

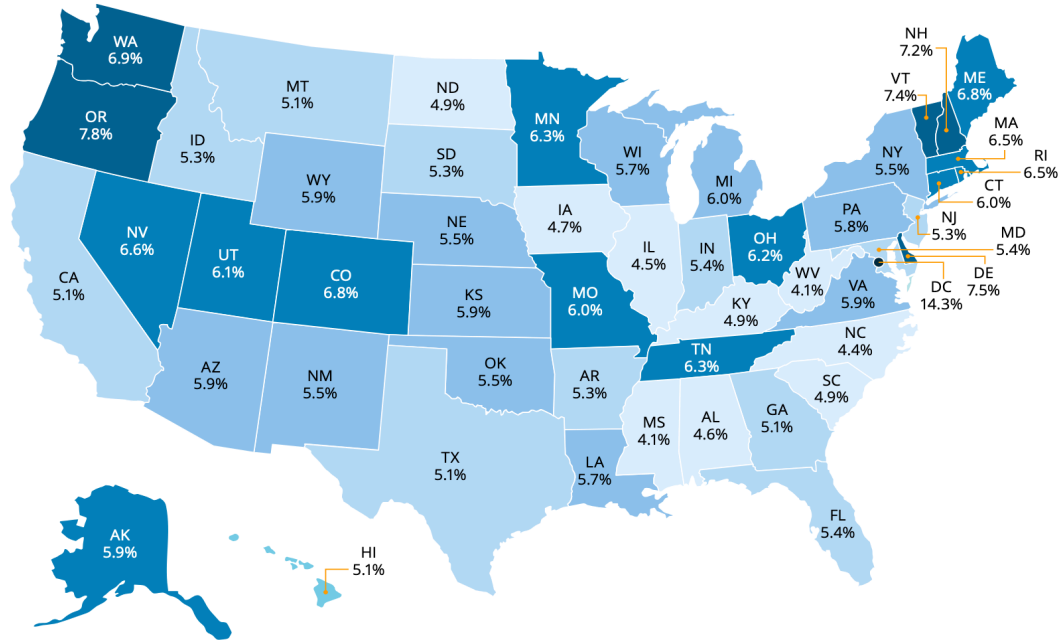
Generations, Gender Identity & the Law

Presented by the
NAWJ LGBTQ Committee

October 18, 2024

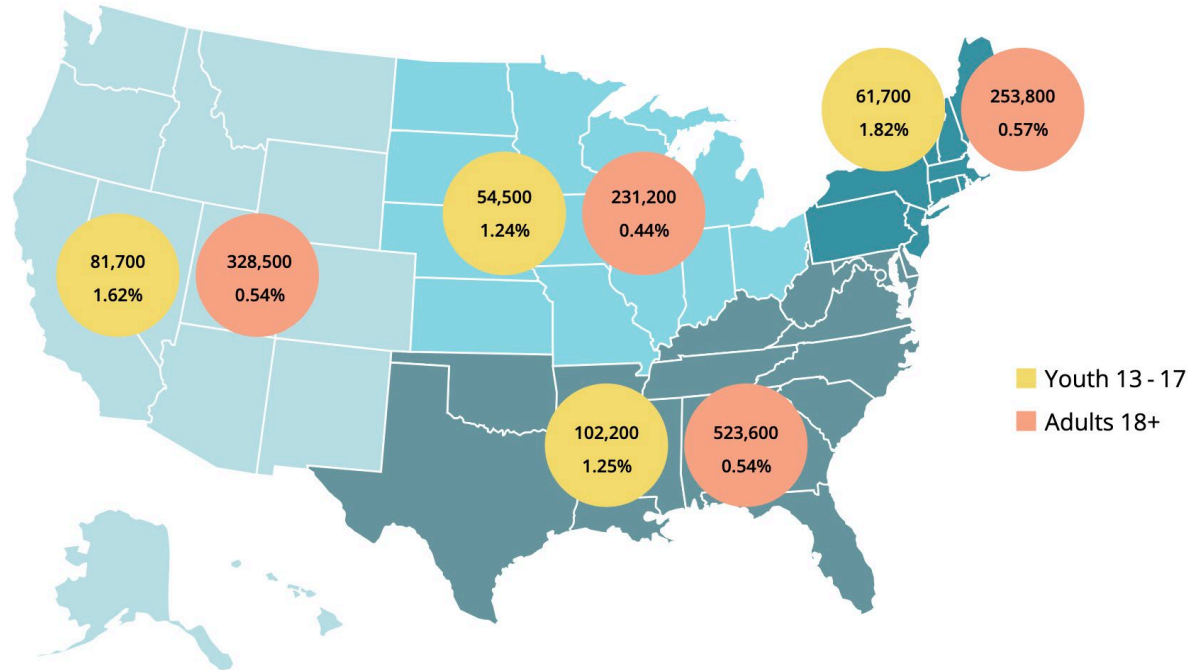
LGBTQ DEMOGRAPHICS

Percent of LGBTQ adults in the US by state



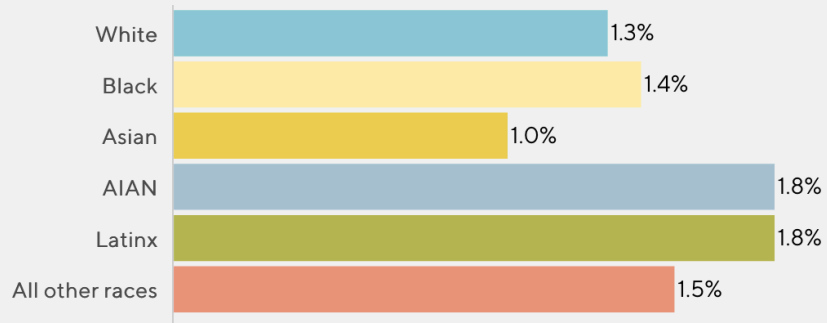
LGBTQ DEMOGRAPHICS

Transgender youth and adults in the US by region

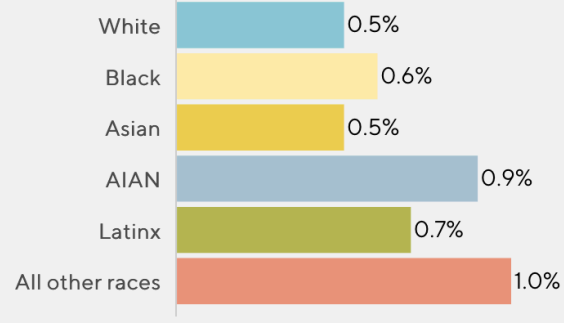


LGBTQ DEMOGRAPHICS

% of race or ethnicity that identifies as transgender (youth)

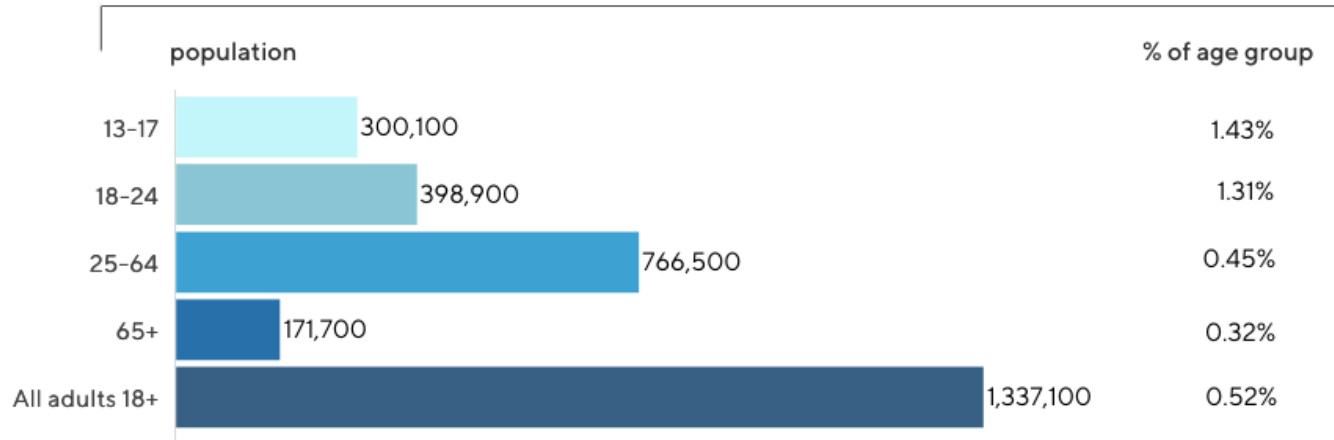


% of race or ethnicity that identifies as transgender (adults)



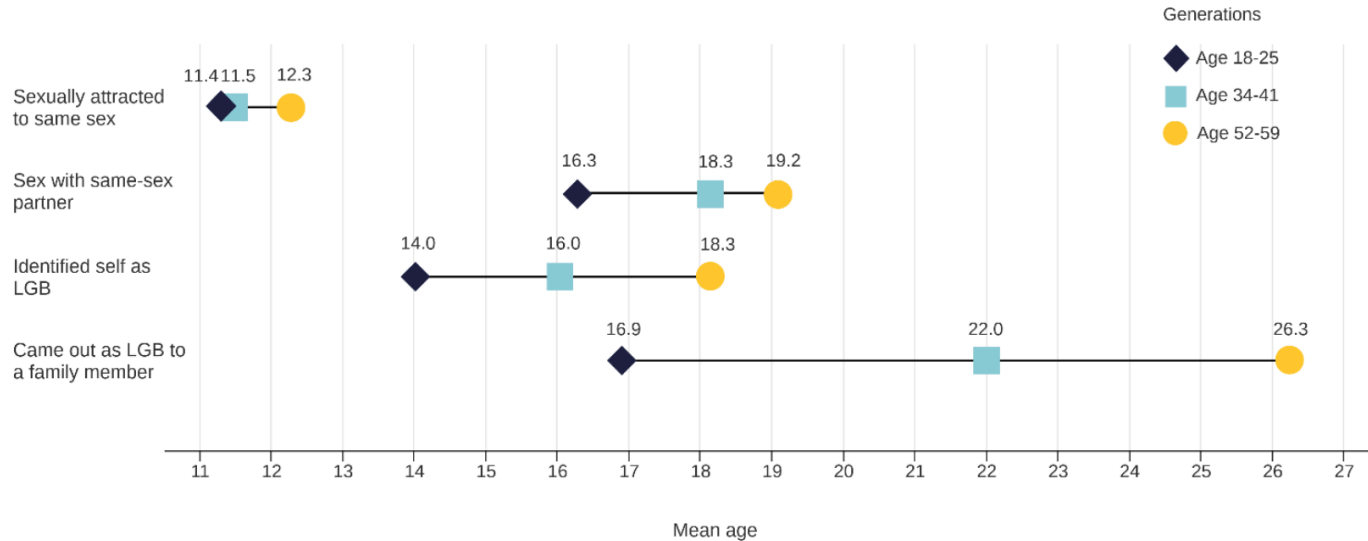
LGBTQ DEMOGRAPHICS

Age of transgender population



LGBTQ DEMOGRAPHICS

Coming out milestones



LEGAL LANDSCAPE OF LGBTQ RIGHTS

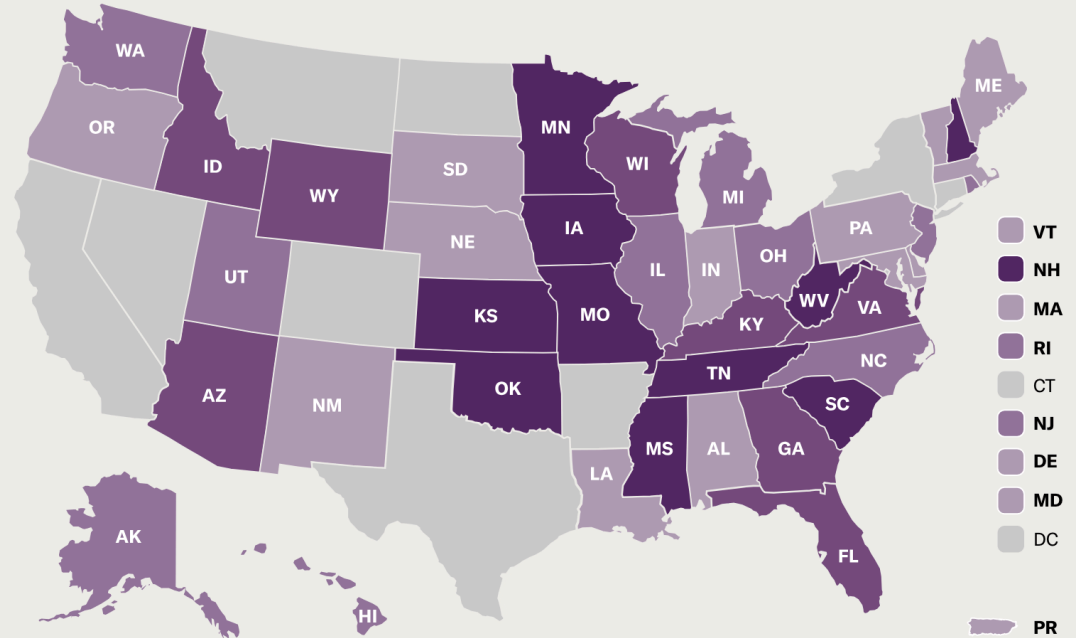
2024 LEGISLATIVE SESSION

The ACLU is tracking **530** anti-LGBTQ bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

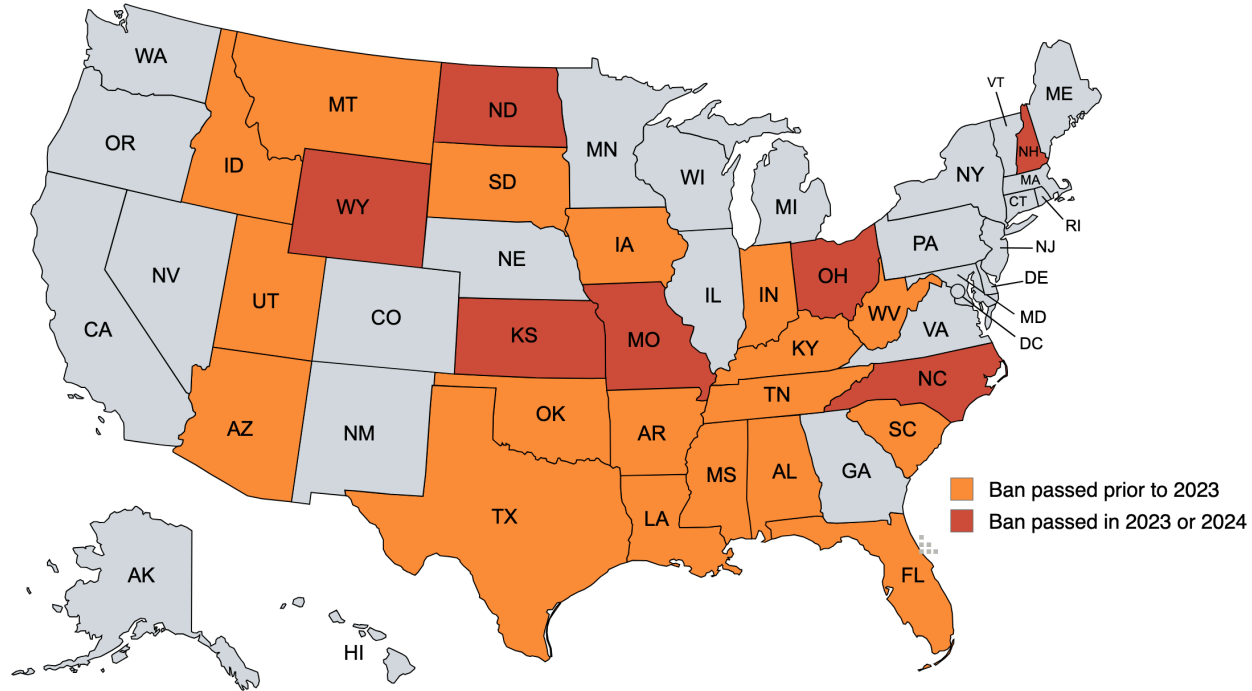
Last updated on September 5, 2024 ⓘ

Bills per state



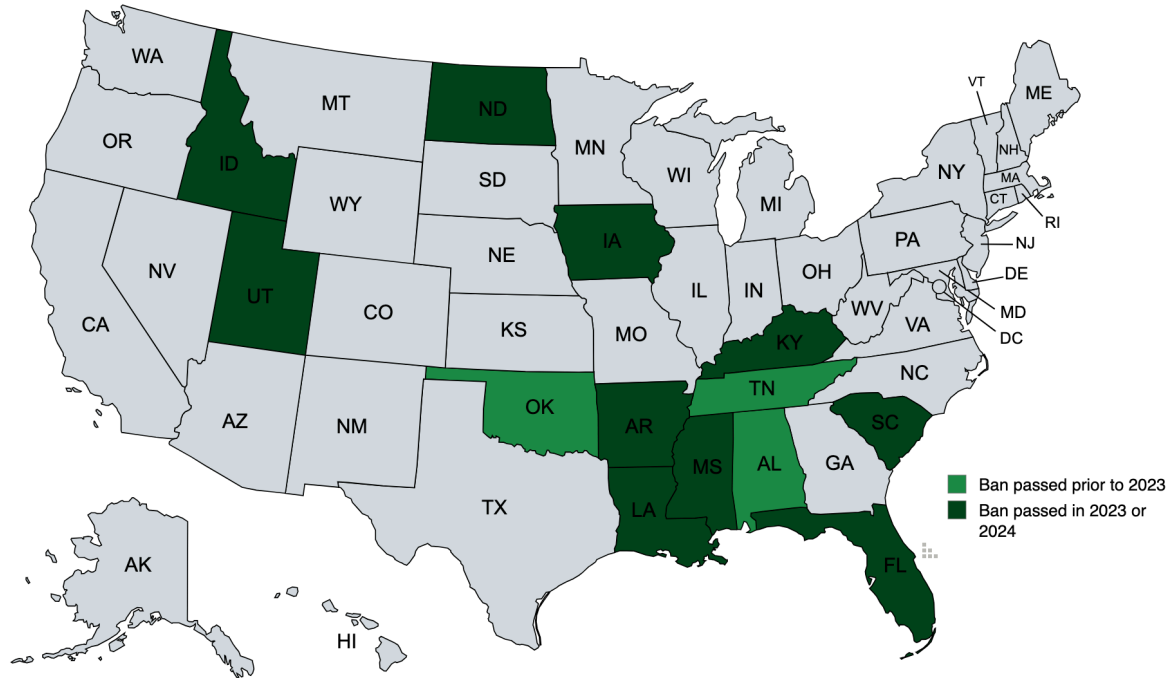
LEGAL LANDSCAPE OF LGBTQ RIGHTS

Sports participation bans



LEGAL LANDSCAPE OF LGBTQ RIGHTS

Bathroom bans



LEGAL LANDSCAPE OF LGBTQ RIGHTS

LGBTQ NEGATIVE LEGISLATION

Gender-affirming care bans: 26 states have bans on gender-affirming care for minors; some states seek to ban such care for adults up to age 26

Sports participation bans: 27 states have restrictions; 14 additional states had sports bans pending in 2024

Bathroom bans: 13 states have bans; 17 additional states had bans pending in 2024

LEGAL LANDSCAPE OF LGBTQ RIGHTS

LGBTQ NEGATIVE LEGISLATION

Bans on pronoun use: 14 states restrict or ban the use of gender-affirming pronouns in schools; 17 additional states had bans pending in 2024

Forced outing: 8 states force the outing of transgender youth in schools; 5 additional states promote but do not require outing youth

Barriers to accurate IDs: 7 states prohibit amending gender marker on birth certificates, 3 states ban use of X option, 12 states require proof of sex reassignment surgery to change gender marker on birth certificates

LEGAL LANDSCAPE OF LGBTQ RIGHTS

LGBTQ POSITIVE LEGISLATION

Non-discrimination protections: 8 states have enacted or expanded non-discrimination policies within last five years (33 states total)

Conversion therapy bans: 28 states have restrictions; 9 passed within the last five years

Gay and trans panic defense bans: 20 states have bans; 13 have passed within the last five years

Gender-affirming care shield laws: 17 states have shield laws, all have passed within the last five years

LEGAL LANDSCAPE OF LGBTQ RIGHTS

A few cases to watch

U.S. v. Skrmetti : Equal protection challenge to Tennessee's gender-affirming care ban pending in Supreme Court

B.P.J. v. West Virginia: Equal Protection & Title IX challenge to sports ban

Texas v. EEOC: Challenge to EEOC guidance interpreting *Bostock*

Chiles v. Salazar: 10th Circuit rejected challenge to Colorado ban on conversion therapy

LGBTQ FAMILY LAW ISSUES

2.6 million (18%) LGBTQ adults are parenting children under 18

5 million children are being raised by an LGBTQ parent

Adoption: Among parents, same-sex couples adopt and foster at significantly higher rates than different-sex couples

Economics: LGBTQ parents are more likely to be living in poverty compared to LGBTQ non-parents and straight cisgender parents

LGBTQ FAMILY LAW ISSUES

PARENTAL RECOGNITION LAWS

Adoption: 8 states offer confirmatory adoption process, 20 states offer second-parent or co-parent adoption regardless of parents' marital status; all states offer step-parent adoption to parents in legally recognized relationships

Voluntary Acknowledgment of Parentage: 12 states make VAP explicitly available to non-genetic and LGBTQ parents

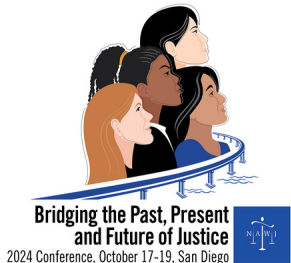
Assisted Reproduction: 18 states recognize intended parent as a legal parent regardless of marital status if they consent to assisted reproduction

LGBTQ FAMILY LAW ISSUES

CHILD WELFARE NONDISCRIMINATION LAWS

Foster Care/Adoption: 14 states allow state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBTQ people and same-sex couples, if doing so conflicts with their religious beliefs

LGBTQ Youth in Child Welfare: 35 states prohibit discrimination against youth in the child welfare system based on sexual orientation and gender identity



Speakers

Christy Mallory
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Julie O. Wolff
Minella Law Group

Kathie Moehlig
Executive Director, Trans Family Support Services

Blu L.
Student, Volunteer for Trans Family Support Services

Moderator:
Jodi Cleesattle
Supervising Deputy Attorney General, California Department of Justice
Co-President, Tom Homann LGBTQ+ Law Association