

Affirming a Child's Sex Is Not Abuse

THE ISSUE

Institutions designed to protect children from abuse face growing scrutiny as disturbing stories emerge of parents who have lost custody of their children to the state because they refused to treat a gender-confused child as the opposite sex. These accounts expose the ideological premise that has quietly overtaken child welfare during the past decade: that it is “abuse” or “neglect” for a parent not to affirm a child’s claim to be the opposite sex.

Backed by billions of dollars in taxpayer funding, child protection systems are being trained to view parental opposition to sex-rejecting interventions as dangerous—a premise that is fundamentally changing how allegations of abuse are evaluated. As a result, children across America are being removed from loving families because their parents affirm the reality of their sex, and willing foster and adoptive parents who hold the same view are being turned away.

This is happening not only in liberal enclaves such as Seattle and in states such as Massachusetts, California, and New York, but also in conservative states such as Indiana and Ohio and in small towns such as Appomattox, Virginia.

Child protection systems should be restored to their purpose: protecting children from harm, not enforcing ideological compliance.

BACKGROUND

Child protection systems are intertwined with schools, doctors, and the courts. The confidentiality that shields juvenile court proceedings, together with parents’ fear that

they will lose their children if they speak out, has enabled the ideological capture of child welfare. Many parents do not realize how radicalized these systems have become until they confront a phalanx of state actors who treat them as abusers for trying to protect a gender-confused child from irreversible harm.

For more than a decade, “affirming” activists have trained every part of the child protection system.

- The Obama and Biden Administrations poured millions of dollars into embedding this inversion of “abuse” throughout child welfare.
- A federally funded pilot program in an Ohio county tracked 200 parents of children as young as five to determine whether they were sufficiently “affirming.”
- The Biden Administration had a five-year plan to embed this parent-surveillance program and other “affirming” mechanisms in child welfare nationwide.
- Doctors who perform experimental sex-rejecting interventions on children are training child welfare workers to view a parent’s refusal of those interventions as “abuse” or medical neglect. Dr. Johanna Olson-Kennedy, lead investigator of a National Institutes of Health puberty blocker trial in which two children committed suicide, is a trainer under a federally funded Title IV-E contract for a California system of 7,000 child welfare workers.

This paper, in its entirety, can be found at <https://report.heritage.org/fs287>

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PARENTS MUST “AFFIRM” OR RISK LOSING THEIR CHILD

- Schools, social workers, therapists, doctors, and judges are all being trained to “affirm,” creating a united front of authorities that forces parents into an untenable position.
- Doctors are encouraged to use the threat of “Child Protective Service workers who are willing to enforce the need for affirmation by parents,” in the words of a leading expert from the World Professional Association for Transgender Health (WPATH).
- WPATH’s official *Standards of Care, Version 8*, treats overcoming parental objections to medical transition as “an important therapeutic objective” that may require “larger systems” to intervene. WPATH has been widely discredited for evidence suppression and political manipulation, but the American Academy of Pediatrics and other medical associations rely on its guidelines.
- Secret school transition is often the first step toward losing a child. In 2015, LGBTQ groups jointly published *Schools in Transition*, a guide instructing schools to conceal a child’s “transition” from parents if the child so wishes. School personnel, the guide asserts, possess “unique insight into the student’s needs without the biases parents can or are perceived to have” and should be prepared to testify in court in favor of “affirming” the child if parents disagree with a transition. Millions of children attend schools with such secrecy policies.
- The same activists also target judges. One group claims to have trained “over 7,000 judges, court staff and related court professionals from virtually every state on sexual orientation and gender identity issues for over 15 years.”
- When parents learn of their child’s double life and object, the school may involve “affirming” social workers and counselors,

who in turn file a complaint that is heard by an “affirming” judge.

- “Affirming” judges have ordered children removed from their homes, granted custody to the parent who will medicalize the child, and entered restraining orders against “unaffirming” parents.
- Families from coast to coast have lost children to the state, including in California, Colorado, Illinois, Indiana, Maryland, Massachusetts, Ohio, Oregon, and Washington.
- Foster families from Oregon to Pennsylvania have been denied the opportunity to care for children in desperate need.

QUICK FACTS

- It is never abuse to raise a girl as a girl or a boy as a boy.
- The constitutional right of parents to raise their children includes the right to affirm a child’s sex.
- Parents of all religious, political, and ethnic backgrounds are at risk if they affirm the reality of a gender-confused child’s sex.
- Treating affirmation of a child’s sex as abuse can harm children and families in three ways: (1) wrongfully removing children from loving parents, (2) denying placement with willing foster or adoptive parents, and (3) violating interstate law and custody orders by wrongfully asserting jurisdiction over children who run away or are kidnapped.
- The Biden Administration’s 2024 foster care rule barred placement of children claiming LGBTQI+ identities with parents who would not actively “affirm” them. Blue states denying such placements have lost thousands of homes available to children in need.

Victims of “Affirming” State Systems

- Yaeli Martinez, the daughter of an immigrant mother from El Salvador, was secretly socially transitioned at her California school. When her mother, Abigail, learned of her daughter’s double life and refused to treat her as a boy, California’s child welfare system removed Yaeli from her home. The state administered testosterone to the girl and housed her as a boy. Isolated from her loving family, Yaeli suffered housing and food insecurity and spiraled into depression. In great pain from the effects of testosterone, she knelt in front of a train and took her own life. She was 19.
- The case of a Virginia teenager, Sage Blair, shows the danger of schools and courts “affirming” in tandem. Her school secretly transitioned her, setting in motion events that led to her being sex-trafficked. After the FBI rescued her in Maryland, an “affirming” judge withheld custody from her parents when a public defender alleged abuse related to “misgendering.” School counselors who had never discussed a “transition” with the parents testified against them in court. She then ran away from state care and again fell prey to a predator.
- Maryland parents lost custody of their son, “John Doe III,” after taking him to a Washington, DC, hospital because they feared he might be suicidal. The hospital “affirmed” him as a girl. When the parents refused to treat him as a girl or to stop discussing biblical views of sexuality, the state removed him and later placed him with the hospital’s transgender chaplain.

- Sixteen states and the District of Columbia have “shield” laws protecting providers of sex-rejecting interventions. Children are being lured to run away to states that provide free sex-rejecting interventions to minors in foster care.
- California, Minnesota, and other states are asserting jurisdiction over children who run away or are taken there to obtain these procedures, in violation of other states’ custody orders.
- Lawmakers in California and Colorado have repeatedly introduced bills that would make failing to “affirm” a child’s claim to be transgender a form of abuse and would require courts in custody disputes to favor the parent who “affirms.” Parents in these states who sought to protect their children have lost custody to the “affirming” parent.

parents who raise a child according to his or her sex as abusive, to fund training that promotes that view, or to provide sex-rejecting interventions to children in foster care. The legislation should grant parents a private right of action so that they have recourse before irreversible damage is done to the child and to the parent-child relationship. Congress should also ensure that states no longer violate interstate law by wrongfully asserting jurisdiction over children who run away or are taken to them for sex-rejecting interventions.

State. Legislators should clarify in statute that “abuse” does not include raising a child according to his or her sex and should ensure that state systems cannot remove children or deny foster or adoptive placement on that basis or contract with entities that treat it as abuse. Legislators should also grant parents a private right of action.

Indiana, New Hampshire, North Carolina, and Texas have codified that it is not “abuse” to raise a child according to his or her sex, and similar legislation is pending in Ohio.

SOLUTIONS

Federal. Congress should enact legislation that prohibits the use of federal funds to treat