



Legal Insurance

Legal Information
for the LGBTQ+ Community



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Navigating legal matters as a member of the LGBTQ+ community can seem difficult, depending on your circumstances, your relationship and the laws in your home state. This guidebook summarizes some of the key life and legal matters you may come across and how to handle them, regardless of your stage in life.

Protecting your privacy and identity

Healthcare

Many members of the LGBTQ+ community are afraid to seek medical care. However, it may ease your mind to know of a few key provisions and protections that have been enacted at the federal level to better protect a person's privacy and to cut down on discrimination in healthcare facilities.

- ✓ The Health Insurance Portability and Accountability Act (HIPAA) protects patient rights while also making sure that trusted loved ones you designate can access your medical records while still respecting your privacy and honoring confidentiality.
- ✓ In 2010, President Obama signed a memorandum that stated all hospitals who receive public funding must allow equal privileges to all visitors, regardless of "race, color, national origin, religion, sex, sexual orientation, gender identity, or disability."

Changing your gender identifier

Being federally recognized as your true self is a huge benefit of changing your gender identifier, especially on personal, regularly used documents like your driver's license. Currently, not every state allows this change, but it is important to keep in mind that as we roll through the 21st century, these laws are very much in flux.

A great first step in pursuing this change would be to connect with an attorney who can provide up-to-date intel on what your current rights are according to your state.

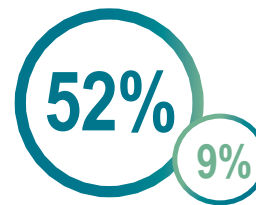


Statistics

The Healthcare Equality Index (HEI) is a yearly report¹ released by the Human Rights Campaign that captures snapshots of how members of the LGBTQ+ community feel about their healthcare and how healthcare facilities treat LGBTQ+ clients in terms of their best practices and day-to-day functionality.



73% of transgender respondents and **29%** of lesbian, gay and bisexual respondents said they feel like they believe they would be **treated differently** by medical personnel due to their LGBTQ+ status.



52% of transgender respondents and **9%** of lesbian, gay and bisexual respondents said they believed they **would be refused** medical services because of their LGBTQ+ status.



90% of participating facilities scored **80 points** or above, **going beyond the basics** in treating LGBTQ+ clients.

Planning for your future

Banking

Finances are stressful enough. It is additionally frustrating to be denied a mortgage request as a same-sex couple² or to have to refer to yourself as your [dead name](#), i.e. your birth name, when logging into your online banking app.

Luckily, there are some tools specifically designed to aid the LGBTQ+ community with their finances.

- ✓ **Financial institutions** like Daylight and Superbia Credit Union were both created to serve the LGBTQ+ community. Daylight is self-dubbed as “Banking for LGBTQ+ people, by LGBTQ+ people,” offering services like a mobile-first account that is in your chosen name, despite what your ID may say. There is also no minimum balance requirement. Superbia is a credit union first and foremost but also offers life and health insurance that is “discrimination free.”
- ✓ **Legal insurance** can help you and/or your partner* navigate daunting financial issues like personal bankruptcy and other consumer protection matters. Legal insurance is a benefit typically offered through an employer that provides affordable access to local network attorneys who can provide legal counsel and representation.



Marriage

Marriage makes a big difference in what benefits, rights and privileges you receive and impacts many financial and legal matters, like filing taxes and executing a will.

You may consider...



- A prenuptial and a postnuptial agreement
- or
- A domestic partnership agreement

Writing up a prenuptial and/or postnuptial agreement gives you and your partner the opportunity to discuss potential legal issues that may come up during your marriage. This is a good way to get on paper how you will handle things as a pair, like filing taxes or crushing debt together.

Conversely, you and your partner may opt to sign a domestic partnership agreement instead of getting married. This type of agreement resembles a prenup, as it details how assets would be divided in your partnership if it happens to end.



Talk to an attorney about which type of partnership agreement may be right for you. Each has its benefits in addition to recognizing your union.



Real estate

[The Fair Housing Act](#) is an important piece of legislation that protects LGBTQ+ community members from discrimination when it comes to housing and tenant matters. If you have experienced housing discrimination, you may file a complaint with the U.S. Department of Housing and Urban Development and pursue a claim, via an attorney if you wish.

Examples of housing discrimination:³

- A transgender woman is asked by the owner of her apartment building not to dress in women's clothing in the common areas of the property.
- A gay man is evicted because his landlord believes he will infect other tenants with HIV/AIDS.

Real estate laws can also vary greatly from state-to-state, so checking in with an experienced attorney in your area to understand what is appropriate for your situation. For example, the Wisconsin Equal Rights Division enforces a ban on sexual orientation discrimination but does not enforce a ban on gender identity/expression housing discrimination at a statewide level. This is where an attorney and the HUD could help clarify the law on a federal level.

Aging

As you get older, you may experience dual discrimination based on your age and your identity. Generational differences and lack of legal protection can also cause older LGBTQ+ adults to be less open about their sexuality, causing social isolation. In fact, LGBTQ+ older adults are more likely to live alone than their heterosexual counterparts⁴ and 34% of LGBTQ+ older people worry about having to hide their identity in order to gain access to senior housing.⁵

Legal insurance can assist you in elder care matters as a member, helping to make sure you are protected as you get older.

Other things to keep in mind as you get older? Make sure estate planning documents like wills and trusts or investment vehicles such as annuities or retirement savings accounts are updated in terms of your beneficiaries, especially if you do not have children. Sitting down with an attorney can help make sure that your will and policies match so that your assets are distributed according to your wishes after your pass away.

Keep in mind ↗

Stay in the know

Knowledge is power. And having a handle on legal decisions that affect (for better or for worse) the livelihoods of the LGBTQ+ community are important to keep in the back of your mind.

Notable court cases

- ✓ **Boy Scouts of America v. Dale, 530 U.S. 640 (2000)** decided whether a private organization could single out and exclude members of the LGBTQ+ community. The Supreme Court ruled in favor of the Boy Scouts, stating that Boy Scouts are free to make their own assertions.
- ✓ **Obergefell v. Hodges, 576 U.S. 644 (2015)** gave the right to marry in all 50 states to same-sex couples.
- ✓ **Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, 138 S.Ct. 1719 (2018)** decided that forcing a Colorado baker to bake a wedding cake for a gay couple was not permissible due to Colorado's "impermissible hostility toward his sincere religious beliefs." The decision said that the government was not allowed to pass judgment upon religious beliefs and practices.
- ✓ **Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)** ruled that the Civil Rights Act of 1964 provisions "on the basis of sex" protect members of the LGBTQ+ community from workplace discrimination.

Categories of anti-LGBTQ+ legislation

The American Civil Liberties Union (ACLU) [keeps a list of anti-LGBTQ+ legislation](#) to inform website visitors about current proceedings across the United States.⁶

- ✓ **Anti-trans bills:** prohibiting healthcare for transgender youth, restricting facilities to a single sex, excluding transgender youth from athletics, identification document restrictions
- ✓ **Religious exemption bills:** religious freedom restoration acts (RFRAs), healthcare implicating LGBTQ+ people, adoption and foster care, exemptions in schools and student organizations,
- ✓ **Bills preempting local protections:** prevent cities and local government entities from passing nondiscrimination protections that are more expansive than state level protections





Rely on Legal Resources

You do not have to sit quietly when potentially facing a legal or financial issue, especially if it involves discrimination. There are groups and services that can help.

- ✓ **Legal aid agencies** are organizations that provide free legal counsel and advice to individuals that fall under certain income restrictions. [They are available](#) in numerous states in the United States.
- ✓ **The ACLU** operates staffed affiliate offices in all 50 states. If you feel like your rights have been violated, [you can contact your state's office](#) to request legal help. The ACLU also provides numerous digital resources on civil liberty issues for your reading pleasure.
- ✓ **Connecting directly with an attorney** on a smattering of issues can save you a lot of time, especially if they work in your area. If applicable, talk to your human resources department about whether they offer legal insurance the next time open enrollment arrives.

Take Control with ARAG



If you're not sure where to start or don't have an attorney, ARAG can help. Visit [ARAGlegal.com/account](https://araglegal.com/account) to learn more about how ARAG legal coverage gives you an affordable way to manage legal matters.

*FYI: In order to file for joint bankruptcy, you do have to be legally married.

¹hrc.org, 2020

²news.iastate.edu, 2019

³hud.gov, 2021

⁴apa.org, 2013

⁵AARP, 2018

⁶aclu.org, 2021

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