

Child Welfare League of America Opposes Redefining Child Abuse to Include Gender-Affirming Care

The Child Welfare League of America (CWLA) stands with national and local organizations in opposition to any attempt to redefine child abuse to include gender-affirming care for youth who are transgender or nonbinary. From Christine James-Brown, President and CEO:

“Providing appropriate, compassionate medical care for your child is not child abuse. We know that youth who identify as LGBTQ are at greater risk of homelessness, substance use disorders, mental illness, suicide ideation and attempts, trauma, and other negative outcomes than their peers; the right to receive individualized, evidence-based, identity-affirming care from their doctors and other medical providers saves lives. With nearly 30,000 children in care in 2021, Texas DFPS needs to focus its limited resources protecting children from actual abuse and neglect, not investigating children and families who are vulnerable.”

On Friday, February 18, 2022, Texas Attorney General Ken Paxton released a [non-binding opinion](#) that under current Texas state law, gender-affirming procedures for nonbinary and transgender youth are to be classified as child abuse, an opinion that contradicts the advice of leading pediatric and medical experts.

Texas Governor Greg Abbott followed this release with his [own letter](#) to the Texas Department of Family and Protective Services (DFPS) demanding that it "conduct prompt and thorough investigations" of parents or guardians who obtain "abusive gender-transitioning procedures" for their children. The letter also directs mandatory reporters to notify DFPS if they are aware of children receiving this care.

According to the Trevor Project's [National Survey on LGBTQ Youth Mental Health for 2021](#), 42% of youth who identify as LGBTQ seriously considered attempting suicide in the past year, including more than half of youth who are transgender and nonbinary, and 94% reported that recent politics negatively impacted their mental health. These youth are also overrepresented in child welfare systems – [recent studies](#) found that about 1 in 3 youth in care in New York and Ohio identify as LGBTQ.

The non-binding opinion from Attorney Paxton does not change or create law in Texas and does not remove the right of parents to seek age-appropriate, necessary care for their children. Likewise, the Governor's letter does not change the rules or policies of the child welfare agency, which is chronically underfunded and understaffed and has a high rate of staff turnover. Therefore, the CWLA urges DFPS to support all Texas youth and families by rejecting this discriminatory and cruel opinion.

These actions follow a contentious legislative session and a longer [history of removing protections](#) for youth who identify as LGBTQ, particularly those in foster care.