



Criminalizing Gender Affirmative Care with Minors

Suggested Discussion Points with Resources to Oppose Transgender Exclusion Bills

Lawmakers around the country are introducing legislation to ban the provision of gender-affirming care for transgender and gender nonbinary youth. You can use these evidence-based discussion points to advocate against this type of legislation.

Background

In 2021, legislatures in 22 states introduced legislation that would in some way criminalize the providing of certain transition-related medical care services to transgender or gender creative youth. These efforts often rely on arguments for delaying or discouraging social and/or medical transition that assume “reparative” or wait-and-see models of care would lead to greater wellbeing for all youth (Ashley, 2021). By the end of February 2022, at least 29 pieces of such legislation had been introduced around the country.

Concerns about “desistance” or “detransitioning”—marked by transgender and gender creative children growing up to be cisgender—often underpin arguments for criminalizing transition-related care for minors (Ashley, 2021). While supporters of these bills typically claim to want to protect children, scientific evidence ultimately suggests that the models of care these bills might allow cause harm to transgender children, and those who may be gender creative as children who ultimately decide they are not transgender (Ashley, 2021). Research indicates that providing gender creative children who eventually identify as cisgender the freedom to explore their gender – even with puberty blockers – helped them feel more confident in their ultimate decisions about their gender identity (Ashley, 2021).

Suggested Discussion Points

- Gender identity refers to a person’s sense of gender (i.e., agender, bigender, man, Two Spirit, woman, etc.), which can be the same or different from a person’s sex/gender assigned at birth (APA, 2015). Supportive evidence-based interventions—including but not limited to mental health counseling, social transition support, and hormone therapies—greatly improve mental health outcomes for transgender youth (APA 2015).
- Foregoing gender-affirming care can have tragic consequences. Transgender youth experience disproportionate levels of violence and bullying. Transgender youth are also more likely to feel less safe at school than cisgender youth, that is youth whose gender identity is consistent with their assigned sex at birth (Day et al., 2018).
- Access to gender-affirming care has a positive relationship with the mental health of transgender youth and lowers their risk of depression and suicide (Bauer et al., 2015; Green et al., in press). Additionally, the distress that transgender youth who grow up to be cisgender feel is significantly less than what transgender youth experience when forced to live in an identity that does not correspond to their self-understanding (Ashley, 2021).
- Deeply personal decisions about whether to seek gender-affirming care, and what specific services to use, must be made between a provider, patient, and the patient’s parents or guardians. Such decisions are unique to the youth’s individual clinical situation. Gender-affirming care typically includes steps toward social transition, potentially

treatments to temporarily postpone puberty, and in some instances, hormone replacement therapy (Coleman et al., 2012). Rather than allow flexibility to account for the varying needs of individuals, this bill **[bill number and name]** adopts a “one size fits all” approach by categorically criminalizing the recommendation or provision of appropriate gender-affirming care.

- Concerns about “desistance” do not provide reasons against prepubertal social transition or peripubertal medical transition because “desistance” often occurs before evidence-based, cutting-edge transition interventions are available (Ashley, 2021).
- Exploration of identity is an organic, healthy part of development which, if delayed or discouraged, causes harm to all people—even people who transition during youth and eventually grow up to be cisgender (Ashley, 2021).
- For these reasons and many others, we are asking you to oppose **[bill number and name]**. Feel free to contact us if you have any questions, and we look forward to working with your office on this.

References

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- Green, A. E., DeChantes, J. P., Price, M. N., Davis, C. A. (in press). Association of gender-affirming hormone therapy with depression, thoughts of suicide, and attempted suicide among transgender and nonbinary youth. *Journal of Adolescent Health*. <https://doi.org/10.1016/j.jadohealth.2021.10.036>

Advocacy Tools

- Community Advocacy: A Psychologist’s Toolkit for Local and State Advocacy
Developed by APA Divisions 17, 27, 35 and 45 with a CODAPAR grant. https://www.apa.org/images/community-advocacy_tcm7-301694.pdf
- Advocacy Toolkit: State Legislator Education and Engagement (PDF, 54KB). https://cdn.ymaws.com/www.texaspsyc.org/resource/resmgr/advocacy/advocacy_toolkit_tpa.pdf
- Advocacy Tip Sheet (PDF, 179KB). https://cdn.ymaws.com/www.texaspsyc.org/resource/resmgr/advocacy/Tip_Sheet_-_Testimony_and_Ad.pdf

APA Resources

- **Politicians should follow the science on gender-affirmation treatments**
The Hill, April 29, 2021. By APA President Jennifer F. Kelly, opinion contributor
<https://thehill.com/opinion/civil-rights/550937-politicians-should-follow-the-science-on-gender-affirmation-treatments>
- **A Consumer’s Guide for Parents and Guardians of Gender Diverse Children and Adolescents: 10 Considerations for Finding a Gender Competent Therapist for Your Child (PDF, 254KB)**
A resource for helping parents and guardians make informed decisions when seeking psychological support services for their children who are working through gender identity issues.
<https://www.apa.org/pi/lgbt/resources/gender-diverse-children.pdf>
- **Guidelines for Psychological Practice with Transgender and Gender Nonconforming People**
See especially Guideline 8: Psychologists working with gender-questioning 4 and TGNC youth
<https://www.apa.org/pi/lgbt/resources/policy/gender-identity-report.pdf>