

**Kansas Office of Judicial Administration
Juvenile Justice Webinar Series, Session #3, May 26, 2023
Selected Q&A**

1. What is non-binary? What is "dead-name"? What is "SOGIE"?
 - a. There are a couple of really terrific glossaries published by child advocacy organizations. [Annie E. Casey Fund has a brief one](#), and [PFLAG has a more extensive list](#).
2. Where did the number of trans kids in sports come from? I represent LGBTQ+ families here and know 2 students affected by the sports ban...
 - a. I took that number from a statement made by Jeremy Holaday, a spokesperson for the Kansas State High School Activities Association. According to Holaday, of the 106,000 students participating in that organization's activities, only three are trans girls. It makes some sense that this could be an undercount, since it's unclear exactly how KSHSSA counts trans kids.
3. What do you think you can do about family rejection? Why do you have any right to insert yourself into their religious beliefs and other private affairs? And, finally, does it occur to anyone that this mess is unsustainable, and that as soon as we turned from the standards of God, and multiplied sin, that America went into a free fall of trauma, staggering under the wrath of God as He deploys His limitless arsenal of weaponry? Just wondering.
 - a. The Office of Judicial Administration hired me to share what I've learned about law and behavioral sciences as these areas relate to minors in the juvenile justice system. I don't address religion.
4. How do we address workers, judges and attorneys who won't use a child's chosen pronouns?
 - a. I can't speak to the specific context in Kansas; my own experience has been to share the pronouns and continue to correct the person who is not using them. Judges are the exception; I'd see whether you can find out how the Kansas District Judges Association interprets the Kansas Supreme Court rules on judicial conduct in this regard.
5. What is the best way to address people if you are unsure of their pronouns?
 - a. I've found that if I use my pronouns when I introduce myself, the other person will usually do the same thing. If not, my experience has been that you can just ask.
6. Which federal guidelines apply to chosen pronoun usage?

- a. Title IX protects students from discrimination on the basis of gender identity, therefore protecting their use of pronouns reflecting their gender identity, including where such pronouns do not match the sex assigned at birth. The Department of Education published its interpretation of Title IX at [86 Fed. Reg. 32637](#), to be codified as 34 CFR Chapter I.
 - b. However, when Tennessee and several other states including Kansas challenged this interpretation, the Eastern District of Tennessee denied the United States' motion to dismiss and stayed implementation, *Tennessee v. Dep't of Ed.*, Case No. [3:21-cv-308](#). The case was argued to the Sixth Circuit in April and a decision is forthcoming. As a result, in Kansas, federal regulations apparently do not protect a trans student's pronoun use, pending the outcome of this case. However, no law that I know of in Kansas prohibits teachers from using a student's preferred name and pronoun.
 - c. The impact of [SB 180](#), which establishes a person's gender as the sex assigned at birth, is unknown at this time. Some observers note the [lack of enforcement provisions](#) in the bill, noting that its strongest impact may be in creating fear rather than effectively changing legal rights.
7. What do you think are the best methods to educate legislators about the needs of the LGBTQ+ community, especially children, as well as the general public support for LGBTQ+ persons, with the goal of getting pro-LGBTQ+ legislation approved?
 - a. I think we need a lot more humanization and a lot less politicization. Legislators who don't know any trans or LGBTQ youth are great candidates for meeting and getting to know youth (and their families) from their own districts. The same goes for meeting pediatricians, child and adolescent psychiatrists, and pediatric endocrinologists from their districts who have treated trans and LGBTQ youth (I'm sure the Kansas chapters of the American Academy of Pediatrics and the American Academy of Child and Adolescent Psychiatry are working on this!).
 - b. For its part, a majority of the Kansas public appears to already support LGBTQ rights. I think that encouraging families to speak out is important, especially in the case of parents who were initially frightened, unsure, or outright rejecting, but changed their approach as they learned more and understood their child's perspective over time. The more people meet youth and their families, the more this becomes an issue of human rights and youth development, not politics and partisanship.
8. Do you see any federal challenges to all the State level Anti LGBTQ+ legislation?
 - a. I've seen several examples in the gender-affirming care ban arena. In June 2021, [the government submitted a Statement of Interest](#) in the Arkansas gender-affirming care ban case; that ban was ultimately permanently enjoined last month. In March, the [Justice Department sent a letter to the](#)

[State Attorneys General](#) reminding them of the government's interpretation of civil rights law relevant to gender-affirming care. In April, the [Justice Department filed a pre-enforcement challenge](#) against [Tennessee's SB 1](#), a gender-affirming care ban. Also in April, the [Justice Department filed a complaint in intervention](#) in the case challenging Alabama's gender-affirming care ban. The United States [Department of Education has published a toolkit](#) for LGBTQI students reminding them of their rights and providing information on how they can file complaints with the Department. This is by no means a comprehensive list. The Justice Department has demonstrated its readiness to participate in cases, and if Congress passes federal legislation, I would expect to see the Justice Department taking a more active role.

9. [Advice from a judge attending the session:] In my courtroom, I try to follow what the child wishes to be called, however, I have asked that the social workers, in their reports use the case caption as I have a huge case load with a number of people currently identifying as different genders and I don't always know who they are speaking of, so I need them to use the case caption.
10. What name should be used in pleading? birth name?
 - a. I'm not qualified to answer this question for Kansas courts, but I would note the following. In this situation, and assuming that the birth name is still the legal name, I would ask the clerk of court for that court's or that judge's preferred practice. My preference, if acceptable to the court, would be to use both the new and legal (birth) names in the pleading, as follows: NewName (LegalName) LastName. The legal name is still present, but the parentheses denote that it isn't in active use.
 - b. Of course, if the person has already changed their legal name, their birth name is no longer relevant.