming care” describes healthcare or medical services that affirms a person’s gender identity and that allows transgender and gender non-conforming people to align various aspects of their lives with their gender identity. In its 2025 decision in *United States v. Skrmetti*, the U.S. Supreme Court upheld a Tennessee law banning gender-affirming care for minors if such care is being provided to treat gender dysphoria or to validate a transgender minor’s gender identity. The Court ruled that classifying minors based on their transgender status does not violate the Equal Protection Clause of the U.S. Constitution. Ultimately, this decision means that states can legally prevent minors from accessing gender-affirming care.

It is currently legal to provide gender-affirming care to children in Pennsylvania and New Jersey.

### ***Gender-Affirming Care in Pennsylvania***

**Gender-affirming care for minors is legal in Pennsylvania.**

House Bill 1677 – the “Protecting Parents of Transgender Children Act” – would prohibit governmental action against parents, legal custodians, and legal guardians of minors in the provision of certain information and healthcare services to minors. The bill would also preclude these actions from being considered child abuse and would provide protections to parents, legal custodians, and legal guardians who seek such medical care or information for their children.

### ***Gender-Affirming Care in New Jersey***

**Gender-affirming care for minors is legal in New Jersey.**

Governor Phil Murphy signed Executive Order No. 326 to establish New Jersey as a safe haven for gender-affirming healthcare in April of 2023.<sup>13</sup> The Executive Order directs state departments and agencies to protect patients and healthcare professionals against any legal consequences for providing, receiving, seeking, or traveling to New Jersey for gender-affirming care. It also prohibits state departments, agencies, or officials from imposing civil, criminal, or professional liability on people providing or receiving such care in New Jersey.

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<sup>13</sup> Executive Order No. 326 can be found **here**: <https://www.nj.gov/infobank/eo/056murphy/pdf/EO-326.pdf>.

## ***Federal Subpoenas***

In the summer of 2025, the U.S. Department of Justice (DOJ) issued subpoenas to healthcare institutions in major cities, including Philadelphia and Pittsburgh, which provide gender-affirming care to minors. The DOJ claims that these subpoenas were issued in the course of investigations into “healthcare fraud, false statements, and more.” The information sought from targeted providers included years’ worth of confidential information belonging to current or past patients, including medical records relating to physical and mental health, birthdates, Social Security numbers, and home addresses. Many targeted healthcare institutions challenged the subpoenas; however, those efforts are largely not visible, as many cases are proceeding under seal and are not accessible by the general public. Targeted institutions include the University of Pittsburgh Medical Center (UPMC) and the Children’s Hospital of Philadelphia (CHOP).

UPMC officially ceased providing gender affirming care on June 30, 2025, and has complied with the DOJ subpoena. A discrimination complaint was filed against UPMC by transgender patients and their families with the Pennsylvania Human Relations Commission in September of 2025.

In November of 2025, the District Court for the Eastern District of Pennsylvania ruled that CHOP was not required to turn over confidential medical files or to provide identifying information about its patients or families who received gender affirming care. The court held that the subpoenas exceed the DOJ’s authority and that heightened privacy concerns for CHOP’s patients and their family members far outweighed any need by the DOJ for the confidential information.

## **Domestic & International Travel**

Before traveling, LGBTQ+ travelers should research applicable laws and travel advisories and/or contact a knowledgeable attorney in the destination state or country to discuss potential issues and concerns.

### ***Flying Within the U.S.***

#### **Valid IDs for Traveling**

Adult passengers must present valid identification at U.S. airport checkpoints in order to board their flight or pass through airport security. Examples of valid IDs can include:

- REAL ID-compliant driver’s license
- State-issued Enhanced Driver’s License (EDL) or Enhanced ID (EID)
- Valid U.S. Passport
- Valid U.S. Passport Card

- Global Entry (Global ID) card
- U.S. Department of Defense ID, including IDs issued to dependents
- Permanent Resident Card (Green Card)

## Electronic Devices

Many people travel with their electronic devices, including phones, tablets, and laptop computers. TSA can require that you turn on your electronic devices to prove that the devices are what they appear to be. However, TSA is **not** permitted to search the contents of such devices.

## *Traveling Outside the U.S.*

### Valid IDs for Traveling

U.S. citizens need a valid U.S. passport to travel internationally. Some destination countries may also require a visa to enter those countries.

## Electronic Devices

When passing through border checkpoints, U.S. Customs and Border Patrol (CPB) agents may inspect, search, or detain any person, luggage, or merchandise coming into or leaving the country – including electronic devices, like phones, tablets, and laptop computers.

Individuals have the legal right to refuse to unlock their electronic device for CPB agents,<sup>14</sup> but such refusal may result in CPB confiscating the device temporarily so that they can attempt to unlock it.

Concerned individuals should consider leaving electronic devices at home or using “clean” devices, such as a “burner” phone, when traveling.

## Global Entry Program

Eligible individuals who frequently travel internationally may wish to enroll in Global Entry, often called Global ID. It allows expedited clearance for pre-approved travelers upon arrival into the United States. Travelers can bypass long lines and face-to-face interviews with immigration and customs officers. Membership lasts for five years before renewal is required. It can also be used as an alternative to REAL ID for domestic travel.

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<sup>14</sup> People can secure their devices by disabling facial recognition to log into their device and by choosing not to disclose their passcode.

Global Entry is currently required to reflect an individual's sex assigned at birth, not a person's gender identity. In-person interviews are also required for Global Entry. People who have changed their gender marker on their passport may face extra scrutiny when applying for Global Entry.

## Short-Term Travel

For travel such as vacations or business trips to other countries, individuals should consult with an attorney knowledgeable about the laws in the destination location and in any layover locations for specific questions about their risks or concerns while traveling.

## Emigration

Eligible individuals may want to consider applying for dual citizenship or an ancestral passport from another country. Having dual citizenship or multiple passports may be useful in times of crisis.

## ***Transgender and Gender Non-Conforming Travelers***

Before traveling, transgender and gender non-conforming people should take special precautions to try to ensure a smooth experience, including:

- Prepare for additional scrutiny while traveling through airport security. Transgender people are often subject to additional screening by TSA due to “inconsistencies” during body scans.<sup>15</sup>
- If using a passport with an X gender marker, prepare for extra scrutiny, including additional questioning or security screening, by U.S. Customs and Border Protection (CBP).<sup>16</sup>
- Book your travel accommodations, including your plane ticket, under the name listed on the ID you will be using while traveling. For example, when flying internationally, be sure to book your plane ticket under the name listed on your U.S. Passport, even if this is no longer your legal name.

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<sup>15</sup> Advocates for Trans Equality (A4TE) provides Know Your Rights informational webpages on Travel, Passports, and Airport Security. Individuals are encouraged to view A4TE's website for information and resources about airport security [here](https://transequality.org/issues/travel-airport-security): <https://transequality.org/issues/travel-airport-security>. A4TE's website discussing body scans used by TSA can be found [here](https://transequality.org/resources/know-your-rights-airport-security): <https://transequality.org/resources/know-your-rights-airport-security>.

<sup>16</sup> Effective October 14, 2025, commercial airlines are required to submit male (M) or female (F) gender markers for international travelers; other markers, including X, will result in an error and will require air carriers to submit a binary marker instead. This may lead to international travelers being subjected to extra scrutiny when entering or leaving the United States, including additional questioning or security screening by CBP.

- If your IDs have not been updated to reflect your current legal name, carry a certified copy of your name change document, such as your name change order, marriage certificate, or adoption decree, while traveling. That way, if someone questions the name on the passport, you will be able to show that the passport belongs to you.
- Check travel advisories to avoid traveling to hostile/dangerous locations.
- Research applicable laws before traveling and/or contact a knowledgeable attorney in your destination state or country to discuss your concerns.

## ***Traveling with Children***

Individuals traveling with minor children may receive extra scrutiny while passing through security checkpoints.<sup>17</sup> For parents traveling with children, it is advisable to carry a copy of your child's birth certificate.<sup>18</sup> If applicable, it is also advisable to carry any legal documentation evidencing your relationship to your child, including court orders or adoption decrees.

The United States does not require evidence of both parents' or both guardians' permission for a child to travel internationally, but some countries do. When only one parent or guardian is traveling with a minor child, or when a minor child is traveling alone or with someone who is not a parent or guardian, some countries require a written permission letter that is signed and notarized by the child's parents or guardians. Research applicable laws in your destination country and/or contact a knowledgeable attorney in your destination country to discuss your concerns.

## ***Traveling with Medication***

Individuals traveling with medication must be careful to research whether their airline, destination, or any layover locations have any policies or laws which ban or restrict their medication. You may need to obtain a government permit, a letter from your doctor that has been translated into the destination country's language, and/or other documentation in order to travel safely with your medication.

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<sup>17</sup> For LGBTQ+ families, it is important not to presume this scrutiny is homophobic; immigration officials are sensitive to child trafficking and international kidnapping and may conduct additional screening for that purpose.

<sup>18</sup> As discussed in "Securing Parental Rights," a birth certificate is an administrative document, not a legal one, meaning that being listed as a parent on a child's birth certificate does not confer parental rights. However, a birth certificate listing the parents of a child is typically sufficient for proof of parental status while traveling.

When traveling with puberty blockers, hormones, or other gender-affirming medications for a transgender or gender non-conforming child, it is vital that you obtain legal advice from an attorney knowledgeable about the relevant laws in your destination location and in any layover locations.

## **LGBTQ+ Mental Health Resources**

While this guide is intended to be helpful and informative, it can also be overwhelming to prepare for every possible situation for yourself and your family. **If you are in distress, it is important to ask for help and support.**

Please reach out to any of these resources:

### **The Trevor Project**

[www.thetrevorproject.org](http://www.thetrevorproject.org)

24/7 Hotline: (866) 4-U-TREVOR ((866) 488-7386)

Available via instant messaging at [TrevorChat](#)

or via text at [TrevorText](#) (text START to 678678)

### **Trans Lifeline**

[www.translifeline.org](http://www.translifeline.org)

Peer-Support Crisis Hotline: (877) 565-8860

(Available from 1 pm - 9 pm EST)

### **The LGBT National Hotline**

[www.lgbthotline.org](http://www.lgbthotline.org)

Confidential Hotline: (888) 843-4564

(Available M-F 1 pm to 9 pm EST and Saturdays 12 pm – 5 pm EST)

### **The LGBT National Youth Talkline**

[www.lgbthotline.org/youth-talkline/](http://www.lgbthotline.org/youth-talkline/)

Hotline serving youth through age 25: (800) 246-7743

(Available M-F 1 pm to 9pm EST and Saturdays 12 pm – 5 pm EST)