

OTHER TRANS ISSUES

NAME CHANGE AND IDENTITY DOCUMENTATION

In Iowa, you may change your legal name by filing a petition in court. By submitting that court order and other documentation, you can change the name and gender marker on other documents, including your birth certificate, driver's license or non-operator's ID card, Social Security documents, passport, citizenship and immigration documents, financial records, etc.

For a detailed how-to guide on changing your name and gender marker on your identification in Iowa, see "The Iowa Guide to Changing Legal Identity Documents," University of Iowa LGBTQ Health Clinic (2019). Available at <https://tinyurl.com/namechangeia2020>.

ADOPTION AND FOSTER CARE

You cannot be denied or turned away from adoption or foster opportunities based on your gender identity.

HATE CRIMES PROTECTION

Iowa law does not include "gender identity" within its hate crimes provisions, but under federal law, crimes targeting transgender people may be subject to federal prosecution and greater penalties.

LEGAL RIGHTS OF PRISONERS

There is little Iowa-specific law on this issue, but federal law requires prisons and jails to make individualized decisions about where trans prisoners can be safely housed. Denial of medical care for gender dysphoria may violate the U.S. and Iowa Constitutions.

TRANSGENDER IN IOWA

KNOW YOUR RIGHTS

QUESTIONS?

Contact the ACLU of Iowa with your transgender rights questions at legal.program@aclu-ia.org (preferred) or at 515-243-3576.

For more information on transgender rights in Iowa, go to www.aclu-ia.org.

THE IOWA CIVIL RIGHTS ACT

Chapter 216 of the Iowa Code is known as the Iowa Civil Rights Act (ICRA) of 1965. ICRA provides protection against various forms of discrimination on the basis of specific individual traits or characteristics. Among other things, ICRA prohibits discrimination on the basis of sexual orientation and gender identity.

BACKGROUND

The Iowa Civil Rights Act (ICRA) defines “gender identity” as “a gender-related identity of a person, regardless of the person’s assigned sex at birth.”

- The Iowa Civil Rights Commission is the state agency that receives and investigates complaints about ICRA violations. There may be local civil rights and human rights ordinances in your community that provide additional protections.

EMPLOYMENT

Transgender people are entitled to equal treatment in every aspect of employment.

- Potential employers may not ask about gender identity during interviews.
- If a dress code is gender-specific, you must be permitted to dress consistent with your gender identity.
- You should have access to workplace restrooms consistent with your gender identity.
- You are also protected against coworker harassment. Notify your employer in writing if this occurs, if possible.

- Your employer-provided compensation and benefits package, including health insurance, should not discriminate against you because of gender identity (for example, barring coverage of medically necessary gender affirming care).
- In addition to state-level ICRA, workplace discrimination against transgender people may violate a *federal* law covering “sex” discrimination (Title VII).

EDUCATION

Students, teachers, and staff may not be discriminated against on the basis of gender identity.

- ICRA applies to all K-12 schools, public and private, except bona fide religious institutions when related to a true religious purpose.
- New laws passed in 2022 and 2023 seek to limit the rights that K-12 students have under the ICRA regarding a students’ ability to use the restroom, locker room, and play on the sports team that aligns with the students’ gender identity. They also require schools to notify parents of any student request for any “accommodation seeking to affirm the student’s gender identity,” including to use a different name or pronoun than listed in school records. These laws also prohibit schools from giving false or misleading information to parents or guardians regarding the student’s gender identity or “intention to transition.”
- However, these new state laws do not alter any requirements under *federal* law not to discriminate against transgender students. Discrimination based on gender identity or sex stereotyping at a school or college receiving federal funding may also violate federal law (Title IX).
- The Iowa Safe Schools Law requires all such institutions to adopt policies that prohibit anti-gender identity harassment and bullying.

PUBLIC ACCOMODATIONS

You may not be denied access to the premises of a “public accommodation” or any of its goods or services on the basis of your gender identity.

- A “public accommodation” is any place or service that offers goods or services to the public at a price (whether privately or publicly owned) or that receives government subsidies or tax support. Examples include stores, restaurants, hotels, gyms, doctor’s offices, hospitals, social service agencies, public parks, public transportation, and Medicaid.
- Restrooms: The ICRC maintains that under ICRA, people must be allowed to use public restrooms consistent with their gender identity, regardless of sex assigned at birth.

HEALTH CARE

ICRA prohibits discrimination in providing health care services.

- This means that you cannot be refused insurance coverage or medical care based on your gender identity. This includes denial of coverage for “gender incongruent” care like a trans man’s Pap smear. Both employer-provided health insurance benefits and Iowa Medicaid cannot bar coverage of medically necessary gender affirming care.
- Minors are treated differently. Unfortunately, a 2023 Iowa law prohibits Iowa medical providers from providing gender-affirming hormone and surgical care to minors, including hormone blockers.

HOUSING

You may not be treated differently with respect to any aspect of the purchase or rental of residential property, or in home loans or property insurance, on the basis of your gender identity.

- ICRA covers almost all housing, including shelters, but has limited exceptions for religious institutions and for owner-occupied buildings of two or fewer units (and houses in which four or fewer rooms are available for rent).
- Sellers and brokers may not discriminate in advertising or showing properties.
- Anti-trans housing discrimination may also violate the federal Fair Housing Act as “sex” discrimination.

CREDIT PRACTICES

A bank or lender may not discriminate on the basis of gender identity.

- This might include a consumer credit transaction; terms or conditions on a loan; or life or health and accident insurance.

RELIGIOUS EXCEPTION

Just because an institution is religious in nature does not mean it may discriminate on the basis of gender identity.

- But ICRA’s gender identity protections do not apply to true religious institutions discriminating to further a true religious purpose.