**Basic Protections**

In Oregon, **discrimination** (seen most often as different treatment) based on sexual orientation, gender identity, or gender expression is illegal in the following areas:

- **Employment:** Both public and private employers concerning hiring, firing, promoting, rules, preferential treatment, etc.
- **Housing:** This applies to renting, purchasing, or any real estate transaction. This includes different terms, conditions, or rules in housing.
- **Public Accommodations:** This applies to all places open to the public, including stores, restaurants, arenas, parks, camp sites, salons, hotels, doctors offices, etc. This does not apply fraternities, clubs, private homes or places that are not open to the public.
- **Financial Matters:** This includes insurance and credit applications
- **Public Education**
- **Foster Parenting**
- **Jury Duty**
- **Correctional Facilities**

**Exemptions:** Some private or religious organizations are allowed to deny membership or participation based on a person’s gender identity or sexual orientation.

**Federally:** In 2015, the EEOC (Equal Employment Opportunity Commission) held that employment discrimination based on sexual orientation and/or gender identity is illegal. This means that LGBTQ employees from all 50 states have discrimination protections. In 2015, this ruling has not yet been expanded to housing or public accommodations protections for all 50 states yet, but may in the future.

**Hate Crimes**

Oregon recognizes hate crimes. If you are the victim of violence based on perceptions about your sexual orientation, gender identity, or gender expression, the law can enhance punishment against those responsible.

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**Trans Health Care**

In 2015, the Oregon Health Authority announced that it would provide trans-inclusive health care including transition related care of counseling, hormone therapy and “certain” surgeries. As of 2015, not all insurance companies provide trans-inclusive coverage. However, considering Oregon’s anti-discrimination laws, it is advisable for a trans person to consult with an attorney if they are denied coverage for transition related care and to appeal any denial of coverage. There is a limited period of time to file an insurance appeal or civil law suit and interested persons should seek legal assistance immediately to avoid being time barred.

**Marriage and Alternatives**

**Same-sex marriage:** As of 2015, couples can marry regardless of gender or sex. They can file taxes jointly and receive other federal benefits.

**Registered Domestic Partnerships:** (RDP) are still recognized in Oregon. RDPs receive Oregon state marriage benefits, however, they do not enjoy the federal benefits of marriage such as filing federal taxes together or receiving your spouse’s social security. RDPs registered before same sex marriage became legal are NOT automatically converted to marriages and RDPs are NOT automatically dissolved. To receive federal marital benefits, couples must obtain a marriage license. If you registered a domestic partnership and later separated from your partner, Oregon still considers you coupled and you are barred from remarrying until the domestic partnership is dissolved (i.e. divorced).

In Oregon, **unregistered domestic partners** have different and less rights than married couples or registered couples. If you have a partner and choose not to marry or if you have more than one partner, it is important to seek the advice of an estate planning attorney. You will want to consider who you want to be responsible for your health, end of life decisions, who will inherit your estate and what will happen to your property and debts in the event that your relationship ends. Proper documentation is necessary to carry out your intentions and to avoid any unwanted outcomes.

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**Having Children**

There is a constitutional right for legal parents to “the care, custody and control of their children.” As a result, it is extremely important for parents to have a legal relationship established with their children. When both parents have a legal relationship with their child, both parents are authorized to make medical decisions about the child, pick up the child from school, and have rights to legal custody or visitation in the event of a break up, divorce, or death of the co-parent. If this does not occur, the parent that has established legal parentage will have greater rights to their child.

**When is an “adoption” necessary?**

Both parents will need to undertake an adoption to establish a legal relationship with their children, if the child is conceived through surrogacies, same-sex marriage:

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**Student Legal Services**

Come talk to Student Legal Services to find out more information or to get a consultation.
**Name Changes & Legal Sex Changes**

In Oregon, changing your legal name and/or legal sex is a quick court process that takes approximately one to two months. The probate court in your county handles both name and sex changes. Name changes and legal sex changes can be done on the same petition for one $116 filing fee.

**Changing your name:**
Name change applications are granted unless the court finds the change contrary to "public interest." It is very rare for the court to deny a name change.

**Changing your legal sex with the court:**
In Oregon, a court also has the power to change your legal sex (though "male" or "female" are the only current legal options available). You are required to swear to the court that you have "undergone surgical, hormonal, or other appropriate treatment" for the purpose of gender transition, and your "sexual assignment has been completed." It is advisable to have a note from your medical provider that you have undergone appropriate treatment and that you are living as the legal sex designation you are requesting.

For most trans Oregonians, it is better to change their legal sex with the court first. However, the DMV, many States' birth certificate departments, and the US passport office have their own processes to change your designated sex that might not require court involvement. In Oregon:

- **Birth Certificate**—Oregon requires a court order of sex change. Check with your state's birth certificate department to determine their requirements.
- **Driver's License**—Oregon DMV will change your legal sex by either court order or by having a health care provider complete the DMV "Change of Gender Designation form."
- **Passport**—this must be done through the U.S. Department of State and requires a very detailed, signed statement by your physician (unless your birth certificate, driver's license and other required documents already list your current legal sex, often by having a court order).

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**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.