



RESOURCE DOCUMENT

# The Rights of LGBTQIA2S+ Families in Alaska

In his first few weeks in office, President Trump has rolled out a series of executive orders that openly target LGBTQIA2S+ people. The ACLU of Alaska recognizes how frightening these executive orders—and future federal actions in alignment with the orders—are for LGBTQIA2S+ families and communities. We will do everything in our power to protect and support our families and community in Alaska.

For the time being, Alaska's laws and federal law protect LGBTQIA2S+ Alaskans from discrimination. And the ACLU is suing the Trump administration to try to prevent his harmful orders from taking effect. As the federal landscape evolves, we will do our best to keep our families and community informed of their rights.

This document is meant to help community members and advocates understand what rights you have in Alaska. You can use this information to advocate for yourself and others.

## DISCLAIMER

This document is not legal advice. If you have a potential legal problem, you should promptly consult with an attorney about what options you may have and what time limits may apply. The law may change rapidly, but this document cannot be updated frequently, so the information and links in this document may have changed since the date of publication. The information and resources here focus on the rights of LGBTQIA2S+ families in Alaska; this is not a comprehensive list of all LGBTQIA2S+ resources or protections available in our state.

# What laws protect me and my family?

Alaska has a number of laws that protect LGBTQ+ families, including in custody proceedings, employment, and housing. Some of these laws are listed below.

## General non-discrimination protections

Both Alaska and federal antidiscrimination law prohibit discrimination on the basis of “sex.” This prohibition has been interpreted to encompass a prohibition against discrimination on the basis of sexual orientation and gender identity in the context of employment. Anchorage, Juneau, and Sitka have also passed local laws explicitly prohibiting discrimination on the basis of sexual orientation, gender identity, and/or gender expression in several contexts, including employment, housing, and public accommodations.

## Custody

Under the Alaska Constitution, all parents have a fundamental “right to the care and custody of one’s own child.” These custody rights do not solely depend on who is the “biological” parent of a child. Rather, courts also take into account who is a “psychological parent” to the child. For example, in *Rosemarie P. v. Kelly B.*, the Alaska Supreme Court recognized the custody rights of a child’s non-biological parent, where it was clear that (1) she had “been present in the child’s life daily since birth” and (2) “the child consider[ed] [her] a parent.”

## Housing

Under Alaska Statute §18.80.240, the owner or manager of a property cannot “refuse to sell, lease, or rent the real property to a person because of sex [or] marital status . . .” For example, under this provision, landlords cannot refuse to rent a property to a couple because they are unmarried. Alaska courts have held that “[d]iscrimination against unmarried couples, even when they are of the same sex, constitutes discrimination based on marital status.”

Anchorage, Juneau, and Sitka have also all passed local laws explicitly prohibiting housing-related discrimination on the basis of sexual orientation and gender identity.

## Employment

Under Alaska Statute §18.80.220, an employer cannot refuse to employ or otherwise discriminate against a person in any aspect of employment on the basis of sex (e.g., in terms of compensation, promotions, job assignments, benefits). This includes a prohibition against discrimination on the basis of sexual orientation and gender identity.<sup>xv</sup>

Similar prohibitions are also incorporated into local laws in Anchorage, Juneau, and Sitka. Local laws in Bethel specifically provide protection to city employees and contractors for discrimination on the basis of sexual orientation, gender identity, and gender expression.



# How concerned should we be about threats to marriage?

**Marriage equality remains the law of the land in the United States and in Alaska.** In 2015, the U.S. Supreme Court held that same-sex couples have a fundamental, constitutional right to marry. In 2022, Congress also enacted the Respect for Marriage Act (RMA) with bipartisan support, including from Alaska Senators Murkowski and Sullivan. This bill requires that state and federal actors respect the legal status of a marriage so long as that marriage was valid wherever it was performed. This means that so long as you were legally married in any state or abroad, your marriage must be respected by the state you live in now and the federal government.

We understand that there have been voices—including in the current administration—expressing a desire to roll back protections for LGBTQIA2S+ couples. **We know that this is scary, but it is important to remember that nothing has actually changed. The executive branch is powerful, but it cannot simply “undo” marriage equality.** The Supreme Court’s decision recognizing the right to marriage remains the law of the land. While the Court may, at some point, review a case challenging this rule, this has not happened, and Supreme Court procedures will provide lots of advance notice if the Court is considering action on this issue.

The ACLU of Alaska remains dedicated to advancing and defending the civil rights of all Alaskans, including the fundamental right to marry. **The ACLU of Alaska has defended the rights of LGBTQIA2S+ couples for decades and remains committed to this cause today.**



# What proactive steps can I take to protect my family from the new policies the Trump Administration is considering?

It is helpful for adults—married and unmarried alike—to make documents to clarify their wishes. These documents are called estate planning documents, and it is best practice for everyone to have them (LGBTQIA2S+ and non-LGBTQIA2S+ people alike). Marriage provides certain automatic protections, but it is always helpful to take action to clarify who you want making decisions for you, taking care of your children, or managing your money and property in case of an emergency. Such documents include:

## Power of Attorney

A legal document that empowers your spouse (or another person) to make financial decisions in the event that you are unable to do so.

[A template form and guide on how to complete a power of attorney is available here.](#)

## HIPAA Authorization

A legal document that empowers your spouse (or another person) to access your medical information in the event you are in the hospital or otherwise in need of medical attention.

[A template form for HIPAA Authorization is available here.](#)

## Advance Health Care Directive

A legal document that records your wishes regarding medical care, in case you become unable to make decisions or communicate your wishes.

[Forms and guides on how to complete a health care directive is available here](#) and [here in 10 languages](#).

## Will

A legal document where you describe what you would like to happen in the event of your death.

For couples with children, a will can also be used to designate your spouse (or another person) as the “guardian” for your children to ensure continued custody. A designated person does not need to be a biological relative.

# What proactive steps can I take to protect my family from the new policies the Trump Administration is considering? contd.

The best way for LGBTQIA2S+ parents to protect their family is to ensure that their parent-child relationship is secure in all states by obtaining a court judgment of parentage or adoption. “Parentage” is the legal relationship between a parent and child. For married couples who had children while married, this legal relationship currently is established by law. **To protect against discrimination, unmarried LGBTQIA2S+ parents are strongly encouraged to take this action. Married couples may also want to consult an attorney to see if there are further steps they can take to protect their families.**

In Alaska, parentage is commonly established through a second-parent adoption. Second-parent adoption provides a way for families to establish their parental rights when one partner is already a legal guardian of a child. If all parties consent to the adoption, then they submit an Adoption Petition (Form P-405) with all supporting documents and attend a hearing with a judge. The consent of both the child’s biological parents is required, but the judge can waive the consent requirement if they find that a parent is not involved in the child’s life (e.g., they do not financially support the child, maintain communication with the child, or show an interest in the child’s welfare).

**NOTE:** Speaking with an attorney is strongly recommended, especially for the creation of wills and co-parent adoptions. We can help you with referrals to lawyers to assist you with these documents. Please reach out using the contact information below.

## How will President Trump’s Executive Orders impact me and my family?

**An Executive Order alone does not take away any of your rights.** Trump’s Executive Orders by themselves do not and cannot change Alaska or federal law. However, some federal agencies have begun taking steps to implement the Executive Orders, and both federal and state entities could take additional future actions that would impact Alaskans. We will try to provide updates about any federal developments that impact LGBTQIA2S+ rights in Alaska.

Although federal law prohibits discrimination based on sexual orientation and gender identity, during this administration we do not recommend attempting to file discrimination complaints on those bases with any federal agency.

# What steps can I take if I am discriminated against?

- **Document what happened.** Take notes on what happened, whom you communicated with, who might have been a witness, and how the situation is affecting you. Save copies of all emails, texts, complaints, photos, and documents. Try to identify who may have made the decision to discriminate against you. If you cannot identify one person, identify a facility, office, or group of people. It is important to document so you can provide evidence about your experience.
- **File a complaint with the relevant state or local agency. For example:**
  - To report a violation of Alaska’s state-wide anti-discrimination laws, [file a complaint with the Alaska State Commission for Human Rights](#).
  - To report discrimination by the Alaska state government (e.g., in accessing public assistance, public housing, PFD), [file a complaint with the Alaska Ombudsman](#).
  - To report a violation of Anchorage’s anti-discrimination laws, [file a complaint with the Anchorage Equal Rights Commission](#):
  - To report a violation of Juneau’s anti-discrimination laws, [contact an attorney about filing an original civil action in Alaska state court](#).
  - To report a violation of Sitka’s anti-discrimination laws, [contact an attorney about filing an original civil action in Alaska state court](#).

If you experience discrimination, it is important to notify the state and/or your local government. Without your report, there is no official record of the incident, which means no action can be taken to address the issue. Reporting ensures accountability, helps prevent future discrimination, and supports efforts to enforce anti-discrimination laws. Your voice matters—make sure it is heard.

- **Contact an LGBTQ+ advocacy group or a legal services provider.** Many organizations are working to assist individuals who are facing discrimination and/or loss of health care (see list below).
  - [ACLU of Alaska](#)
  - [Identity, Inc.](#)
  - [Fair Housing Project – Alaska Legal Services Corporation](#) (855-679-3247)
  - [Lambda Legal](#) (213-382-7600)
  - [National Center for Lesbian Rights](#) - serves all in LGBTQ+ community 800-528-6257 or 415-392-6257
  - [Transgender Law Center](#) (415-865-0176)



# Where can I find additional resources about my rights?

- **The Alaska State Commission for Human Rights:**
  - [General Know Your Rights Guide](#)
  - [LGBTQ+ Employment Discrimination Guide](#)
- **[The Anchorage Equal Rights Commission](#)**
- **Advocates for Trans Equality**
  - [How to Testify for Trans Rights](#)
  - [Trump Day 1 Executive Orders Explained](#)
- **GLAD Law**
  - [Information for LGBTQ+ People Under the Trump Administration](#)
  - [Protecting Your LGBTQ+ Marriage and Family](#)

