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Achieving LGBT Equality Through Litigation, Legislation, Policy, and Public Education

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Case Summary & History

Transgender Law

Case: Mariah L. v. Administration for Children's Services

STATUS: Loss, New York

Mariah L. is a 20-year-old transgender woman who is in foster care in New York City. Mariah's doctors have all agreed that sex reassignment surgery is medically necessary for her. In New York, the Administration for Children's Services (ACS) has a duty to provide and pay for all necessary medical care and treatment for children placed in foster care, but ACS has refused to provide Mariah with the medical care that she needs. Mariah obtained a court order requiring ACS to pay for the surgery, which ACS appealed. NCLR, Sylvia Rivera Law Project, Transgender Legal Defense & Education Fund, Lambda Legal, and Morrison & Foerster LLP filed an amicus brief on behalf of a group of doctors and health clinics in support of Mariah.

After Mariah won on appeal, the case went back to the family court, which again ordered ACS to provide Mariah with sex reassignment surgery. The court chastised ACS for paying inadequate attention to Mariah's medical needs, and for ignoring medical knowledge about gender identity disorder. ACS appealed again. NCLR, together with the New York Civil Liberties Union and the American Civil Liberties Union, filed another amicus brief in support of Mariah. This time, however, the appellate court ruled in favor of ACS, holding that the family court does not have the authority to order ACS to provide and pay for any type of medical care. Mariah L. is represented by the Juvenile Rights Division of the Legal Aid Society of New York.

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