

Transgender youth sue over Montana gender-affirming care ban

By AMY BETH HANSON yesterday

HELENA, Mont. (AP) — Two transgender children, their parents and two health care providers filed a lawsuit Tuesday arguing that a Montana law that would ban gender-affirming care for transgender youth is unconstitutional.

The ban on puberty blockers, hormone treatment and surgical procedures applies only to transgender youth being treated for gender dysphoria, but that same care can be provided to cisgender adolescents for any other purpose, according to the complaint filed by the American Civil Liberties Union, the ACLU of Montana and Lambda Legal.

The ban serves no purpose other than to “intentionally burden a transgender person’s ability to seek necessary care to align their body with their gender identity,” the complaint states. It asks a state judge to block enforcement of the law, which is to take effect on Oct. 1.

“The new law provides commonsense protections for Montana children — who can’t even enter into contracts or buy cigarettes or alcohol — from harmful, life-altering medications and surgeries,” said Emily Flower, spokesperson for Attorney General Austin Knudsen.

Opposition to the bill by Democratic Rep. Zooey Zephyr — the first openly transgender female lawmaker to serve in the Montana Legislature — triggered a [series of events](#) that eventually led to her [being banned from the House floor](#) for the final days of the 2023 session.

The Republican-controlled Montana Legislature [passed the bill](#) and Republican [Gov. Greg Gianforte signed it](#) late last month. Montana is one of at least 16 states with laws to ban such care, despite protests from the families of transgender youth that the care is essential.

“It is mentally and physically painful to feel like you are trapped in the wrong body,” Jessica van Garderen, the mother of a 16-year-old transgender daughter, said in a statement. “Going through puberty for the wrong sex is like having your body betray you on a daily basis. The only treatment we have found to be effective and give our daughter hope again is hormone therapy.

“Taking away this crucial medical care is inhumane and a violation of our rights,” van Garderen said.

The complaint argues that the new law interferes with parental rights and is unconstitutional because it violates the plaintiffs’ right to privacy, their right to seek health care and the right to human dignity.

Supporters of the ban, including bill sponsor Republican Sen. John Fuller, said minors should not be allowed to undergo irreversible, life-changing procedures before they are adults and are old enough to understand the consequences and give legal permission.

“Just living as a trans teenager is difficult enough, the last thing me and my peers need is to have our rights taken away,” plaintiff Phoebe Cross, a 15-year-old transgender boy, said in a statement. “The blatant disrespect for my humanity and existence is deeply unsettling.”

Under the new law, health care providers who provide such care could lose their medical licenses for at least a year and be subject to lawsuits for up to 25 years after any treatment was provided.

The bill also prohibits public money, such as Medicaid, from being used to pay for such care.

Federal judges in Alabama and Arkansas have blocked laws that sought to ban gender-affirming care. The Department of Justice [joined a federal lawsuit](#) filed on behalf of transgender parents and their children against a similar ban in Tennessee.