

NEWS

# Families of Alabama transgender youth seek rehearing from full court

On Aug. 21, a panel of the 11th Circuit ruled to lift a preliminary injunction blocking a law banning gender-affirming care.

By **PATRICK DARRINGTON**

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**L**awyers representing the families of transgender children plan to ask all twelve judges of the 11th Circuit Court of Appeals to rehear the case.

In a statement released Monday, the legal team representing transgender youth stated their intention to have the entire circuit court review the case or seek rehearing en banc. The attorneys

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have until Sept. 11 to file the petition but this process will also ensure families have access to gender-affirming care until the court denies the request first or accepts then makes their decision.

The families are represented by multiple organizations and lawyers including The Southern Poverty Law Center, Human Rights Campaign, GLTBQ Advocates and Defenders (GLAD) and the Center for Lesbian Rights.

“The most important thing to know is that the preliminary injunction blocking enforcement of Alabama’s law is still in effect and will remain in effect at least for the next two to three months, and possibly longer,” the statement said.

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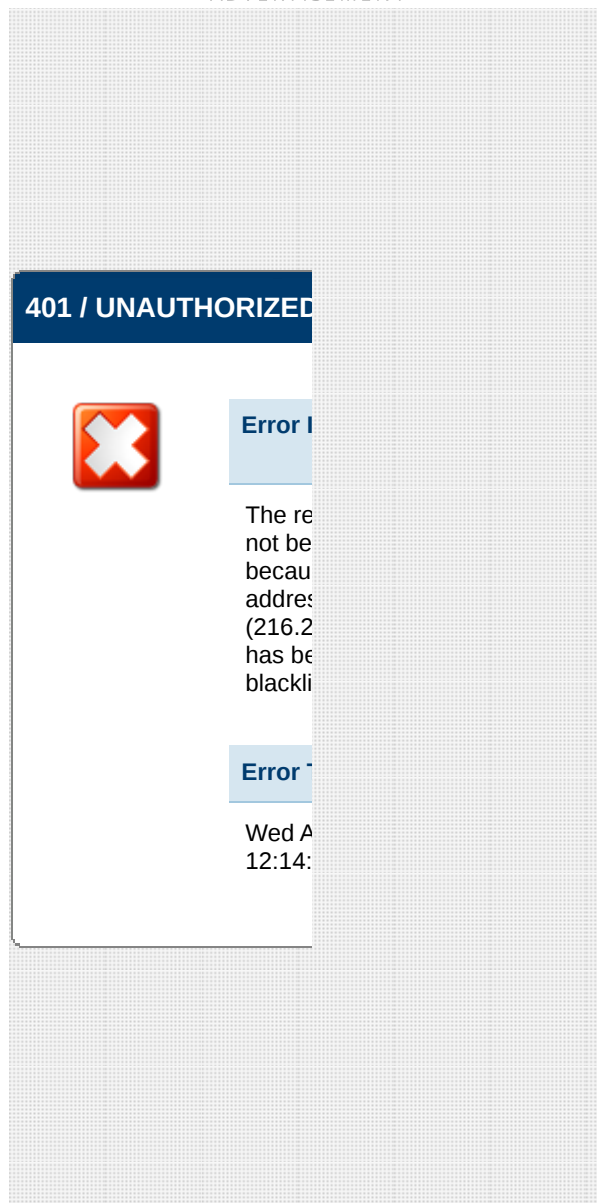
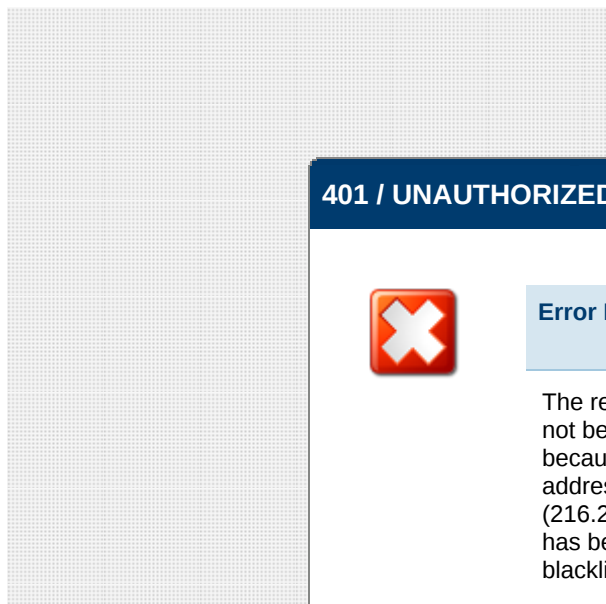
On Aug. 21, a three-judge panel of the 11th Circuit Court ruled to lift a preliminary injunction issued in May 2022 to prevent a law banning gender-affirming care from going into effect in Alabama.

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U.S. Circuit Judge Barbara Lagoa, wrote in her opinion for the three-judge panel’s decision, that the parents of transgender youth had no, “derivative fundamental right to obtain a particular medical treatment for their children as long as a critical mass of medical professionals approve.”

The Alabama Reflector wrote about what the en banc petition meant for the parents of transgender kids.

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“Jeff Walker, the father of a transgender teenage girl in Auburn, said the move meant ‘our kids can still get health care in Alabama and continue to get their prescriptions,’” Jemma Stephenson wrote.

Shannon Minter, one of the lawyers representing the plaintiffs from the Center For Lesbian Rights, spoke to APR about the ongoing process to prevent the state from banning this care.

Minter said that they were disappointed in the circuit court's decision but were especially surprised by conservatives attempting to erode the rights of parents. Minter said that the parents of transgender children see how beneficial this care is and have often had to overcome their own struggles with accepting their children.

“And then if these treatments were hurting their children [parents] would stop them,” Minter said. “I mean any parent would do that but they see that the children are being helped by them.”

Multiple studies and organizations have documented the positive effects that gender-affirming care has on transgender youth.

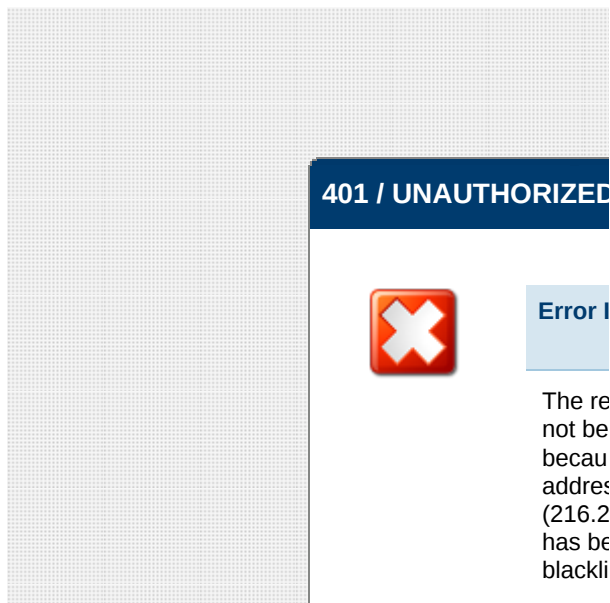
Minter also stated that he and the other attorneys were hopeful in their en banc petition because of legal precedent that favors their argument as to why a ban targeting trans people and youth is unconstitutional.

“The Eleventh Circuit has held that discrimination against transgender

people because of their gender nonconformity is sex discrimination,” Minter said. “Which is then subjected to a heightened level of constitutional scrutiny.”

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A 2019 decision by the Supreme Court in *Blaylock v. Clayton County* held that a person could not be fired for being transgender or gay.

Also, Alabama’s decision last week is an anomaly as it was only the second state allowed to ban gender-affirming care. Nearly every other law that came before a federal court throughout the country, besides Tennessee, was upheld and prevented from taking effect. ■

## Patrick Darrington



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