

MAIN EDITORIAL

## Gov. Abbott, AG Paxton — show decency for Texan trans kids

Gov. Greg Abbott and Attorney General Ken Paxton's directive and opinion are dangerous and cruel. They must repeal it.



PHOTO Ted Eytan/Creative Commons

In late February, a combination of an opinion from Texas Attorney General Ken Paxton and a directive from Texas Governor Greg Abbott stated that parents who provide gender-affirming care to their transgender children could be investigated and have their kids taken away from them on charges of child abuse. These actions have sparked national outrage and statewide panic as parents began to worry they may lose their children for providing them the care they need.

However, these initial reactions may prove to not be necessary, as details of the true effect of these actions come to light.

**The legality** of this directive is highly questionable. Concerning Paxton's issued opinion, it is just that: an opinion. Legally, opinions only constitute an interpretation of existing laws, but do not serve as laws themselves. This means the law surrounding what constitutes child abuse has not been changed, only how it is enforced. Paxton had to resort to this legal strategy after the Texas legislature did not pass a law making gender affirming care for minors a felony.

Concerning Abbott's directive, no court in all of the United States has ever ruled that providing gender affirming care to a minor constitutes child abuse. Not one. In fact, Judge Amy Clark Meachum in Travis County issued an injunction on this directive last month, citing a violation of the Texas Constitution. As with Paxton's opinion, Abbott's directive arose out of a desire to circumvent the legislative branch after this part of the Texas government failed to deliver them the legislation they wanted.

This means Texan courts are very unlikely to actually prosecute

families for providing gender affirming care to their children. This political maneuver and scare tactic employed by Abbott and Paxton will not bring nightmarish consequences to transgender kids and their families in Texas.

What the two actions have in common, however, is belonging to the trend of Texas politicians scrambling to pass radical, unpopular legislation ahead of election season, after their primary opponents decried them as "not conservative enough." As with SB 8 — the highly restrictive abortion bill that came into effect September of last year — these policy decisions do not come from a genuine desire to do Texans' political will, but as political tools to appease an increasingly radical part of the Texas electorate.

**While we understand** there are people who consider children to be too young to know they are transgender and thus support these actions, the facts point towards the opposite being true. These kids know who they are. To deny them the ability to express themselves as who they truly are is cruel and dangerous.

In an interview, Melissa Holt, an associate professor in counseling psychology at Boston University, says children as young as three years old begin to have an awareness of gender and their own gender. As early as ages three to five, children are able to sense their assigned gender does not match with their self-perceived gender. The argument of "they're too young to know" falls apart when viewed from a scientific lens. Professor Holt goes on to say the reason gender dysphoria — "psychological distress that results from an incongruence between

one's sex assigned at birth and one's gender identity," according to the American Psychiatry Association (APA) — is much more commonly seen in teenagers is because of external pressures from one's family or society at large to suppress such feelings.

Furthermore, the decision to go forward with gender-affirming care is not a light one. Current regulations from the APA require the manifestation of gender dysphoria in at least two major forms — such as "a strong desire to be treated as the other gender" and "a strong conviction that one has the typical feelings and reactions of the other gender" — for a period of at least six months. These decisions aren't made on a whim. These are serious, medical procedures that take time and conviction. To say "it's just a phase" is dismissive and ignorant, not to mention hateful.

And the necessity to provide gender-affirming care can be a matter of life and death. Fifty-six percent of transgender youth in the United States have attempted suicide, according to a study published in the National Library of Medicine.

### Fifty-six percent.

These numbers are a result of hostile environments, from the way society treats transgender individuals to the laws surrounding their mere existence. Preventing transgender kids from getting gender affirming care will only make their suicide rate go up in Texas.

**If Texan** state officials, specifically Governor Abbott and Attorney General Paxton, want to reclaim legitimacy in their role as doers of Texans' will, they must repeal this opinion and directive.

## RESOURCES

### The Trevor Project

The world's largest suicide prevention and crisis intervention organization for LGBTQ young people.

Website: <https://www.thetrevorproject.org>  
 Crisis helpline: 866-488-7386, or text START to 678678

### Equality Texas

Equality Texas works to secure full equality for lesbian, gay, bisexual, transgender and queer Texans through political action, education, community organizing and collaboration.

Website: <https://www.equalitytexas.org>

### Texas Transgender Alliance Resource Guide

An interactive map with transgender-friendly healthcare centers and other LGBTQ centers around Texas.

Website: <https://nrg.e-compas.com/TXTA>

### TxTransKids

A compilation of different legal resources for LGBTQ families, including ACLU Texas, Lambda Legal, Texas Freedom Network and more.

Website: <https://www.txtranskids.org>

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