



## Fact Check: Will New Yorkers vote on letting kids transition without parental consent this year?

*Republicans say "parental rights" are on the ballot this year. Is this true?*

By [Mira Lazine](#) Tuesday, September 24, 2024 · Updated on September 25, 2024

In November of 2024, New York state's ballots will have a ballot initiative for a constitutional amendment to, among other things, solidify protections for LGBTQ+ individuals and for reproductive rights by adding sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy to the state constitution's equal protection clause.

However, shortly after the legislature approved the proposed constitutional amendment known as Proposition 1, Republicans in the state made a [shocking claim](#) on their website – that this amendment would allow trans kids to transition without parental consent or notification.

### **Fact Check: Are schools performing transition surgeries on students without parental consent?**

Donald Trump claimed that schools are medically transitioning kids behind their parents' backs. Is this true?

“Prop 1 adds ‘gender identity’ and ‘gender expression’ and covers all persons, including minors. These new constitutional ‘rights’ will grant minor children the right to transgender and other types of medical interventions – all without parental notification/consent. Parents will remain financially and legally responsible for managing emotional and physical results impacting their minor children.”

*LGBTQ Nation* investigated this claim to see if it holds up to scrutiny.

#### **Claim:**

**New York's Prop 1 (2024) will allow trans kids to get medical transitions without their parents even being notified.**

**Fact Check**

**Rates this claim: False**

### **Background and the ballot initiative's text**

In 2018 and 2019, New York state Sen. Liz Krueger (D) introduced bills that proposed a constitutional amendment to add to the state's 1938 Equal Rights Amendment's list of protected categories. However, none of these bills made it through the state legislature until the 2021-2022 legislative session, when the Supreme Court overturned *Roe v. Wade* in the infamous case *Dobbs v. Jackson Women's Health Organization*, which threatened abortion rights across the country. Krueger's bill was revised and passed by both chambers of the state legislature.

New York requires constitutional amendments to be introduced and passed in two separate legislative sessions. So, the bill was introduced again and passed in August 2023, putting it on the ballot for voters to approve or reject this coming election on November 5 as Proposition 1.

Proposition 1 would, according to the New York Board of Elections [website](#), add the bold text to the state's Equal Rights Amendment:

**“§ 11. a. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, ethnicity, national origin, age, disability, creed [or], religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy, be subjected to any discrimination in [his or her] their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, pursuant to law.**

**b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section.”**

There is no mention within this amendment of anything related to gender transitions, minors, or parental consent.

Voters this fall will see the following language:

This proposal would protect against unequal treatment based on ethnicity, national origin, age, disability, and sex, including sexual orientation, gender identity and pregnancy. It also protects against unequal treatment based on reproductive healthcare and autonomy.

A “YES” vote puts these protections in the New York State Constitution.

A “NO” vote leaves these protections out of the State Constitution

The amendment itself would not lead to minors' getting access to gender-affirming care without parental consent.

## **Court arguments and WPATH guidelines**

Republicans might argue that this amendment would lead to court decisions that rule that minors do not need parental consent to transition. However, this claim also has no evidence, as anti-discrimination laws do not allow protected classes to disregard the law. *LGBTQ Nation* is not aware of any laws or prior court rulings in New York or anywhere else in the nation that would authorize children to transition without parental consent, including in states that protect transgender people from discrimination. This only means that trans people would get equal protection under the law, not special privileges.

According to the [New York Office of Children and Family Services](#), the [New York State Department of Health](#), and the [New York Civil Liberties Union](#), the vast majority of minors in the state are not able to access medical care without parental consent. There are limited exceptions for specific types of care or minors in specific conditions, but none of these apply to trans teens generally. These circumstances include if the minor is emancipated, if the minor is a runaway or is homeless, if the minor is pregnant, or if the minor is already a parent. Additionally, a minor may access medical care independently for sexually transmitted infection treatment, family planning services, sexual assault care, or substance use disorder.

There are no other circumstances where minors may consent to medical care, and there are no provisions that allow minors to consent to gender-affirming care without parental consent unless they meet any of the above conditions. Prop 1 does not change this aspect of state law.

Additionally, even if a trans minor were to try to overturn state law on medical consent, they would have to attempt to do so without the backing of medical professionals. Laws protecting trans people's right to transition draw from medical consensus across multiple fields, which says that parents need to be involved in every step of minors' gender-affirming care. This includes statements from dozens of mainstream medical organizations like the [American Medical Association](#), the [Endocrine Society](#), the [American College of Physicians](#), the [American Psychological Association](#), the [World Medical Association](#), and [others](#).

These organizations draw from the **World Professional Association for Transgender Health's (WPATH) Standards of Care**, currently known as [SOC 8](#), which regulates gender-affirming care as it is practiced in the United States.

The SOC 8 is publicly viewable and advocates for parental involvement and consent in youth care. They write: "We recommend when gender-affirming medical or surgical treatments are indicated for adolescents, health care professionals working with transgender and gender diverse adolescents involve parent(s)/guardian(s) in the assessment and treatment process, unless their involvement is determined to be harmful to the adolescent or not feasible."

WPATH also encourages parental involvement due to the many benefits it has for young people. They continue: "Parent and family support of TGD youth is a primary predictor of youth well-being and is protective of the mental health of [transgender and gender-diverse] youth... Therefore, including parent(s)/caregiver(s) in the assessment process to encourage and facilitate increased parental understanding and support of the adolescent may be one of the most helpful practices available."

## Expert Reactions and Conclusion

*LGBTQ Nation* reached out to the **New York Republican party** for comment, however they did not respond before publication of this article.

State Sen. Krueger, the **sponsor of the bill** that promulgated the ballot measure, said: "The truth is, New York law already requires parental consent for minors to undergo any gender-affirming care procedure, and Prop 1 doesn't alter that. Anti-abortion operatives are just spreading this disinformation because they know Prop 1 is overwhelmingly popular and supported by New Yorkers across the state. Prop 1 is about protecting abortion and our reproductive rights. The fall of *Roe v. Wade* was a wake-up call for us all — showing us that our rights are never as secure as we might believe. Since then, reproductive rights like abortion, contraception, and IVF have been under attack across the country. Prop 1 will guarantee our reproductive freedoms — so that no matter who is in office, New Yorkers can get the care they want and need."

A spokesperson for **New Yorkers for Equal Rights**, which is one of the leading advocacy groups in favor of Prop 1, said in a statement to *LGBTQ Nation*: "Prop 1 does not change existing law. In New York, as is the case everywhere in the country, parental consent is required for young people to access gender-affirming care, and Prop 1 does not change that. We are aware that the opposition is suggesting otherwise, but this is a false narrative they are pushing to fearmonger and distract voters from what this amendment is actually about."

"Here is what Prop 1 is about: As backward politicians and courts across the country are narrowing and rescinding reproductive and LGBTQ+ rights, New Yorkers can protect them by passing Prop 1. No New

Yorker should be discriminated against because of who they are or who they love, especially by those in power. Prop 1 will protect LGBTQ New Yorkers against discrimination by closing loopholes in the constitution. Prop 1 will ensure that a judge could never take away custody of a child based on a parent's sexual orientation, and that gay couples who work in the public sector — like teachers and firefighters — can get the same healthcare benefits as straight couples.”

Katharine Bodde, interim co-director of policy of the **New York Civil Liberties Union**, a group advocating for Prop 1, said in a statement to *LGBTQ Nation*: “In New York, parental consent is already required for minors to receive any medical procedure related to gender-affirming care, and this amendment does not change that. It will not allow young people to have surgeries without their parents’ consent. This is a false narrative being pushed by politicians that uses a handful of innocent kids as political pawns. Their goal is to divide New Yorkers and distract us from what this amendment is actually about: protecting the right to abortion and guaranteeing our personal freedoms. The amendment does not change the existing legal mechanism that requires parental consent — it simply stops New Yorkers from being discriminated against.”

Sasha Buchert, director of the Non-Binary and Transgender Rights Project at **Lambda Legal**, told *LGBTQ Nation*: “No. The Equal Rights Amendment does exactly what it says it does. It prohibits unequal treatment based on ethnicity, national origin, age, disability, sex, sexual orientation, gender identity and it safeguards reproductive healthcare and autonomy.”

Buchert continued: “Rather than directly oppose the rights of women, opponents of the amendment turn to their well-thumbed playbook to try to sway the public by fearmongering about transgender people. This strategy has not worked in other states and it won’t work in New York. It won’t work because everyone sees it for what it is. A shameful targeting of an already vulnerable population designed to distract the public from the very real threat to their reproductive freedom that opponents of the amendment pose, and their very real failure to accomplish anything that actually helps women, such as affordable childcare, school lunches and a living wage.”

Based on all of the above evidence, **LGBTQ Nation rates this claim as false**. There is no evidence that this amendment would authorize children to transition without parental consent.

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