BASIC PROTECTIONS OF THE OREGON EQUALITY ACT

Effective January 1, 2008, Oregon enacted the Oregon Equality Act which offers increased protections for LGBTQ people.

Discrimination
The Act forbids discrimination based on sexual orientation, gender identity, or gender expression (including where it differs from behavior traditionally associated with an individual’s sex at birth) in the following areas:

- **Employment:** This applies to all public and private employers
- **Housing:** This applies to renting, purchasing, or improving real estate
- **Public Accommodations:** This applies to all places open to the public, including stores, restaurants, arenas, parks, camp sites, hotels, hospitals, doctor offices, etc. This does not apply to institutions, clubs, or places of accommodation that are not open to the public
- **Financial Matters:** This includes insurance and credit applications
- **Public Education**
- **Foster Parenting**
- **Jury Duty**
- **Correctional Facilities**

Hate Crimes
The Act also makes hate crimes subject to criminal punishment. If you are the victim of violence based on perceptions about your sexual orientation, gender identity, or gender expression, the law can punish those responsible.

*Note—certain exemptions apply (e.g. for religious institutions)

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SECOND PARENT ADOPTIONS

What is a Second Parent Adoption?
A second parent adoption (aka co-parent adoption) is a legal proceeding that lets two unmarried people both be the legal parents of a child, regardless of whether a partner is a biological parent or not.

Is adoptions still necessary since the Oregon Family Fairness Act?
Children born to female registered Oregon Domestic Partners are considered the children of the birth mother and the non-biological mother for purposes of Oregon law, but that relationship is legally recognized only in Oregon. Once you leave the state, the non-biological mother will not be considered a legal parent of the child, even though her name is on the child’s birth certificate. By adopting the child, the non-birth mother will be considered the child’s parent for purposes of federal law and the law of all 50 states. The issue gets more complicated when a child is born to male registered Oregon Domestic Partners. Such couples should consult a family law attorney to determine their rights.

What are the advantages of Second Parent Adoptions?
Although other states may not recognize a registered domestic partnership, they have to recognize an adoption granted through the courts. The parental rights of both partners will still be recognized outside of Oregon following a second parent adoption. Both parents are authorized to make medical (possibly life-saving) decisions about the child, pick up the child from school and daycare, and have rights to legal custody and/ or visitation in the event of a break up, dissolution of the partnership, or death of the co-parent.

What else should I know?
Adoptions are complicated procedures. Second parent adoptions may be even more complicated. They should be done with the assistance of an attorney specializing in this field. To find one, contact Student Legal Services or the Queer Resource Center.

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LEGAL ISSUES AFFECTING TRANS STUDENTS

Changing your gender on government documents
- **Birth Certificate**—Oregon Department of Human Services (DHS) requires a certified copy of a court order of gender change and a $30 amending fee.
- **Driver’s License**—Oregon DMV divides trans applicants into two groups:
  - Medical Transition Group—you must provide either 1) a document from a physician stating you underwent the surgery OR 2) a certified copy of a court order of gender change.
  - Transsexual Gender Reassignment Therapy— you must provide a letter from a qualified therapist stating you are currently living full time as the new gender.
- **Passport**—this must be done through the U.S. Department of State and requires a very specifically detailed, signed statement by your physician.

Changing your name
In Oregon, the probate court determines name changes. Applications are granted unless the court finds the change contrary to public interest.

Changing your legal gender
In Oregon, a court has the power to change your legally recognized gender.

Legal Protections for Trans Individuals
In addition to the protections of the Oregon Equality Act explained earlier in this pamphlet, gender identity or gender expression cannot be used as a determining factor in decisions about medical treatment, child custody, parenting time, or adoption.

PLEASE NOTE: LAWS RELATING TO DOMESTIC PARTNERSHIPS ARE DISCUSSED IN A SEPARATE PAMPHLET.
Unsettled Areas of Law Involving Trans Individuals

- Effect of transitioning during marriage or registered domestic partnership
- Although it is believed that trans individuals have the right to bathrooms, locker rooms, memberships, and pricing discounts consistent with gender expression in places of public accommodation, these issues have not reached Oregon courts.

Additional Resources:

PSU Queer Resource Center
Smith Memorial Student Union 401
503.725.9745, qrc@pdx.edu
www.qrc.pdx.edu

Bradley Angle
LGBTQ Advocate: 503.595.9591 ext. 305
24—Hour Crisis line: 503.281.2442
bradleyangle.org/services/lgbtq-services/

Basic Rights Oregon
www.basicrights.org

Oregon Gay and Lesbian Law Association
www.ogalla.org

Disclaimer

This pamphlet is for informational purposes only and should not be relied upon as legal advice. In each case, specific legal advice should be obtained, which will be responsive to the circumstances of the individual requesting this advice.