



GOVERNOR GREG ABBOTT

August 6, 2021

The Honorable Jaime Masters
Commissioner
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Dear Commissioner Masters:

The Texas Department of Family and Protective Services (DFPS) is responsible for protecting children from abuse. Please issue a determination of whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse.

Subjecting a child to genital mutilation through reassignment surgery creates a “genuine threat of substantial harm from physical injury to the child.” TEX. FAM. CODE § 261.001(1)(C). This broad definition of “abuse” should cover a surgical procedure that will sterilize the child, such as orchiectomy or hysterectomy, or remove otherwise healthy body parts, such as penectomy or mastectomy. Indeed, Texas already outlaws female genital mutilation of a child, and presumably that also constitutes child abuse. *See* TEX. HEALTH & SAFETY CODE § 167.001.

DFPS’s determination should consider making explicit what is already implicit in the statute: that genital mutilation of a child through reassignment surgery is child abuse. The determination should consider whether an exception should be made for medically necessary procedures for a child whose body parts have been affected by illness or trauma; who is born with a medically verifiable genetic disorder of sex development, such as the presence of both ovarian and testicular tissue; or who does not have the normal sex chromosome structure for male or female as determined through genetic testing.

After clarifying whether genital mutilation of a child through reassignment surgery is child abuse, it may be useful to explain the reporting requirements for all licensed professionals who have direct contact with children who may be subject to that abuse, including doctors, nurses, and teachers, as well as the penalties for failure to report such child abuse. *See* TEX. FAM. CODE §§ 261.101(b), 261.109(a-1).

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As you know, classifying genital mutilation of a child through reassignment surgery as child abuse would also impose a duty on DFPS to conduct prompt and thorough investigations of the child's parents, while other state agencies would be obliged to investigate the facilities they license. *See id.* § 261.301(a)–(b).

Thank you for your swift response to this issue.

A handwritten signature in black ink, appearing to read "Greg Abbott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Abbott
Governor

GA:jsd