



# Texas Department of Family and Protective Services

Commissioner  
Jaime Masters

August 11, 2021

The Honorable Greg Abbott  
Governor  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711-2428

Dear Governor Abbott:

In your August 6, 2021 letter, you requested that the Department of Family and Protective Services (DFPS) determine whether genital mutilation of a child for the purposes of gender transitioning through reassignment surgery constitutes child abuse pursuant to state law.

Genital mutilation of a child through reassignment surgery is child abuse, subject to all rules and procedures pertaining to child abuse. Such mutilation may cause a “genuine threat of substantial harm from physical injury to the child.” TEX. FAM. CODE § 261.001(1)(C). As you have described, this surgical procedure physically alters a child’s genitalia for non-medical purposes potentially inflicting irreversible harm to children’s bodies. Generally, children in the care and custody of a parent lack the legal capacity to consent to surgical treatments, making them more vulnerable. *See Id.* § 32.003.

When medically necessary, this surgical procedure may not constitute abuse. It may be warranted for the following conditions including, but not limited to, 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.

Pursuant to Texas Family Code, Section 261.101, a professional who has “cause to believe” a child has been or may be abused must report that belief to DFPS within 48-hours after the professional first suspects the abuse. A professional may not delegate to or rely on another person to make the report. Professionals include teachers, nurses, doctors, day-care employees and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children through their job.

Failure to report is a Class A misdemeanor punishable by up to one year in jail, a fine of up to \$4,000, or both. TEX. FAM. CODE § 261.109(a-1), (c); TEX. PENAL CODE § 12.21.

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If it is shown that the professional intentionally concealed the abuse, then the offense is a state jail felony. TEX. FAM. CODE § 261.109(c).

Finally, allegations involving genital mutilation of a child through reassignment surgery will be promptly and thoroughly investigated and any appropriate actions will be taken.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jaime Masters", with a long horizontal flourish extending to the right.

Jaime Masters,  
Commissioner