



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 7, 2021

The Honorable Jaime Masters, Commissioner
Texas Department of Family and Protective Services
P.O. Box 149030
Austin, Texas 78714-9030

Dear Commissioner Masters:

On August 11, 2021, you issued a letter in response to a request by Governor Abbott (August 6, 2021) regarding how gender reassignment surgery could constitute child abuse under certain circumstances. It is evident from your letter that DFPS holds a similar view as the Governor on this issue. On October 16, 2019, my office sent DFPS a letter regarding an analogous issue. *See attached.* This 2019 letter addressed how Texas law defines child abuse to include gender reassignment surgery and any other procedure done on a child -- and it previews the request made by Governor Abbott and your response.

On August 23, 2021, a request was made to my office asking for clarification on DFPS's correspondence with the Governor and the existing law on this issue (RQ-0426). This request *was not* requested to be expedited. Section 402.042 of the Texas Government Code provides that the OAG must issue an Opinion no later than 180 days after the date a valid request is received. The process of working through an Opinion request includes time for receiving briefing from third-parties, consulting with the necessary expertise to think through all the legal implications, the real-world impact, and address all questions of law.

Prior to RQ-0426, DFPS received a letter asking for a similar clarification to this request. In your response, on September 3, 2021, you stated that DFPS is waiting on an official Opinion by the OAG in response to RQ-0426 before making any final decisions. However, Governor Abbott's request was clear, and DFPS's acknowledgment and response expressed a similar view.

To be clear, I trust that DFPS is investigating and taking all appropriate actions against child abuse that may occur through gender reassignment surgery, chemical or surgical castration, puberty blockers, or any other procedure as it relates to children.

To reiterate, the guidance in the 2019 OAG letter and the Governor's August 2021 request are abundantly clear on this issue, and we stand ready to assist you and your agency in any way.

Respectfully,

A handwritten signature in cursive script that reads "Ken Paxton".

Ken Paxton
Attorney General

cc w/encl.: Office of Governor Greg Abbott
P.O. Box 12428
Austin, Texas 78711