

February 24, 2022

Commissioner Jaime Masters
Department of Family and Protective Services (DFPS)
P.O. Box 149030
Austin, Texas 78714-9030

Re: Impact of Gender-Affirming Care on Transgender Children with Disabilities

Commissioner Masters:

In light of Governor Abbott’s February 22, 2022 request that you investigate as child abuse any reported instances of children receiving “sex change” procedures, we write to provide information demonstrating that gender-affirming care is medically necessary, especially for the significant number of transgender youths with disabilities.

Disability Rights Texas (DRTx) is the federally authorized Protection & Advocacy (P&A) system for people with disabilities in Texas, and in the course of our work advocating and representing children with disabilities throughout the state we have represented numerous clients with disabilities who require medically-necessary gender-affirming care. We have seen first-hand the positive mental health outcomes for clients who begin medically-necessary gender-affirming care. We have represented clients who were self-injurious and suicidal until gender-affirming care began, and who have now found stability as they transition into adulthood with appropriate medical care.

In July 2018, Disability Rights Education & Defense Fund (DREDF) released a summary of available research on the intersection of disability and transgender identity.¹ Findings include:

- Research consistently shows a high prevalence of disability among transgender people.
 - In the largest survey of transgender respondents, 39% of respondents self-identified as having one or more disabilities, compared to 15% of the general population.
 - 59.3% of transgender adolescents have long term mental health needs.
- Family and community rejection are key social determinants of health that endanger transgender people with disabilities, who because of disability, may have particular dependence on their parents.

¹ [Health Disparities at the Intersection of Disability and Gender Identity \(dredf.org\)](https://dredf.org) July 2018.

The American Civil Liberties Union has compiled information demonstrating that the consensus of all major medical associations and associated experts is that gender affirming care is lifesaving care.² For example, the American Academy of Child and Adolescent Psychiatry has stated that “[b]locking access to timely care has been shown to increase youths’ risk for suicidal ideation and other negative mental health outcomes.” The American Academy of Pediatrics recommends that “youth who identify as transgender have access to comprehensive, gender-affirming, and developmentally appropriate health care that is provided in a safe and inclusive clinical space.”³ They noted, in particular, that “[p]roper gender-affirming care can mitigate a patient’s clinical distress and lead to significant improvements in the overall well-being of youth and adolescents who are at risk of or have been diagnosed with gender dysphoria...studies show that transgender adults who received appropriate treatment during adolescence had a lower incidence of lifetime suicidal ideation than those who wanted but could not obtain such treatment.”⁴

Gender-affirming care is a complex intersection of mental and physical healthcare, and that is why physicians and treating professionals are in the best possible position to determine what care is needed for their patients.⁵ In other words, physician-prescribed, age-appropriate, gender-affirming care is medically necessary and does not constitute child abuse.

We understand that Texas Department of Family and Protective Services has been ordered by Governor Abbott to immediately begin investigating reports of children receiving gender-affirming care as abuse. We urge you to take the time to learn about the medical necessity of providing gender-affirming care, the impact that such investigations and interference with medical care would have on transgender youth with disabilities and their families, and ensure that no child is removed from a loving and supportive family because of the type of medical care they receive.

Sincerely,



Richard Lavallo, Legal Director

² [Doctors Agree: Gender-Affirming Care is Life-Saving Care \(aclu.org\)](https://www.nclrights.org/wp-content/uploads/2015/08/Schools-in-Transition-2015-Online.pdf); ACLU/HRC/NEA “Schools in Transition” <https://www.nclrights.org/wp-content/uploads/2015/08/Schools-in-Transition-2015-Online.pdf>

³ <https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/>

⁴ [Doctors Agree: Gender-Affirming Care is Life-Saving Care \(aclu.org\)](https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/)

⁵ “Evidence-based medical care for transgender and gender diverse children is a complex issue. [Physicians] are best able to determine what care is necessary and appropriate for these children.” <https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/>