

December 2011



# NAVIGATING THE SYSTEM:

## A Know-Your-Rights Guide for Lesbian, Gay, Bisexual, and Transgender Elders in California

A Companion Guide to Planning for Elders' "Senior Survival Sheets"



NATIONAL CENTER FOR LESBIAN RIGHTS



**Look for these symbols throughout the publication to quickly identify links to additional information and resources:**



Additional  
Information



Documents  
& Downloads



Other  
Publications

This guide is intended to provide accurate, general information regarding legal rights in California. But because laws and legal procedures are subject to frequent change and differing interpretations, do not rely on this information without consulting an attorney or the appropriate agency.

# Navigating the System: A Know-Your-Rights Guide for Lesbian, Gay, Bisexual, and Transgender Elders in California

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# Sponsoring Organizations

You can contact any of these organizations with questions about services explained in this guide.

**The National Center for Lesbian Rights** is a national non-profit legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender (LGBT) people and their families through litigation, public policy advocacy, and education. Since 1999, the National Center for Lesbian Rights' Elder Law Project has been empowering LGBT elders to protect themselves and advocating for equal treatment of LGBT elders in law, public policy, health, and social services. For additional information, please consult the National Center for Lesbian Rights' other elder law publications, including: *Planning with Purpose: Legal Basics for LGBT Elders* and *Lifelines: Documents to Protect You and Your Family*.

**i** For additional legal information or assistance finding an LGBT-friendly attorney, please contact our Legal Information Helpline through [www.NCLRights.org](http://www.NCLRights.org), at [Info@NCLRights.org](mailto:Info@NCLRights.org), or at 800-528-6257.

**Planning for Elders—“Senior Survival School”** was founded in 1992 as a community education program of Planning for Elders in the Central City. Our curriculum focuses on transportation, housing, healthcare issues, as well as other information that keeps people living safely in their own homes and communities. Utilizing presentations, discussions, and popular education activities, Senior Survival School trains seniors and adults with disabilities to effectively access vital community resources and to exercise their rights when they do. To date, Senior Survival School has trained approximately 2,200 seniors and adults with disabilities, providing access to important information, and developing our participants as strong advocates for themselves and each other.

**i** For more information, go to [www.PlanningForElders.org](http://www.PlanningForElders.org).

**The Transgender Law Center** is at the heart of a movement of transgender people, our families, and our allies who recognize that our struggles for equality and authentic self-expression are all connected and related. The Transgender Law Center fights tenaciously for the physical, emotional,

and financial wellbeing of transgender and gender non-conforming people through trailblazing projects that transcend traditional lines of service and advocacy. By working for and with transgender people and our allies to change laws, policies, and attitudes, the Transgender Law Center makes it possible for all of us to be who we are and live safe and fulfilling lives.

**i** For more information, go to [www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org).

**Lavender Seniors of the East Bay/Tides Center** provides social support such as friendly visits, group meals, and educational events, as well as a vibrant caring community. Programs foster a sense of belonging for all LGBT older adults, particularly those who are isolated, vulnerable, disabled, and at risk. Lavender Seniors also participates in local, statewide, and national advocacy efforts for the betterment of the LGBT and mainstream senior community. Their mission is to improve the lives of LGBT older adults.

**i** For more information, go to [www.LavenderSeniors.org](http://www.LavenderSeniors.org).

**Openhouse** builds housing, services, and community programs to support the health and well-being of LGBT older adults. Specialists work with LGBT older adults to navigate the complex system of social services, identify new affordable housing opportunities, and help clients to complete applications. The Openhouse LGBT Community Services Program provides a range of activities and social services to help support the emotional and physical health of LGBT older adults; and to help clients access employment counseling, affordable housing, meals programs, in-home care, emergency rental subsidies, and other services.

**i** To help assess a client's particular needs; to find an LGBT-friendly service provider; and to get a calendar of activities such as art groups, exercise classes, and health seminars, visit the Openhouse website at [www.Openhouse-SF.org](http://www.Openhouse-SF.org) or call the office at 415-296-8995 to receive a monthly newsletter.

# Acknowledgements

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# Introduction

# Introduction

To live lives of integrity and honesty, today’s lesbian, gay, bisexual, and transgender elders endured—and continue to endure—discrimination, harassment, and violence. They went through the McCarthyite ‘Lavender Scare’ of the 1950s, watched as their friends and colleagues were entrapped by police and fired from their jobs, marched with Frank Kameny demanding equality outside the White House, gathered with Del Martin and Phyllis Lyon at the first Daughters of Bilitis meetings, and subscribed to ONE magazine when the mere mention of homosexuality was enough to precipitate a Supreme Court obscenity case. They fought at Stonewall and Compton’s Cafeteria, campaigned for Jose Sarria, organized and voted for Harvey Milk, battled John Briggs and Anita Bryant, mobilized in the face of the AIDS crisis, and, in the process, built a strong vibrant LGBT community for themselves and future generations.

Decades of struggle have taken their toll on the community. Contrary to the widely-believed “myth of gay affluence,” LGBT people—and elders in particular—are more likely to be poor than their straight peers. Same-sex elder male couples are more likely to live in poverty than their straight counterparts, and same-sex elder female couples are twice as likely.<sup>1</sup> “The average lesbian or gay man earns no more than the average heterosexual woman or man, and in some cases, gay people earn less.”<sup>2</sup> A San Francisco study found that almost 62% of gay men and lesbians aged 60 and older earned less than \$39,000, including over 42% who earned less than \$26,000.<sup>3</sup> Transgender people, in particular—because of ongoing and systemic discrimination—experience poverty at extraordinary rates.<sup>4</sup>

**This publication is designed to equip LGBT elders with the tools they need to:**

- Identify available benefits, particularly for people with disabilities
- Know California’s anti-discrimination laws
- Find LGBT-friendly housing and service providers
- Effectively address discrimination or mistreatment
- Understand how relationship recognition laws affect benefits



- Navigate the unique challenges that confront transgender elders
- Understand how to protect their families and choices with life-planning documents

## **An Important Disclaimer**

This publication does not give legal advice. Many of the areas of law covered in this guide are very complex and deal with laws that are in flux. The information given here is just a start and is not tailored to your specific situation. We provide a resource guide in the back listing organizations that can help you to find a competent lawyer.

### **Endnotes**

<sup>1</sup> Naomi G. Goldberg, *The Impact of Inequality for Same-Sex Partners in Employer-Sponsored Retirement Plans*, The Williams Institute, May 2009.

<sup>2</sup> M.V. Lee Badgett, *The Myth of Gay Affluence*, The Gay & Lesbian Review Worldwide, Mar 22, 2000.

<sup>3</sup> Adelman, M., Gurevitch, J., de Vries, B., & Blando, J. (2006). *Openhouse: Community building and research in the LGBT aging population*. In D. Kimmel, T. Rose & S. David (Eds.) *Lesbian, gay, bisexual, and transgender aging: Research and clinical perspectives* (pp. 247-264). New York: Columbia University Press.

<sup>4</sup> National Gay & Lesbian Task Force & National Center for Transgender Equality, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011).

## **PART ONE:**

# **Senior Services— A Brief Summary**

## PART ONE:

# Senior Services—A Brief Summary

There are a variety of services available for low-income seniors in California. This section provides a brief overview of these programs and identifies which city or state department you should contact for more information. Eligibility requirements vary from program to program. Note that immigration status affects eligibility for certain benefits.

- i** Your local Area Agency on Aging is a leading source for information on programs for older adults. Call 800-510-2020 or go to [www.Aging.ca.gov.local\\_AAA/AAA-Listing.asp](http://www.Aging.ca.gov.local_AAA/AAA-Listing.asp) for more information.
- i** For a more in-depth treatment of each of these services, please consult any of the sponsoring organizations of this publication or the Senior Survival Sheets available from Planning For Elders ([www.PlanningForElders.org](http://www.PlanningForElders.org)).

If you experience discrimination in accessing any of these services because of your sexual orientation or gender identity, please contact the National Center for Lesbian Rights' Legal Information Helpline at 800-528-6257 or by email at [Info@NCLRights.org](mailto:Info@NCLRights.org).

### **Adult Day Services**

These programs provide daytime, community-based social and health care programs for elders. If you receive Supplemental Security Income (SSI), Medi-Cal will pay the full cost. Long Term Care insurance policies may also pay for these services. As of this writing, Adult Day Health Centers are slated for elimination on December 1, 2011, but advocacy and legal action may be able to reverse this.

## **Affordable Housing**

The federal government, states and local housing authorities work together to subsidize rent payments so that low-income seniors can afford to live in housing built specifically for that purpose or in privately owned apartments. The level of subsidy is based on income. Various types of affordable housing and subsidies exist for low-income seniors. Your local Housing Authority will have information about affordable housing in your area. You can also call Openhouse at 415-296-8995.

## **Animals for Seniors/People with Disabilities**

There are programs in San Francisco to provide low-income seniors with pets and service animals.

## **Assistive Technology Programs**

Help is available for those who need but cannot afford assistive technology such as screen readers and other types of equipment to help elders and people with disabilities to live more independently. If Medicare or Medi-Cal turns down a request, you may want to appeal the decision with the help of an advocacy organization. See the Resource Guide at the end of the publication for a list of contacts.

## **Cash Assistance Linked to Medi-Cal (CALM)**

CALM provides financial support for medical expenses. Many low-income seniors and people with permanent disabilities who qualify for General Assistance are eligible.

## **Cash Assistance Program for Immigrants (CAPI)**

CAPI is a state program that provides cash assistance to some immigrants age 65 and over and immigrants with disabilities who are not eligible for federal Supplemental Security Income (SSI) because of immigration status.

## **Food Stamps (“Cal Fresh” in California)**

This program provides food assistance for low-income people. There are income requirements for getting food stamps. Food stamp households where all adults are age 60 and over or permanently disabled may be able to gain access more easily, but they must still answer questions about expenses and income. Recipients of SSI are not eligible for food stamps.

## **General Assistance/General Relief (GA/GR)**

The General Assistance or General Relief (GA/GR) Program is a county-administered program to provide financial assistance to low-income adults. Each county's GA/GR program is established and funded entirely by the county's Board of Supervisors. As the state is not involved in this program, benefits, payment levels, and eligibility requirements vary among each of California's 58 counties.

## **Hearing Loss Assistance Programs**

There are a variety of programs to provide seniors suffering from hearing loss with assistance, including the California Telephone Access Program (which provides a special phone to make sounds louder; free alerting devices; and group listening systems in theaters and places of worship).

## **HIV/AIDS Benefits**

People living with HIV/AIDS are eligible for a variety of public benefits, including: California State Disability Insurance, Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), Veterans Administration disability benefits, Medi-Cal, Medicare, Veterans Administration Health Care, California HIV-specific programs, the AIDS Drug Assistance Program (ADAP), and the Comprehensive AIDS Resources Emergency (CARE) Act Health Insurance Premium Payment (HIPP) program.

 **For more information about qualifying for these benefits, please contact the Positive Resource Center at 415-777-0333.**

## **In-Home Supportive Services (IHSS)**

IHSS is a Medi-Cal-based and county-administered program that provides services to seniors in their homes. Services may include personal care (bathing, feeding, transferring, bowel/bladder care, etc.); domestic tasks (cleaning, shopping, laundry, etc.); and certain paramedical services.

 **For more information, see PART THREE: In-Home Supportive Services (IHSS).**

## **Low-Income Energy Programs**

Low-income energy assistance programs offered through the power company provide monthly discounts, financial assistance on past due utility bills, and weatherization.

## **Meals on Wheels**

This program provides home-delivered meals seven days a week to eligible seniors with limited mobility.

## **Medicaid (called Medi-Cal in California)**

Medicaid is comprehensive health insurance for people of all ages who are low-income. Adults with disabilities, adults age 65 or over, or a parent of a qualifying child under 21 years old may also be eligible. California operates Medicaid through the Medi-Cal system. People on CalWORKs and those who receive Supplemental Security Income (SSI) automatically get Medi-Cal. Individual counties run many aspects of the Medi-Cal programs.

## **Medicare**

Medicare is a federal program that provides health insurance for people who are 65 and older and for people with disabilities beginning 24 months after their first date of eligibility for Social Security Disability Insurance (SSDI). Medicare covers hospital care, doctor visits, and prescription drugs, among other health care needs, and covers people with disabilities under certain circumstances.

## **Program of All Inclusive Care for the Elderly (PACE)**

This is an optional benefit under both Medicare and Medicaid that focuses on older people who meet state standards for nursing home care but want to remain at home. A team of doctors, nurses, and other professionals assess participant needs, develop care plans, and coordinate services.

## **Paratransit Services**

The City and County of San Francisco provides alternative transportation for people who have disabilities that limit their ability to use MUNI. Transit options include taxis, shared-ride vans, and group vans. Helping Wheels Fund provides assistance for people in emergencies. If you do not live in San Francisco, check with your local government to see if paratransit services are offered.

## **Qualified Medicare Beneficiary (QMB)/ Specified Low-Income Beneficiary (SLMB)**

These programs help people with low incomes to pay for Medicare costs. They are part of the Medi-Cal program.

## **Senior Centers**

Senior centers offer free and low-cost educational and exercise classes, meal programs, and social activities. Senior centers generally are a good way to stay connected to the community. Many communities have centers in central locations so they are easy to access. Contact your local Area Agency on Aging to find the nearest location.

## **Social Security**

The federal Social Security Administration provides benefits to many Americans. For seniors, the primary Social Security benefits are for retirement, disability, and surviving the death of a spouse.

## **Supplemental Security Income**

Supplemental Security Income (SSI) provides income assistance for people age 65 and over and for people with disabilities who have a very low income and no more than \$2,000 in resources. California supplements this amount through the State Supplementary Program.

# Contact Information for Benefits and Services

Benefits/Services	Contact Information
<p><b>Adult Day Services</b></p>	<p>California Association for Adult Day Services (CAADS)  <a href="http://www.CAADS.org">www.CAADS.org</a>            916-552-7400</p> <p>United Way Helplink: Call “211”</p>
<p><b>Affordable Housing</b></p>	<p>Openhouse—housing, services, and community for LGBT seniors  <a href="http://www.Openhouse-SF.org">www.Openhouse-SF.org</a>            415-296-8995</p> <p>Section 8 Information Line            800-955-2232</p> <p>San Francisco Housing Authority            415-715-3280</p> <p>San Francisco Mayor’s Office of Housing            415-701-550</p>
<p><b>Animals for Seniors/ People with Disabilities</b></p>	<p>Pets are Wonderful Support (PAWS)            415-979-9550</p> <p>San Francisco Society for the Prevention of Cruelty to Animals            415-554-3030</p> <p>Hearing Dogs Program            415-554-3020/TDD 415-554-3022</p> <p>San Francisco Mayor’s Office on Disability            415-554-6789/TTY 415-554-6799</p> <p>Meals on Wheels (pet food)            415-920-1111</p>



<p><b>Assistive Technology Programs</b></p>	<p><b>Disability Rights California</b> (several languages available) 800-649-0154</p> <p><b>Assistive Technology Project</b> <a href="http://www.DisabilityRightsCA.org">www.DisabilityRightsCA.org</a> 916-488-9950</p>
<p><b>Cash Assistance Linked to Medi-Cal (CALM)</b></p>	<p><b>Medi-Cal office</b> 415-558-1978</p>
<p><b>Cash Assistance Program for Immigrants (CAPI)</b></p>	<p><b>CAPI Department</b> 415-558-1978</p> <p><b>Immigrant Assistance Line</b> 415-543-6767 (Spanish) 415-543-6769 (Chinese)</p>
<p><b>Food Stamps</b></p>	<p><b>Food Stamp Outreach Hotline</b> 415-558-4186</p>
<p><b>In-Home Supportive Services (IHSS)</b></p>	<p><b>Department of Aging and Adult Services IHSS Unit</b> 415-557-5251</p>
<p><b>Hearing Loss Assistance Programs</b></p>	<p><b>Hearing and Speech Center of Northern California</b> 415-921-7658 (TTY) 415-921-8990</p> <p><b>Deaf Services Center at the Main Library</b> 415-557-4434</p> <p><b>California Telephone Access Program</b> 800-806-1191</p> <p><b>Hearing Dog Program</b> 415-554-3020</p>

<b>Low-Income Energy Programs</b>	<b>Low-Income Energy Assistance Information</b> <a href="http://www.LIHEAP.NCAT.org/Profiles/California.htm">www.LIHEAP.NCAT.org/Profiles/California.htm</a> 866-675-6623
<b>Meals on Wheels</b>	<b>Meals on Wheels Association of America</b> Go to <a href="http://www.MOWAA.org">www.MOWAA.org</a> to find a local program
<b>Medicaid/Medi-Cal</b>	<b>Medi-Cal Main Office</b> 415-558-1978
<b>Medicare</b>	<b>Health Insurance Counseling and Advocacy Program (HICAP)</b> 800-434-0222
<b>Paratransit Services</b>	<b>Paratransit Services – San Francisco</b> <i>(If not in San Francisco, ask for the number in your area.)</i> <a href="http://www.SFParatransit.com">www.SFParatransit.com</a> 415-351-7000
<b>Program of All Inclusive Care for the Elderly (PACE)</b>	<b>Los Angeles: AltaMed Senior Buena Care</b> 323-728-0411 <b>Oakland: Center for Elders Independence</b> 510-433-1150 <b>San Francisco: On Lok Senior Health Services</b> 415-292-8888 <b>Sacramento: Sutter Senior Care</b> 916-446-3100
<b>Social Security &amp; Supplemental Security Income (SSI)</b>	<b>Social Security Administration</b> 800-772-1213 800-325-0778 (TTY)

## **PART TWO:**

# **Eligibility & Relationship Recognition**


# **2**

## PART TWO:

# Eligibility and Relationship Recognition

When determining what public benefits a person is eligible for and how much money they will receive, government agencies consider whether the person is married or in another legally-recognized relationship, like a registered domestic partnership. Generally speaking, people who are receiving public assistance should be cautious about marrying, registering as domestic partners or entering into any legally-recognized relationship. It could seriously affect your benefits.

In this section, we'll explain which relationships are legally recognized in California and how entering into a domestic partnership or other legal relationship can affect your benefits.

-  Attorneys and advocates familiar with public benefits law should consult the National Center for Lesbian Rights publication *California Public Benefits Issues for Lesbian, Gay, Bisexual, and Transgender Clients: A Guide for Attorneys and Advocates* available online at the National Center for Lesbian Rights website ([www.NCLRights.org/ElderLaw](http://www.NCLRights.org/ElderLaw)).

## Relationship Recognition

### **Which same-sex relationships are legally recognized in California?**

Under California law, the following relationships receive legal recognition: California Registered Domestic Partnerships (RDPs), marriages entered

in any jurisdiction and at any time before Proposition 8 passed in 2008, couples who are both married and registered domestic partners, and many same-sex legal unions from other states.

### **What about federal recognition?**

Under current law, the federal government does not recognize any marriages, civil unions, or domestic partnerships between same-sex couples. But if you think you would be eligible for benefits through your spouse or registered domestic partner if you were an opposite-sex couple, we encourage you to contact the National Center for Lesbian Rights for information.

### **What about transgender people and marriage?**

California recognizes a legal gender change for all purposes, including marriage. Federal law also recognizes a marriage between a transgender person and a person of a different sex. In addition, if a transgender person transitions after marriage, the person's transition should not change the validity of his or her marriage or the recognition of his or her marriage by the federal government. Contact the National Center for Lesbian Rights if state or federal government officials question your marriage or refuse to recognize your relationship for whatever reason.

### **What about taxes?**

Registered Domestic Partners (RDPs) and same-sex married couples must file their California taxes as married. For federal taxes, by contrast, RDPs and same-sex married couples in California must file as single individuals but each partner or spouse must report half of their combined income.

For example, if you make \$10,000 per year, and your RDP makes \$20,000, you each have to report \$15,000 of income on your federal tax return.

Some public benefits programs determine eligibility based on your federal tax returns. So, if your partner or spouse makes more money than you do, you may have to report a higher income as a result, which could lower certain benefits. This could happen even if your actual income has not changed. For more information about how California RDPs and same-sex married couples should file federal taxes, see IRS Publication 555. For more information about tax issues for same-sex couples, you should contact the National Center for Lesbian Rights or another advocacy organization for assistance.

## Specific Benefits Programs

**CAUTION:** The federal government could use the fact that you have a same-sex partner to adjust your benefits. Whether or not the federal government recognizes your relationship, if you and your partner marry or register as domestic partners or enter into another legally-recognized union it may alert the benefits agency that there are other people in your household, living in the unit, or providing assistance. This could change the amount of benefits you are awarded. The government could grant fewer or greater benefits.

This publication cannot provide detailed information on every benefits program, and the information below is not exhaustive. If you receive any of the following benefits, we encourage you to contact an attorney or advocacy organization for more information before you enter into a domestic partnership, marriage, or civil union.

### Supplemental Security Income Benefits

Supplemental Security Income (SSI) benefits are awarded based on income and assets, so they are reduced when the recipient receives financial support from someone else. Income (including food and shelter) that you receive from somebody who may be your spouse under state law is treated the same as income you receive from anyone else.

### Affordable Housing

For most affordable housing programs, the question is whether you are living in the same household as your partner. The programs look at the income of the entire household, regardless of the relationship between the people who live in it. Subsidies are based on the number of bedrooms in the rental unit and the number of people intending to live there.

### Medi-Cal Benefits

The California government runs Medi-Cal, but almost all Medi-Cal programs must follow federal rules. Currently, registered domestic partners and same-sex married spouses are not recognized for most Medi-Cal programs, but this may change because of new guidance from the federal government. If you are married or registered domestic partners and have a question about whether your relationship will be recognized by Medi-Cal, please contact the National Center for Lesbian Rights.

## **Social Security Benefits**

Social Security currently does not recognize a same-sex couple's legal union, but the law in this area may change and is being challenged in court. If you are married to a spouse of the same-sex and would be eligible for Social Security spousal benefits, we encourage you to apply for benefits now and appeal if you are denied. This may allow you to receive back benefits if the federal law is changed and your marriage is recognized. We encourage you to contact the National Center for Lesbian Rights for assistance or more information.

## **Medicare (including Qualified Medicare Beneficiary (QMB)/Specified Low-Income Beneficiary (SLMB) programs)**

Medicare uses the same definition of "spouse" as Social Security. This means that right now, registered domestic partners and same-sex married couples are considered single by Medicare. As with Social Security, if you think you would be eligible for benefits through your same-sex partner or spouse if you were a different-sex married couple, please contact the National Center for Lesbian Rights.

## **General Assistance/General Relief (GA/GR)**

General Assistance/General Relief is run by the counties, which are required by law to recognize registered domestic partners and same-sex married spouses. Many counties, however, have not updated their rules and may not know that they need to do this. For most GA/GR programs, you will receive less benefits if you share housing with other people, or if you are married or registered as domestic partners. If a same-sex couple lives together, the GA/GR grant will likely be reduced because the two people are living together, whether or not the couple is married or registered. If a couple is married or in a registered domestic partnership and do not live together, they often receive a lower combined grant amount than if they were two single individuals.

## **Food Stamps**

Food Stamps is a federal program, and it gives out benefits by "household." A household can be one or more people, and the determination is based on whether or not you prepare and share your food with other people. If you and your partner prepare food completely separately (because of severe dietary restrictions, for example), you may apply for Food Stamps as two

separate households. Two separate Food Stamp households receive more benefits than one household with two people. But, if you are registered domestic partners or a same-sex married couple and you receive CalWORKs or General Assistance, it is not clear whether you can apply as separate Food Stamp households even if you prepare food separately. Contact your local legal aid organization or the National Center for Lesbian Rights if you are in this situation.

### **Low-Income Energy Programs**

Low-income energy assistance programs offered through the power company provide monthly discounts, financial assistance on past due utility bills, and weatherization. Most, if not all, providers base eligibility on a “household” concept (similar to Food Stamps) that asks how many people live in a household and what the total monthly income is. The legal relationships in the household (spouses, registered domestic partners, etc.) are not important.



## **PART THREE:**

# **In-Home Supportive Services**



## **PART THREE:**

# **In-Home Supportive Services**

In-Home Supportive Services (IHSS) provides assistance for elders and people with disabilities who need help in their home. If you face discrimination or mistreatment from the IHSS system or your caregiver, you should contact a Legal Aid provider, the National Center for Lesbian Rights, or Planning for Elders.

### **What Is IHSS?**

IHSS is a statewide program for low-income residents, and it provides assistance so that you can remain safely in your own home. Under IHSS, eligibility is based on whether you are eligible for Supplemental Security Income. The types of services that can be authorized through IHSS are housecleaning, meal preparation, laundry, grocery shopping, personal care services (such as bowel and bladder care, bathing, grooming, and paramedical services), accompaniment to medical appointments, and protective supervision for people with mental disabilities. IHSS recipients are called “consumers” and people providing the services are referred to as “providers.”

### **How Does the Program Work?**

#### **How to Apply**

To apply for IHSS, complete an application and submit it to the local IHSS office at the county welfare department. To find your local office, look for the closest county welfare department office listed under the County Government Section in the telephone book.

## **Follow-up Interview**

A county social worker will interview you at your home to determine your eligibility and need for IHSS. Based on your ability to safely perform certain tasks for yourself, the social worker will assess the types of services you need and the number of hours the county will authorize for each of these services. Be ready to explain exactly what type of help you need and why. You may want to provide the social worker with supporting statements from family, friends, a physician, or another health provider.

## **Notification**

You will be notified if IHSS has been approved or denied. If denied, you will be notified of the reason for the denial. If approved, you will be notified of the services and the number of hours per month which have been authorized for you. You have a right to ask for a state hearing if you are denied services or if you believe you have been assigned too few hours.

## **Service Providers**

There are two main methods by which people get IHSS: the Independent Provider Mode (IP) and the Contract Mode. The Independent Provider Mode gives you the power to choose your caregiver. The Contract Mode, by contrast, gives the power to assign a caregiver to a central agency.

## **Tips for Hiring an Independent Provider**

### **You Do the Hiring**

If you are using the Independent Provider (IP) mode, you will choose the person to perform the authorized services. You are considered your provider's employer and, therefore, it is your responsibility to hire, train, supervise, and fire this individual. Almost every county in California has a Public Authority which has a registry of qualified and screened IHSS providers which will be provided to you upon request. It will be your responsibility to call the candidates and hire the one you think is the best fit.

### **Interview Candidates**

When you call, you can ask questions like: Have you ever worked with an LGBT senior before? Have you been trained on LGBT elder issues? My best friend is LGBT and he frequently visits, are you comfortable with LGBT people?

## **Hiring Family or Friends**

You also have the option of hiring a friend or family member to be your IP. If you know someone who is capable of fulfilling your care needs, this is an important possibility to consider.

## **Tips for the Contract Mode**

If your county offers the contract mode, you may have services provided by a contractor, who is responsible for training and supervising their providers. The contractor will assign a caregiver to you based on an assessment that they make of your needs. For this reason, it is very important that you ask for an LGBT-friendly caregiver when they interview you. If you face resistance to this request or are assigned a caregiver who is not LGBT-friendly, you should contact one of the advocacy organizations listed at the back of this guide. It may be a challenge, but it is not impossible to replace your caregiver if you are unsatisfied. (Please note: with the contract mode, there is no guarantee that the provider assigned to you will remain the same, and you do not have an automatic right to get a replacement if you are dissatisfied).

## **How Are IHSS Payments Made?**

Once enrolled and hired by a consumer, independent providers submit their timesheets to the county for processing and get paychecks from the State Controller. Under the contract mode, the agency is responsible for payment.

 **For more information, visit the website for In-Home Supportive Services at: [www.CDSS.CA.gov/CDSWeb/pg139.htm](http://www.CDSS.CA.gov/CDSWeb/pg139.htm).**

## **PART FOUR:**

# **Your Right to Non-discriminatory Care**

# **4**

## **PART FOUR:**

# **Your Right to Non-discriminatory Care**

California law prohibits discrimination against LGBT seniors in a variety of contexts. In this section we will: outline California's non-discrimination laws concerning LGBT seniors; list the red flags of discrimination in a long-term care facility; and discuss HIV confidentiality laws.

## **California's Non-discrimination Laws**

### **Broad Protections**

California law forbids discrimination against LGBT people in many areas, including housing, employment, and public accommodations (this includes many of the facilities that serve seniors).

### **State Benefits and Services**

In particular, California law prohibits discrimination against LGBT people by any program or activity that is funded directly by the state or receives any financial assistance from the state. This includes any state service or benefit for LGBT elders.

## **Red Flags of Discrimination in a Long-Term Care Facility**

Under California law, you have the right to be free from discrimination in long-term care facilities. Please contact the National Center for Lesbian Rights if you or someone you know is:

- Refused the right to receive visitors.
- Denied access to hormone therapy or other treatments for transgender people.

- Forced to wear gender stereotypical clothing that is not comfortable for the individual.
- Not allowed to express his or her gender and/or gender identity.
- Segregated from other residents.
- Harassed by staff or other residents.
- Discriminated against on the basis of HIV status.
- Refused appropriate and respectful care from staff and medical providers.
- Discharged or transferred from a facility wrongfully, or refused admittance.
- Refused the right to visit with or share a room with a partner.
- Put in a situation where life-planning documents (e.g., a durable power of attorney, health care surrogate designation) are not respected.

## **HIV Discrimination**

**i** For more information, contact the Positive Resource Center at 415-777-0333 or the AIDS Legal Referral Panel at 415-701-1100 (San Francisco) or 510-451-5353 (Oakland).

### **Medical Records Confidentiality**

California law and federal law both prohibit the unauthorized disclosure of someone's HIV status. If you feel that a service provider, caregiver, or private individual has wrongfully disclosed your HIV status, please contact the National Center for Lesbian Rights or an HIV/AIDS advocacy organization.

### **Public Accommodations Discrimination**

Under federal law and California law it is unlawful to bar someone from an elder-care facility of any kind on the basis of their HIV status. If you experience discrimination on the basis of HIV status at an elder care facility or senior center, please contact the National Center for Lesbian Rights or an HIV/AIDS advocacy organization.

## **PART FIVE:**

# **Finding LGBT-Welcoming Services**

# **5**



## **PART FIVE:**

# **Finding LGBT-Welcoming Services**

Every LGBT senior deserves welcoming and LGBT-friendly housing and services. Here are tips on how to make sure you or a loved one finds appropriate care. Contact LGBT senior service organizations in your area for more information and advice on finding an LGBT-friendly facility or service provider. These tips are based on training programs administered by California LGBT senior service providers.

When choosing an adult day care service provider, senior center, or long-term care facility, there are ways to investigate whether a location is LGBT-friendly. You can visit the facility (maybe with friends or family members) to ensure that the staff and administration are competent and educated on the needs of LGBT residents. If you are uncomfortable being out while you investigate which facilities are welcoming, you should ask a friend or advocacy organization to help you.

### **Does the agency have an explicit LGBT non-discrimination policy?**

This policy should state that discrimination on the basis of sexual orientation or gender identity is not allowed. Do staff members respect a transgender person's gender identity, pronouns, and chosen name?

### **Does the agency employ out LGBT people or currently serve any out LGBT clients?**

You can call and ask if there are any other LGBT clients, employees, or other staff members. This is especially important for a 24-hour care facility. There are LGBT people in every facility, of course, but whether or not they are out reveals a great deal about the environment.

### **Have staff members received training by a local LGBT elder advocacy organization?**

If not, are they open to the idea of bringing in organizations like Openhouse, Lavender Seniors, or Spectrum (Marin County) to train staff in LGBT elder cultural competence?

### **Do they display LGBT symbols or literature or include LGBT-welcoming materials among their brochures?**

You can ask if these materials are available, or stop by to visit and see if a “Safe Space” sign is on display. You can also look for a Lavender Seniors or Openhouse poster. Ask staff members if they would consider posting the “Safe Space” sign on the last page of this guide.

### **Are intake forms and marketing materials LGBT-inclusive?**

For instance, do forms for new residents include a place to note a same-sex partner?

### **If it is a residential care facility, do they allow same-sex couples to live in the same room?**

Under California law, they have to treat same-sex couples the same as different-sex couples, but you should ask anyway. This is a good way to see how staff members respond to LGBT issues.

## **Health Care Providers**

LGBT people have unique health issues, and it is important to find a health care provider with whom you feel comfortable being out. Here are two resources that may be helpful.

### **The Gay & Lesbian Medical Association**

This organization keeps a searchable online database of LGBT-friendly doctors and care providers, as well as web pages devoted to transgender health resources. Their website is [www.GLMA.org](http://www.GLMA.org).

### **The National Register of Health Service Providers in Psychology**

This organization keeps a searchable online provider database. Under the “Qualifications” field, you can choose “Gay, Lesbian, Bisexual or Transgender Issues.” Their website can be found at [www.NationalRegister.org](http://www.NationalRegister.org).

## **PART SIX:**

# **How to Report Discrimination**

# **6**

## **PART SIX:**

# **How to Report Discrimination**

Under California law, it is illegal to discriminate against someone on the basis of sexual orientation, gender identity, or gender expression. In this section, we will outline steps to take if you feel you've faced discrimination or harassment.

At any stage in the process of reporting discrimination, you can contact a lawyer, the National Center for Lesbian Rights, the Transgender Law Center, or another advocacy group for assistance.

### **Know your rights**

Educate yourself through the Senior Survival School handouts, publications from the National Center for Lesbian Rights and other advocacy organizations, and through sharing information with your friends.

### **Safety first**

The most important thing to do if you experience harassment or discrimination is to make sure you are safe. Violence and threats of violence are illegal. If you have experienced a serious attack, then report it to the police or a trusted advocacy organization.

### **Write down what happened**

Document the incident. Make sure you write down a thorough description, including what happened, who was involved, where it happened, when it happened, the names of any witnesses, any state employees or service providers who were present and how they responded. It is essential that you do this as soon as possible. If someone witnessed the harassment, ask him or her to add a short note to your written description verifying

that they witnessed the incident and that it happened as you described it. If you need assistance writing it down, then ask a friend or advocacy organization for help.

### **Depending on the circumstances, you may want to file a complaint**

You are not to blame for any harassment you suffer. Depending on who has discriminated against you, you can report it to different individuals or organizations. If you have questions, contact an advocacy organization. When you make a complaint, ask the person you complain to what action he or she plans to take and when. If you are complaining about discrimination where you live but you feel safe and want to stay where you are, insist that the supervisor or manager you speak to doesn't remove you from the environment (senior center, nursing home, etc.).

### **Be aware of the risks of making a complaint**

Making a complaint within the system can sometimes lead to a breach of confidentiality (outing yourself) or retaliation by staff.

### **Follow up**

If harassment continues, report that the disciplinary action isn't working. Document your interactions with the supervisor, manager, or other person in power. Make a note of when you met, what you agreed on, and whether he or she followed through.

### **Next steps**

If this doesn't work, you can always contact a lawyer or advocacy organization to pursue action on your behalf.



## **PART SEVEN:**

# **Issues Specific to Transgender Elders**

## PART SEVEN:


# Issues Specific to Transgender Elders

Identification documents are necessary for many types of services, and transgender people frequently encounter obstacles to getting an ID that reflects their name and gender identity. In this section, we'll explain how to change gender markers on your legal documents, what to do if you face barriers to changing your name or gender marker, and Medicare/Medi-Cal issues relating to transition care.


-  For more information about changing your name and gender marker, see the Transgender Law Center's publication *ID, Please: A Guide to Changing California & Federal Identity Documents to Match Your Gender Identity*, available at [www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org) or contact the Transgender Law Center at 415-865-0176.
- 

### Changing Name/Gender Markers

Having the correct name and gender marker on your legal documents and identification cards can be important for obtaining benefits. The Transgender Law Center recommends the following route for people changing both their name and gender as a part of their transition in California.

-  NOTE: Starting January 1, 2012, the standard for getting a legal gender change in California will change. This is an important development. The law used to require someone to show proof that they had “undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex.” Now, someone will only have to present a

letter from their doctor stating that they have received “clinically appropriate treatment for the purposes of gender transition.” Contact the Transgender Law Center to find out how this could affect you.

 **For detailed instructions, checklists, and sample forms for each of these steps, please call Transgender Law Center for assistance at 415-865-0176 and consult its publication called *ID, Please: A Guide to Changing California & Federal Identity Documents to Match Your Gender Identity*. It is available at [www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org).**



### **Court Order**

This is a necessary first step. Filing a petition for a court order can cost over \$390, but courts offer a fee waiver for those who can't afford this amount. Individuals who receive Medi-Cal, Supplemental Security Income (SSI) and other public benefits are automatically eligible for a fee waiver. Contact Transgender Law Center or the National Center for Lesbian Rights for information about this option. Note: Although it is still technically possible in California to change one's name by adopting a new name and using it continuously and exclusively for a period of time (also known as a “common law name change” or the “usage method”), today it is important to get a court-ordered name change because many government agencies require it before they will update a person's records.

### **Immigration Records**

For information on changing name and gender markers on Green Cards and Naturalization certificates, consult Transgender Law Center's publication, *ID, Please: A Guide to Changing California & Federal Identity Documents to Match Your Gender Identity*.

- **Name Change:** In general, you need a court order to use a name other than your birth-name on immigration service documents. If possible, it is best to start the immigration process (e.g., an asylum application) with the name that matches your gender identity—not a birth name. If you have already started the immigration process, each form of identification that you have can be updated by court order. You do not need to be a US citizen or permanent resident to get a California court order recognizing change of name. But non-citizens should speak to Transgender Law Center or experienced immigration attorneys before going to court.




- **Gender Marker Change:** Like most federal agencies, the immigration service requires a surgeon’s letter to change the gender marker on official immigration documents. It is not clear what types of surgery are sufficient for this requirement. A California gender change court order is not enough on its own, but it can be helpful.

### **Social Security Administration**

Changing your name and gender marker on your Social Security Administration (SSA) account is important because other agencies and entities may look to Social Security to verify your gender. In order to change your name with the SSA, you must submit a certified copy of your court-ordered name change. Social Security officially requires that individuals provide documentation that they have “completed” sex reassignment surgery before they will change a person’s gender marker in their system. For instructions on how to do this, see Transgender Law Center’s publication, *ID, Please: A Guide to Changing California & Federal Identity Documents to Match Your Gender Identity*.

- **Supplemental Security Income/Social Security Disability Insurance:** If you have a Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI) account, you should tell the people at SSA to change your name and/or gender marker on this account as well.
- **Medi-Cal and Medicare Recipients:** If you have SSI/SSDI and Medi-Cal, then your information should be automatically updated on your Medi-Cal account. However, you should still remind SSA to forward the name change information to Medi-Cal. If you do not have SSI/SSDI, then you need to contact SSA and Medi-Cal to change information with each agency.

### **Department of Motor Vehicles**

 In order to change your name with the Department of Motor Vehicles (DMV), you must submit a certified copy of your court-ordered name change along with Form DL 44. Call the DMV’s automated line at 800-777-0133 to obtain this form. The form is not available online because each one has a unique barcode. Note that changing your name on your driver’s license will not automatically change your name on your vehicle registration information. To change your gender with the DMV you must submit Form DL 329. Fortunately, you do not need to have undergone

any specific medical treatment other than a physical examination with your doctor (i.e. there is no requirement that you have undergone hormone therapy, mental health services, or surgery) in order to change your gender marker with the DMV.

### **California Birth Certificate (born in and currently reside in California)**

California law allows people born in the state to request a new birth certificate recognizing their gender identity. The Office of Vital Records has a publication that explains the steps: *Obtaining a New Birth Certificate after Gender Reassignment*. If you do not currently live in California, contact the National Center for Lesbian Rights or the Transgender Law Center for assistance.

### **Passport**

For a name change on a passport, a court order is enough. For a gender marker change on a passport, you need to provide a letter from your physician certifying that you have had appropriate clinical treatment for gender transition (surgery used to be required, but is not required anymore). The US Passport Agency will always allow you to use a photo that represents the way you look, regardless of whether the photo stereotypically matches the gender marker on your passport.

**i** **Please call the Transgender Law Center for assistance at 415-865-0176 and consult the publication *ID, Please: A Guide to Changing California & Federal Identity Documents to Match Your Gender Identity* for more information.**

### **Non-Government Records (banks, credit cards, credit reporting agencies)**

Some banks may require a court order while others may only want you to present identity documents with your old and new name on it. You may want to consider whether there is any reason to keep your old name as an additional name on the account (e.g., if you receive checks in your old name). Credit card providers have different rules—consult with them to find out. Credit bureaus are likely to keep your old name on your records for a period of time, but it is still a good idea to update your records as soon as possible. You will need to submit a copy of your name change court order to each of the three credit reporting agencies (Equifax, Experian, and Trans Union).

## **Medi-Cal Funding for Transition-Related Care**

### **Medi-Cal Covers Gender Reassignment**

Medi-Cal will cover transition-related health care on a case-by-case basis when determined to be medically necessary. This may include hormone treatment and gender reassignment surgeries. To find out more information about this process, please contact the Transgender Law Center or review the publication *Medi-Cal and Gender Reassignment Procedures*.

### **Recipients of Both Medicare and Medi-Cal**

If Medicare is your primary health insurance, you need to first apply for coverage through that system. Medicare has recently clarified that Hormone Replacement Therapy (HRT) is a covered benefit when determined to be medically necessary, but Medicare explicitly does not cover other transition-related care. Once Medicare denies your application, then you can follow the above steps to seek approval from Medi-Cal.

## **PART EIGHT:**

# **LGBT Veterans Rights**

# **8**

## **PART EIGHT:**

# **LGBT Veterans Rights**

Below is a brief overview of the variety of benefits for veterans provided by the US Department of Veterans Affairs and the State of California.

**i** For more information, contact your local County Veterans Service Office (CVSO) or, if you are a San Francisco Bay Area resident, you may contact Swords to Plowshares at 415-252-4788 or [Legal@STP-SF.org](mailto:Legal@STP-SF.org). You can also contact the Servicemembers Legal Defense Network (SLDN), based in Washington, D.C. at 202-328-3244 or [SLDN@SLDN.org](mailto:SLDN@SLDN.org).

### **Transgender Veterans**

The Veterans Health Administration of the U.S. Department of Veterans Affairs (VA) recently issued a Directive to all of its facilities establishing a policy of non-discrimination in the treatment of transgender veterans. The Directive mandates that VA personnel and staff are required to provide care to transgender patients “without discrimination in a manner consistent with care and management of all Veteran patients.” With one notable exception, all medically necessary transition-related healthcare needs are to be provided to transgender patients. This includes hormone therapy, mental healthcare, pre-operative evaluation, post-operative long-term care, and any and all routine health screenings (such as breast, prostate, or cervical cancer screenings). The single exception is sex reassignment surgery (SRS). If you are transgender and feel you are or have been discriminated against by the VA, please contact the National Center for Lesbian Rights or the Transgender Law Center.

### **“Don’t Ask, Don’t Tell”**

While there are misconceptions around the impact of “Don’t Ask, Don’t Tell” (DADT) on lesbian, gay, and bisexual veterans, no one was ever directly barred from the VA just for being out. Veterans are, however,

ineligible for VA benefits and services if they were given an unfavorable discharge under DADT while in the service. As of the date of this publication it is still unclear what relief will be afforded veterans discharged under DADT. Generally, new regulations and laws which are favorable to service members are applied retroactively in discharge upgrade proceedings. Therefore, if you received an unfavorable discharge as a result of DADT you may now or in the near future be entitled to a discharge upgrade. If you were discharged pre-DADT for homosexual conduct you may also be eligible for a discharge upgrade due to favorable changes in the law. Please contact your local County Veterans Service Office (CVSO) for additional information.

### **Upgrading Discharges**

If you were given a less than honorable discharge for being lesbian, gay, or bisexual you may be entitled to an upgrade in your discharge. Alternatively, despite an unfavorable discharge you may become eligible for VA benefits through a process known as a Character of Service Determination. This is a VA administrative process which often takes less time than a military discharge upgrade. Furthermore, the VA generally uses less restrictive criteria when reviewing the applications. Either process can make you eligible for VA healthcare and benefits, though the Character of Service Determination will not actually change your discharge status. For more information, please contact Swords to Plowshares.

### **Spousal Benefits**

The Defense of Marriage Act (DOMA) remains in effect, so the spouse or domestic partner of a veteran is not entitled to VA benefits otherwise awarded to heterosexual spouses. However, it may still be in your best interest to submit a claim for dependent benefits now. Even though you will likely be denied benefits absent a change in the law, if and when DOMA is overturned you may be entitled to collect retroactive benefits.

### **California-Funded Veterans Benefits**

California-funded veterans benefits, including admission to Veterans Homes, may not be denied to qualifying veterans on the basis of their gender, gender identity, or sexual orientation. In addition, registered domestic partners and same-sex spouses residing in California are entitled to all state-funded military benefits available to spouses of eligible military veterans, including state-funded veterans housing. Please note that

eligibility requirements for admission into a California Veterans Home and for some other veterans benefits include either an honorable discharge or discharge under honorable conditions. Veterans Homes are located in Yountville, Barstow, Chula Vista, Lancaster, Ventura, and West Los Angeles. Veterans Homes are also planned for Fresno and Redding. Similarly, spouses of eligible veterans may access other California-funded veterans' benefits, such as tuition fee waivers at state colleges and universities, and civil service examination preferences. For more information, please contact the California Department of Veterans Affairs.

### **Service-Connected Compensation**

Service-connected disability compensation offers financial assistance to veterans for current medical conditions or injuries which were either incurred while on active duty, or were pre-existing conditions made permanently worse while on active duty. If you currently have any medical conditions which you believe may have originated in service you may be entitled to benefits. Additionally, if you are currently receiving treatment for a service-connected condition and your symptoms have increased, you may be entitled to a higher rating. For more information, please contact your local CVSO.

### **Pension Benefits**

Non-service connected VA pension benefits are paid to low-income veterans who served during a period of war and are unable to work due to a medical condition. The medical condition does not need to be related to your time in the service. Moreover, if you are age 65 or older it is presumed that you are unable to work and you will not need to substantiate the severity of your disability.

The income ceiling requirements for pension benefits can be raised for several reasons, including unreimbursed medical expenses. Additionally, if you are unable to provide for your basic daily needs and require the aid and attendance of a care provider you may be entitled to an additional modest sum of money to help pay for these services. Please contact your local CVSO for additional information.

## **PART NINE:**

# **Life Planning Documents**


# **9**



## PART NINE:

# Life Planning Documents

Our rights, our relationships, and our families are not always respected. For this reason, it's important to take action now and make your choices and decisions known in writing. If you do not create legal documents to define your own personal choices, the law will choose people to make those decisions for you, even if you are estranged from them. We encourage you to fill out each of these documents to protect you and your family.

 For more information, consult the National Center for Lesbian Rights publication: *Lifelines: Documents to Protect You and Your Family*.

## Life Planning Documents

### Medical Care Documents

Few issues are more important than making your medical wishes known and assigning a trustworthy person to carry them out if you fall ill. These documents will help protect your choices.

### Durable Power of Attorney for Healthcare (aka Health Care Proxy)

This document names the person you want to make medical decisions for you if you cannot communicate. This person is called your “agent” for health care decisions.

### Medical Directive

This document spells out what types of medical action you want (and don't want) to be taken when you are unable to communicate your choices

regarding medical care. You can file your advance directive with California's Advance Directive Registry at [www.SOS.CA.gov/ahcdr/forms.htm](http://www.SOS.CA.gov/ahcdr/forms.htm) to ensure that medical professionals can find it.

### **Health Insurance Portability and Accountability Act (HIPAA) Release**

Because of strict privacy laws, you need to execute a document to give people you trust access to your medical records. It's important to do this so that if you are injured or get sick and can't advocate for yourself, someone else can see you and your records and—using the Power of Attorney for Healthcare—make sure that you're getting the care that you want. You can obtain a release form at [www.Caring.com/forms/hipaa-release-form/free-hipaa-release-form.pdf](http://www.Caring.com/forms/hipaa-release-form/free-hipaa-release-form.pdf) or from your medical provider.

A form with both the POA and the Medical Directive is available on the Caring Connections website at [www.CaringInfo.org](http://www.CaringInfo.org). We also encourage you to consult with an attorney. You should keep a copy for yourself and give copies to 1) your partner; 2) your physician; 3) the person you name as your agent for making healthcare choices; 4) hospital officials where you might be receiving treatment; and 5) anyone else you think should know about your decision. You can change or undo these documents at any time.

### **Hospital Visitation Authorization**

This document lets you designate whom you would like to be able to visit you in the hospital if you are unable to communicate your wishes. Make sure that your doctor and your hospital have copies of your hospital visitation authorization on file. If you are refused visitation by hospital officials, contact the National Center for Lesbian Rights at 800-528-6257, or the 24-hour Department of Aging ombudsman crisis hotline at 800-231-4024. Here is a sample form from the Human Rights Campaign: [www.HRC.org/documents/Hospital\\_Visitation.pdf](http://www.HRC.org/documents/Hospital_Visitation.pdf).

### **Durable Power of Attorney for Finances**

This document allows you to pick someone—your “agent”—to take care of your finances if you are unable to do it yourself. This authorizes your agent to control a broad range of financial matters, including paying your bills, cashing your checks, and receiving benefits. Your agent should be someone you trust without any reservation. A general Power of Attorney will handle most day to day transactions, but you should also check with your bank and other institutions to determine if they have their own form for you to fill out.

## **Will or Living Trust**

These documents allow you to say who will receive your property when you die. If you die without a will or living trust, your property will be distributed automatically to certain people according to state law, regardless of what you would have wanted. Under California law, spouses and domestic partners will automatically inherit a certain amount of an estate if someone dies without a will, but it will require a probate and you won't have control over how much is given to whom. A living trust may be preferable to a will in order to avoid involving the legal system in dividing up your property. To protect yourself, it is essential that you consult a knowledgeable attorney. Contact the National Center for Lesbian Rights for names of attorneys who can assist you pro bono or on a sliding scale.

## **Funeral Wishes: Personal Preference/Designation of Agent**

These documents allow you to make your wishes known about what you want to happen to your body after you die. You can also appoint someone you trust to carry out your funeral wishes. There are two requirements. First, the directions must be clear and complete, with enough detail that there is no question about what is intended. Second, all arrangements for payment, if necessary, must have been made. For transgender elders, these documents are especially important to ensure that your gender identity and expression are respected in the burial and memorial process.

- i** **Contact the National Center for Lesbian Rights or the Funeral Consumers Alliance at 802-865-8300 for more information or if you face discrimination from funeral directors.**

## **Hiring a Competent Attorney**

For your own protection, you must have an experienced, knowledgeable attorney help you draft your planning documents, and give you advice and counsel in all aspects of planning.

- i** **For information about how to find an attorney in your area, you can contact the National Center for Lesbian Rights' Legal Helpline by calling 800-528-6257 or by emailing [Info@NCLRights.org](mailto:Info@NCLRights.org). You can also contact an LGBT legal organization or bar association near you. For a list of these organizations, visit the National LGBT Bar Association at [www.LGBTBar.org/affiliates.html](http://www.LGBTBar.org/affiliates.html).**

## **PART TEN:**

# **LGBT Elders Resource Guide**

# **10**

## PART TEN:

# LGBT Elders Resource Guide

Use the resources in this section to find organizations that can help you answer legal questions, find attorneys, find LGBT-friendly service providers, or simply connect with the LGBT community in your area. If you're not sure whom to call, you should feel comfortable contacting any of these organizations. If the one you call is not the right one for your needs, they will direct you to a more appropriate group.

**Use these symbols throughout the resource guide to quickly identify phone numbers and websites:**



Phone Number



Website

## Questions about your rights or the law?

### **AIDS Legal Referral Panel (ALRP)**


*Provides free and low-cost legal services to people with HIV/AIDS in the San Francisco Bay Area.*

 415-701-1100 (San Francisco),  510-451-5353 (Oakland)

 [www.ALRP.org](http://www.ALRP.org)

### **Disability Rights California**

*Advances the rights of Californians with disabilities.*

 800-649-0154

 [www.DisabilityRightsCA.org](http://www.DisabilityRightsCA.org)

### **Equality California**


*Works with policymakers and communities to achieve equality and secure legal protections for LGBT people, including seniors.*

 415-581-0005

 [www.EQCA.org](http://www.EQCA.org)

### **Lambda Legal (Los Angeles office)**


*Works to achieve full recognition of the civil rights of LGBT people and those with HIV through impact litigation, education and public policy work.*

 213-382-7600

 [www.LambdaLegal.org/wro](http://www.LambdaLegal.org/wro)

### **Law Help California**


*Helps Californians find legal aid referrals and self-help resources, with specific assistance for seniors.*

 800-551-5554 (Bay Area)

 [www.LawHelpCalifornia.org](http://www.LawHelpCalifornia.org)

### **National Center for Lesbian Rights—Elder Law Project**


*Provides legal services, legislative support and policy work to advance equality for LGBT elders.*

 800-528-6257

 [www.NCLRights.org/ElderLaw](http://www.NCLRights.org/ElderLaw)

### **National Center for Transgender Equality**


*Advances the equality of transgender people through advocacy, collaboration and empowerment, with a special emphasis on issues facing trans elders.*

 202-903-0112

 [www.TransEquality.org](http://www.TransEquality.org)

### **National Resource Center on LGBT Aging**

*Provides a wide array of resources for LGBT older adults, aging service providers, and advocates.*

 212-741-2247

 [www.LGBTAgeingCenter.org](http://www.LGBTAgeingCenter.org)

### **National Senior Citizens Law Center**

*Protects the rights of low-income older adults through advocacy, litigation, and technical assistance, and manages [www.LGBTLongTermCare.org](http://www.LGBTLongTermCare.org).*

 213-674-2900

 [www.NSCLC.org](http://www.NSCLC.org)

### **Positive Resource Center**

*Provides comprehensive benefits counseling and employment services for people living with or at risk for HIV/AIDS in San Francisco.*

 415-777-0333

 [www.PositiveResource.org](http://www.PositiveResource.org)

### **Proyecto Poderoso—a joint project of the National Center for Lesbian Rights and California Rural Legal Assistance**


*Works to improve legal services for low-income LGBT people in rural California.*

 209-946-0605

 [www.NCLRights.org/ProyectoPoderoso](http://www.NCLRights.org/ProyectoPoderoso)

### **Servicemembers Legal Defense Network (SLDN)**


*Works to guarantee equality of treatment and opportunity for LGBT service-members and provides resources on issues affecting LGBT elder veterans.*

 202-328-3244

 [www.SLDN.org](http://www.SLDN.org)

### **Swords to Plowshares**

*Provides counseling and case management, employment and training, and housing and legal assistance to veterans in the San Francisco Bay Area.*

 415-252-4788

 [www.STP-SF.org](http://www.STP-SF.org)

### **Transgender Law Center**

*Utilizes direct legal services, public policy advocacy, and educational opportunities to advance the rights and safety of diverse transgender communities.*


 415-865-0176

 [www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org)

## **Question about services and LGBT trainings available in your area?**

### **Aging as Ourselves/ElderHelp (San Diego)**

*Offers social services that help seniors live independently in their own homes.*

 619-284-9281

 [www.ElderHelpofSanDiego.org](http://www.ElderHelpofSanDiego.org)

### **Azteca Project**

*Advocates for the LGBT elder Latino/a community.*

 619-426-6736

 [www.AztecaProject.org](http://www.AztecaProject.org)

### **The Diversity Center—60+ Senior Program/Santa Cruz County LGBT Community Center**


*Holds monthly socials for LGBT seniors and performs outreach to mainstream service providers.*

 831-425-5422

 [www.DiversityCenter.org](http://www.DiversityCenter.org)

### **Gay & Lesbian Elder Housing (Los Angeles)**

*Works to improve the life experience of LGBT seniors by developing affordable housing, providing comprehensive care, and conducting advocacy and education.*

 323-957-7200

 [www.GLEH.org](http://www.GLEH.org)

### **Griot Circle**


*Provides an intergenerational, culturally-diverse, community-based organization serving the needs of the community of LGBT elders of color over the age of fifty.*

 718-246-2775

 [www.GriotCircle.org](http://www.GriotCircle.org)

### **Golden Rainbow Center (Palm Springs)**

*Works to enrich the lives of the LGBT community—including elders—in the Coachella Valley.*

 760-416-7790

 [www.GRCPS.org](http://www.GRCPS.org)

### **Lavender Seniors of the East Bay**


*Works to improve the quality of life of older LGBT residents of Alameda and Contra Costa counties through direct services, outreach, advocacy and education.*

 510-667-9655

 [www.LavenderSeniors.org](http://www.LavenderSeniors.org)

### **North Bay Center on LGBT Aging—Spectrum**

*Offers LGBT elders the opportunity to come together for socializing, support, and community.*

 415-472-1945 x209

 [www.SpectrumLGBTCenter.org](http://www.SpectrumLGBTCenter.org)



### **Openhouse—housing, services, and community for LGBT seniors**


*Builds critically-needed housing, services, and community programs to support the health and well-being of LGBT older adults.*

 415-296-8995

 [www.Openhouse-SF.org](http://www.Openhouse-SF.org)

### **Planning For Elders**

*Works to improve the quality of life of seniors, adults with disabilities, and their caregivers in San Francisco and beyond.*

 415-703-0188

 [www.PlanningForElders.org](http://www.PlanningForElders.org)

### **Rainbow Community Center of Contra Costa**


*Provides services for LGBT elders in Contra Costa County.*

 925-692-0090

 [www.RainbowCC.org](http://www.RainbowCC.org)

### **Services & Advocacy for GLBT Elders**


*Provides programs and services across the country for the aging LGBT community, technical assistance and training, and legislative advocacy.*

 212-741-2247

 [www.SAGEUSA.org](http://www.SAGEUSA.org)

### **Transgender Aging Network—a program of FORGE**

*Advocates for transgender elders, develops transgender-specific materials, and helps conduct trainings on transgender aging issues.*

 414-559-2123

 [www.FORGE-Forward.org](http://www.FORGE-Forward.org)

## **Looking for LGBT community resources?**

### **The Center Orange County**

*Advocates and provides programs and services to the Orange County LGBT community.*

 714-953-5428

 [www.TheCenterOC.org](http://www.TheCenterOC.org)

### **LA Gay & Lesbian Center—Seniors Services Department**


*Provides a broad array of free or low-cost social, educational, and support services to LGBT seniors and Baby Boomers of Los Angeles.*

 323-860-7397

 [www.LAGayCenter.org](http://www.LAGayCenter.org)

### **The Gay & Lesbian Center of Greater Long Beach**

*Promotes information and education, health and well-being, cultural and social activities, and social justice for LGBT communities.*

 562-434-4455

 [www.CenterLB.org](http://www.CenterLB.org)

### **Pacific Center for Human Growth (Berkeley)**

*Promotes the well-being and self-respect of LGBT individuals through professional counseling, groups, community events, and advocacy.*

 510-548-8283

 [www.PacificCenter.org](http://www.PacificCenter.org)

### **Pacific Pride Foundation (Santa Barbara County)**


*Provides services to the HIV/AIDS and LGBT communities of Santa Barbara County.*

 805-963-3636

 [www.PacificPrideFoundation.org](http://www.PacificPrideFoundation.org)

### **San Diego LGBT Community Center—50 and Better Together**

*Provides a safe space for LGBT older adults to have access to important resources and referrals regarding health care, social services, and community activities.*

 619-692-2077

 [www.TheCenterSD.org](http://www.TheCenterSD.org)

### **San Francisco LGBT Community Center**


*Provides services to the LGBT community of San Francisco.*

 415-865-5555

 [www.SFCenter.org](http://www.SFCenter.org)

### **The South Bay Center (Torrance)**


*Provides services to the LGBT community of the Torrance area.*

 310-328-6550

 [www.SouthBayCenter.org](http://www.SouthBayCenter.org)

### **Stanislaus Pride Center**


*Provides services to the LGBT community of Stanislaus and surrounding counties.*

 209-338-0855

 [www.StanPride.org](http://www.StanPride.org)

### **Stonewall Alliance Center of Chico**


*Provides services to the LGBT community of the Northern Sacramento Valley of California.*

 530-893-3336

 [www.StonewallChico.org](http://www.StonewallChico.org)

### **CenterLink**

*Provides a directory of LGBT community centers throughout the United States.*

 954-765-6024

 [www.LGBTCenters.org](http://www.LGBTCenters.org)



Cut along dotted line or photocopy.

# Lesbian, Gay, Bisexual, and Transgender Safe Space

## Questions or Concerns?

Please contact the on-site LGBT ally:

Name: \_\_\_\_\_

Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

Email: \_\_\_\_\_

## For more information...

**National Center for Lesbian Rights** [www.NCLRights.org](http://www.NCLRights.org)

**LavenderSeniors** [www.LavenderSeniors.org](http://www.LavenderSeniors.org)

**Transgender Law Center** [www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org)

**Openhouse** [www.Openhouse-SF.org](http://www.Openhouse-SF.org)

**Planning for Elders** [www.PlanningforElders.org](http://www.PlanningforElders.org)



NATIONAL CENTER FOR LESBIAN RIGHTS

**The National Center for Lesbian Rights** is a national non-profit legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender (LGBT) people and their families through litigation, public policy advocacy, and education.

[www.NCLRights.org](http://www.NCLRights.org)



**Planning for Elders** works to improve the quality of life of seniors, adults with disabilities, and their caregivers in San Francisco and beyond through advocacy, organizing, education and training.

[www.PlanningforElders.org](http://www.PlanningforElders.org)



**The Transgender Law Center** fights tenaciously for the physical, emotional, and financial well-being of transgender and gender non-conforming people through trailblazing projects that transcend traditional lines of service and advocacy.

[www.TransgenderLawCenter.org](http://www.TransgenderLawCenter.org)



**Lavender Seniors of the East Bay/Tides Center** provides social support such as friendly visits, group meals, and educational events, as well as a vibrant caring community.

[www.LavenderSeniors.org](http://www.LavenderSeniors.org)



**Openhouse** builds housing, services, and community programs to support the health and well-being of LGBT older adults.

[www.Openhouse-SF.org](http://www.Openhouse-SF.org)