MOTION BY SUPERVISOR LINDSEY P. HORVATH

<u>Support for AB 957 (Wilson): The TGI Youth Empowerment Act</u>

When parents do not agree on affirming a TGI (Transgender, Gender-diverse, Intersex) child's gender identity, the Family Code, which is used during contested child custody and visitation cases, does not specify how a judge should determine the best interest of a TGI child. This means that if one parent affirms their child's gender identity, that parent may not have the legal authority to make important decisions like accessing gender affirming mental health care and medical treatment and instructing schools and other adults to respect their child's gender identity. TGI youth are at a higher risk of depression, mental health crises, self-harm, and suicide than their cis peers. Having at least one adult in a child's life who affirms their gender identity decreases their chances of attempting suicide significantly. Furthermore, many TGI children are not safe in their own homes because of non-affirming or abusive caretakers. This leads many TGI youth to run away from home, leaving them vulnerable to housing instability, exploitation, and abuse.

TGI youth are especially vulnerable to harm - 82% of transgender individuals experience suicide ideation and 40% make a suicide attempt in their lifetime. Research demonstrates that family acceptance of LGBTQ+ youth is a crucial protective factor in combatting depression and substance abuse and can dramatically reduce rates of suicide by half. Well-rounded social

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support from friends and family members is strongly associated with positive mental development, physical health, and overall well-being. However, the COVID-19 pandemic heightened feelings of isolation which greatly exacerbates the risk TGI youth face. This underscores the importance of providing parents the necessary means to accept and affirm their LGBTQ+ children.

Family Code ensures that the health, safety, and welfare of children shall be the court's primary concern in determining the best interests of children when making any orders regarding the physical or legal custody or visitation of children. The code lists factors to consider when determining the best interest of the child but does not specify affirmation of a child's gender identity.

AB 957 will update California law to clarify that, for the purposes of child custody and visitation decisions, a parent's support and affirmation of a child's gender identity should be considered as part of the health, safety and welfare of the child. Data supporting the connection between family acceptance and the overall wellbeing of TGI youth is clear. Multiple studies have demonstrated that supportive families act as a buffer against suicidal ideation, and unsupportive families significantly predict higher likelihood of suicide attempt for TGI youth even when controlling for other factors. Thus, it is important for this factor to be considered as part of a court's holistic determination of a child's best interest. This consideration will not be determinative, and the bill will not require a court to always side with the parent that affirms their child's gender identity. The bill simply makes clear that a parent's affirmation of a child's gender

identity should be considered as part of the comprehensive review by the judge.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Instruct the Chief Executive Office - Legislative Affairs and Intergovernmental Relations Branch to support Assembly Bill 957 (Wilson), which would clarify that affirming a child's gender identity is in the best interest of the child and integral to the health, safety and welfare of the child in the California Family Code, increasing the likelihood that a gender affirming parent is given legal custody and authority to make important decisions about the child's medical care and education.

2. Direct the County's Sacramento advocates to take the appropriate legislative advocacy actions to advance this effort.

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