

WHAT THERAPISTS AND LICENSED PROFESSIONALS NEED TO KNOW ABOUT SUPPORTING TRANSGENDER YOUTH IN TEXAS

BACKGROUND

Therapists and other licensed professionals in Texas should be aware of three recent developments.

- First, on February 27, 2026, Texas Attorney General Ken Paxton issued an opinion interpreting Texas Senate Bill 14 (S.B. 14, enacted in 2023) and claiming that therapists, counselors, and social workers may not “facilitate” the provision of gender-affirming medical care for minors. See Opinion KP-0518.
- Second, the U.S. Supreme Court held in *Chiles v. Salazar* that talk therapy is constitutionally protected speech.
- Third, the Texas Supreme Court vacated temporary injunctions blocking Texas Department of Family Protective Services (DFPS) investigations from 2022 into whether providing gender-affirming care to minors could constitute child abuse under Texas law.

CURRENT STATUS

With gender-affirming medical care for transgender minors now banned in Texas, talk therapy and supporting the mental health and wellbeing of transgender youth is more critical than ever.

In *Chiles v. Salazar*, the Supreme Court emphasized that “the spoken word is perhaps the quintessential form of protected speech” and that mental health practitioners’ discussions with clients and their families remain shielded by the First Amendment.

If anyone threatens you or someone you know for supporting transgender youth’s right to exist and socially transition, please reach out to Lambda Legal or the ACLU of Texas right away.

ATTORNEY GENERAL OPINIONS CANNOT CHANGE TEXAS LAW

Attorney general opinions have no legal force. Thus, both Paxton’s opinion back in 2022 about gender-affirming medical care constituting child abuse and the opinion in 2026 about S.B. 14 prohibiting any “facilitation” of gender-affirming care are mere interpretations and do not change Texas law or your obligations as a therapist or mandatory reporter. The Texas Supreme Court has repeatedly made clear that attorney general opinions do not “create or change legal obligations.” In *re Abbott*, No. 22-0229 (Tex. 2023).

SUPPORTING TRANSGENDER YOUTH REMAINS LEGAL AND LIFESAVING

S.B. 14 only prohibits medical treatment – not therapy.

Nothing in S.B. 14 makes it illegal for a therapist to make a diagnosis, listen to a child, support a family, or do their job. The law's prohibitions only apply to "physicians and medical providers" and surgeries, hormones, and puberty blockers, while a separate section of S.B. 14 refers to "mental health counseling" as a distinct concept.

Paxton's opinion rests on the word "facilitate" in a section that bars public funding from any person who "facilitates the provision of a procedure or treatment to a child" proscribed by S.B. 14.

But listening to a child is not facilitation. Supporting a family is not facilitation. Mental health support is not facilitation. And this section of the law only regulates public funding. Paxton cannot stretch S.B. 14 beyond what the Legislature intended.

This opinion is intimidation, not law.

Its goal is to frighten mental health providers away from serving transgender youth, and the press release accompanying it was issued the day before the Texas Primary Election. This opinion is not the law, and no court has endorsed this wrongful interpretation of S.B. 14.

THERAPY IS SPEECH. SPEECH IS PROTECTED.

Therapy is speech, and speech is protected by the First Amendment.

Courts have increasingly recognized that the conversation between a therapist and a client is constitutionally protected communication.

The U.S. Supreme Court recently held in *Chiles v. Salazar* that what therapists say to clients is subject to First Amendment scrutiny. This means that the Texas government cannot infringe upon your speech as a therapist based on content or viewpoint without satisfying the highest level of constitutional scrutiny.

TEXAS REQUIREMENTS FOR MANDATORY REPORTERS HAVE NOT CHANGED.

In [Doe v. Abbott](#), parents of a transgender adolescent and a mental health provider sued Texas DFPS and state officials for launching investigations into whether gender-affirming medical care constituted child abuse under Texas law. Between 2022 and 2026, those investigations were blocked by court orders (including through a related lawsuit, [PFLAG v. Abbott](#)), but the Texas Supreme Court [recently vacated](#) the temporary injunctions because all of the investigations have ended or the adolescents are now adults.

In a 2022 decision, the Texas Supreme Court emphasized that the original attorney general opinion did not change Texas law, such that mandatory reporting requirements for child abuse also have not changed. And in its more recent decision, the court explained that if a therapist faces a concrete threat of losing their license or other enforcement action, they could have standing to challenge restrictions on their practice.

WHAT THIS MEANS FOR YOU

If you are a therapist or mental health provider:

You are not required to change your practice based on attorney general opinions. If you receive any formal contact from your licensing board, a threat to your funding or employment, or any other threat of enforcement related to gender-affirming care in Texas, please contact Lambda Legal's [Help Desk](#) and/or the ACLU of Texas's [Legal Intake](#) immediately.

Know your confidentiality obligations.

Your duty to maintain client confidentiality has not changed. You are not required to report a client's gender identity, gender dysphoria diagnosis, or gender-affirming care to any state agency based on attorney general opinions. If you receive any request for client records related to gender-affirming medical care, contact legal counsel before responding.

Document everything.

If you receive any inquiry, complaint, or communication from a licensing board, employer, or state agency related to your work with transgender clients, write it down. Note the date, the name of the person who contacted you, what was said, and how it was communicated. This documentation can be critical if you need legal support later.

If you are the parent of a transgender child:

You and your child can still see a therapist. Mental health care is not prohibited by S.B. 14 or any other Texas law. Recent attorney general opinions do not change existing protections for therapists and clients.

If you are a transgender young person:

People are fighting for you. You are not alone. If you need someone to talk to, reach out to the Trevor Project at 866-488-7386.

THE BOTTOM LINE

This opinion is intimidation, not law.

As the Texas Supreme Court has said, attorney general opinions do not create or change the laws. Paxton's opinions targeting transgender youth and those who support them are intimidation dressed up as legal analysis, designed to frighten providers away from serving transgender youth and their families.

Experiencing a licensing threat, lost funding, or other actions related to the opinion?

Contact us: <https://www.lambdalegal.org/helpdesk> or <https://intake.aclutx.org/>

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