

Know Your Rights: LGBTQ+

*This fact sheet is for educational purposes only. Nothing here should be considered legal advice. Please consult a lawyer for more specific information.

Updated as of March 2026*

Medical Rights & Support

- You have a right to **healthcare free of discrimination** based on your sexuality and gender identity, as well as race, religion, national origin, disability, or age.
 - Discrimination can look like:
 - Denial of care.
 - Improper or purposefully delayed care.
 - Withholding of medication or improper dosage.
 - Administering incorrect or unnecessary treatment.
- Gender Affirming care is covered under MassHealth *based on medical necessity*. You will work with your primary care physician and specialists to determine what that care looks like.
 - **Mental assistance** is also **covered** under MassHealth.
- HIV discrimination is prohibited by Massachusetts state law.
 - You cannot be forced to take an HIV test under any circumstance.
 - You cannot be denied access to public spaces as well. The Health Law Institute can help with all specific conditions.

Police & Legal Interactions

- **Hate Crimes**
 - A hate crime is a crime committed due to a person's race, religion, ethnicity, disability, gender, gender identity, or sexual identity. This is covered under both Federal and Massachusetts law.
- **Detention:** If you end up in Juvenile Detention, Massachusetts allows you to self select whether to enter the male or female detention facilities based on what best matches your gender identity.
 - Massachusetts has a **zero-tolerance policy for sexual abuse or harassment** in their facilities. If you or someone you know if the facility is a victim of sexual abuse, contact Massachusetts Department of Youth Services (DYS). Positions of power do not create immunity.
- **Identification:** updating name and gender marker documents is a multi-step, often costly, process that must be done in a specific sequence (typically starting with a court-ordered name change).
 - As of 2026, Massachusetts law allows for significant updates, including "X" (non-binary) gender markers on state-issued IDs and birth certificates without medical documentation.
 - This can include: court name change, driver's license/ID, birth certificate ... etc.

Education & School Spaces

- **You have a right to:**
 - 1st Amendment right to free speech, and your clothing is included in this.
 - Dance with and bring whomever you choose at your school dance. Your attire at the school dance can reflect whatever gender or norm you feel represents you.
 - Ask the school to update its records to accurately reflect your gender and gender identity.
 - If you are below the age of 18, a parent/legal guardian will be asked to assist you in this process.
- **Secondary Education**
 - The Human Rights Campaign keeps a database of scholarships available to LGBTQ+ individuals to help pay for school.

Immigration

- Asylum can be granted based on fear for your sexual orientation and/or gender identity in your home country.
 - You must **apply within 1 year**, but exceptions exist for those under 18, for coming out and/or transitioning, or extenuating circumstances like homelessness.
 - While you can access an asylum form (I-589) through the Immigration Services. You should be aware that asylum rights and requests have been consistently violated in the past year. You should be cautious in engaging with US immigration services and have a lawyer present always when dealing with them.

****Note:** Be sure to check up-to-date immigration information online! (Last updated March 2026)*

Employment

- Employment discrimination is **prohibited** in the same way as medical or housing.
- Employment discrimination may look like:
 - Preferential treatment to non-LGBTQ+ individuals in the form of salary increases or promotions.
 - By giving LGBTQ+ individuals lower rankings or worse performance reviews for similar work.
 - Harassment through insulting remarks, threatening them, or other type of bullying based on sexual orientation or gender identity.

Marriage

- In Massachusetts, who you marry is your choice.
 - Transitioning after you marry has no effect on the validity of the marriage.
- Divorce in the US is no fault, which means that you can leave your partner for whatever reason.
 - If you feel unsafe or suffer abuse at the hands of your spouse, call the Domestic Abuse Hotline at 1-800-799-SAFE.

Resources

- The Trevor Project 1-866-488-7386
- Trans Lifeline 1-877-565-8860
- Statewide LGBTQ+ youth serving programs
 - <https://www.bagly.org/health-wellness>
- LGBTQ+ Scholarship Database
 - <https://www.hrc.org/resources/scholarships>
- Social Security Amendment Form
 - <https://www.ssa.gov/life-events/change-name>
- RMV form for change gender or name marker on your ID
 - Learn more: <https://www.homelessyouth.org/en/us/massachusetts/identification>
 - ****Note:** You can no longer change your gender on your passport or social security card. Transgender individuals may experience delays with issuance of their passports going forward (Federal EO 14168).
- LGBTQ+ Healthcare Services Near You
 - <https://lgbtqhealthcaredirectory.org/>

