

SUPPORT HB 1319- Family Law - Grounds for Divorce - Gender Transition

Honorable Delegates,

I am submitting my testimony anonymously to protect my family's privacy. I am a cis-gender, hetero sexual female who is currently in the process of divorcing my spouse who is transitioning male to female. I fear if I were to discuss the behaviors of one trans individual and my experience with the judicial and medical system I would earn a lifetime label of transphobe and face long term negative career consequences.

When my spouse announced the beginning of the transition process I felt this was bigger than I could handle alone, and needed a safe space to process. I sought therapy to maintain confidentiality as I did not wish to discuss private matters with friends and family. One common request of the LGBTQIA + community is to not share details of transition without consent of the individual transitioning. The transition isolated me from my support system. I could either lie when asked reasonable questions like, "Where is your spouse?" or not attend events. When I sought confidential mental health support I found multiple therapists who gave lectures on the rights of trans individuals and treated me as if I were wrong for experiencing grief at the loss of a long-term marriage. My fundamental human rights were disregarded to defer to the right of a person to transition. My search took nearly two years to find resources where I could safely discuss my lived experience. Due to limited access to libraries I was only able to use the internet when restrictions were lifted. I found a group called Our Path and a book called "Unseen- Unheard: Straight Spouses from Trauma to Transformation" by Amity Pierce Buxton and R. L. Pinely. From this group I learned I was not alone, no longer isolated and able to find a path forward to healing.

The foundation of my marriage was a monogamous relationship between a man and a woman. I had no idea that my partner would transition and fundamentally change the contract of our marriage. During transition my spouse went through a second adolescent period. The role of an adolescent is to test boundaries, separate from parents and identify with their peer group. Lacking any other parent figure, I became the parent. My spouse would experience new emotions because of surging hormones and displayed volatile behavior I had never before witnessed. When I referred my spouse back to a therapist or medical doctor I would be accused of transphobia (even if the question was about medical information outside of my scope of knowledge.) The trans community welcomed my spouse with open arms, positive affirmations and in less than six months the new friendship group was more important than all previous associations. Any requests such as please let me sleep would be responded with "You are not supportive." If my spouse were choosing an outfit that was not appropriate (too short, crop top) any suggestion to dress for the occasion was called transphobic. Workplaces have dress codes. Some of you are parents of teenagers and live with behavior that is age appropriate but tiring. Please imagine the same behavior coming from your adult partner, and knowing your partner is backed by a lobbying community that demands unconditional acceptance. I did not ask my spouse to stop the transition. I asked to be allowed to go to sleep, to defer questions I did not know the answer to medical professionals, to dress age appropriately, to respect my boundaries. I was feeling less and less safe in our marital home. My hope was to support my spouse through the transition while respecting my own physical and mental health.

As my health deteriorated I sought care from a Medical Doctor. This Doctor did not do a basic domestic violence screen and said I would have to find a Psychiatrist and could not even offer a referral. I asked for a back up bottle of medication in case I had to flee my home suddenly and not a single health care provider could find a way to provide extra medication. After a 3 month wait I was able to secure an appointment with a health care provider with relevant expertise who did a comprehensive domestic violence screening and felt that I was living in a high risk situation. Under Maryland law to move out I needed consent from my spouse or I would be guilty of abandonment which is a cause for divorce. I borrowed money to put a lawyer on retainer. I was able to find housing and have moved out of our marital home and am in the process of rebuilding my life.

I ask the delegates to consider changing the law to make changing one's gender identity cause for divorce. I am still in a vulnerable legal position. The consequences of the transition are mostly carried by me, the party who honored the fundamental agreement of the marriage. To find safety I had to leave my community, incur legal debt, find new employment, face prejudice and accept significant risk. The best case scenario is a mutual consent divorce. Without consent, I am at risk of a lengthy, public and costly court proceeding. My lived experience is that very few people care about the non-transitioning spouse. I can be the hero for buying cosmetics one minute, then the villain the next for wondering about the long term health consequences of medication. I ask the committee to think about the consequences of me having to assert domestic violence as the reason for divorce. My spouse would have to carry the stigma for the rest of their life. If the cause is gender transition, I have control over my life and am able to offer a person going through a very difficult transition some dignity. I deserve basic legal protections, and simply want a dignified path for divorce. I want the cycle of harm to end with me.

Thank you.