

IS GENDER DYSPHORIA AN ADA DISABILITY?



UNDERSTAND THE CONTEXT



WHAT IS GENDER DYSPHORIA?

It's the mental anguish that can happen when a person's gender identity doesn't match their assigned sexual identity.

SO THAT'S A DISABILITY?

It can be if it disrupts one's ability to function in life. Gender dysphoria should be due to a physical impairment. Disability has a legal definition in the ADA.



PHYSICAL IMPAIRMENT

Some conditions exist that confuse doctors of the sex of a new born baby. Intersex people may identify strongly with one gender later in life.

LEGAL PRECEDENTS

Williams v Kincaid set a legal precedent as Williams linked her gender dysphoria to a physical impairment to gain ADA protections while in a jail.



SUPREME COURT PRECEDENT

The Supreme Court did not review an appeal to this case, effectively agreeing with the lower court, although 2 judges strongly disagreed.

NOT ALL CASES WON

Similar cases that lost tended to fail to link gender dysphoria to a physical impairment.



NOT DEFINITIVE

Gender Dysphoria can be an ADA disability, but until the Supreme Court hears a similar case, there is no national consensus.

WANT TO LEARN MORE?

Visit the Rocky Mountain ADA Center website to learn more details:

<https://rmad.ac/gdkt>

