

House Bill 1210

By: Representatives Kahaian of the 81st, Byrd of the 20th, Dunahoo of the 31st, Washburn of the 144th, and Bonner of the 73rd

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to dependency proceedings, so as to
3 provide for protections for children who adopt an identity that differs from their sex; to
4 provide for definitions; to amend Chapter 15 of Title 19 of the Official Code of Georgia
5 Annotated, relating to child abuse, so as to provide for protections for children who adopt an
6 identity that differs from their sex; to provide for definitions; to provide for parental
7 protections against abuse allegations; to amend Title 49 of the Official Code of Georgia
8 Annotated, relating to social services, so as to provide for the right to exercise religious
9 beliefs or other strongly held beliefs of certain caregivers; to provide for certification; to
10 provide for same sex placement for children in the custody of the state; to amend Chapter 1
11 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative
12 to state government, so as to provide limitations for state employees and contractors
13 regarding a parent-child relationship; to provide for contracting; to provide for related
14 matters; to provide for severability; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Part 1 of Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
18 relating to general provisions relative to dependency proceedings, is amended by adding a
19 new Code section to read as follows:

20 "15-11-114.

21 (a) As used in this Code section, the term:

22 (1) 'Affirming' with regard to a child's sex shall have the same meaning as set forth in
23 Code Section 19-15-8.

24 (2) 'Sex' shall have the same meaning as set forth in Code Section 19-15-8.

25 (b) Parents shall have the fundamental right to direct the care and upbringing of their child,
26 including affirming their child's sex. In no event in any custody or dependency
27 proceedings shall a parent, guardian, or legal custodian's actions affirming a child's sex be
28 considered abuse; neglect; not in the best interests of the child's safety, health, and welfare;
29 or grounds for loss of custody or a finding of dependency."

30 **SECTION 2.**

31 Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is
32 amended by adding a new Code section to read as follows:

33 "19-15-8.

34 (a) As used in this Code section, the term:

35 (1) 'Affirming' with regard to a child's sex means referring to and raising a child in a
36 manner consistent with the child's sex, including, but not limited to:

37 (A) Using the child's legal name, referring to the child with pronouns consistent with
38 his or her sex, or otherwise affirming a child's sex;

39 (B) Making healthcare decisions for the purpose of protecting the child's reproductive
40 capacity and mental health, including, but not limited to, declining consent for medical
41 or surgical services for the purpose of bodily modification of secondary sex

42 characteristics, interrupting the healthy development thereof, or declining consent for
43 counseling or other mental health services intended to reinforce a child's feelings that
44 he or she possesses an identity that differs from the child's sex; or

45 (C) Providing or facilitating mental health services, including counseling and therapy
46 that seek to resolve a child's feelings of distress with regard to his or her sex, refrain
47 from suggesting that a child may be born in the wrong body, use a child's legal name
48 or pronouns consistent with the child's sex, or that do not encourage medical
49 interventions that modify the child's body in order to align the child's appearance with
50 an identity that differs from the child's sex.

51 (2) 'Child' shall have the same meaning as set forth in Code Section 15-11-2.

52 (3) 'Sex' means a child's biological sex, either:

53 (A) Female, meaning an individual who has, had, will have, or, but for a
54 developmental or genetic anomaly or historical accident, would have the reproductive
55 system capable of producing human ova; or

56 (B) Male, meaning an individual who has, had, will have, or, but for a developmental
57 or genetic anomaly or historical accident, would have the reproductive system capable
58 of producing human sperm.

59 (b) In no event shall affirming a child's sex by a parent or legal guardian:

60 (1) Be considered or determined to be abuse, neglect, or risk thereof, or be considered
61 or determined to create an unsafe environment by any employee, contractor, or volunteer
62 of the state, including any social worker, child protection professional, court appointed
63 special advocate, guardian ad litem, or other person authorized by any agency or court;

64 (2) Serve as a basis for initiating or continuing any investigation by child protective
65 services or any other agency or court or for removal of the child by the state from the
66 custody of his or her parent or legal guardian;

67 (3) Serve as a basis at any stage to prevent the return of a child to the custody of his or
68 her parent or legal guardian, including, but not limited to, circumstances when:

- 69 (A) The child's parent or legal guardian has sought or consented to inpatient or
 70 outpatient treatment for the child's self-harm, or the risk or threat by the child thereof;
 71 or
 72 (B) The child, while in inpatient or outpatient treatment, has been referred to or treated
 73 in a manner inconsistent with his or her sex;
 74 (4) Limit the parent or legal guardian's authority to make healthcare decisions for, or
 75 have physical access to, a child receiving inpatient or outpatient treatment, whether or not
 76 such treatment is related to a child's feelings of distress with his or her sex or desire to
 77 adopt an identity that differs from the child's sex; or
 78 (5) Limit or waive a parent or legal guardian's right to be informed of and consent to or
 79 refuse a child's participation in any research or study.
 80 (c) In no event shall a court require a parent or legal guardian to consent to or facilitate
 81 social, hormonal, chemical, or surgical interventions designed to alter a child's secondary
 82 sex characteristics to align the child's appearance with an identity that differs from the
 83 child's sex."

84 **SECTION 3.**

85 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 86 in Chapter 1, relating to general provisions, by adding a new Code section to read as follows:
 87 "49-1-9.

88 (a) As used in this Code section, the term:

- 89 (1) 'Affirming' with regard to a child's sex shall have the same meaning as set forth in
 90 Code Section 19-15-8.
 91 (2) 'Child' shall have the same meaning as set forth in Code Section 15-11-2.
 92 (3) 'Sex' shall have the same meaning as set forth in Code Section 19-15-8.

93 (b) No prospective or current foster or adoptive parent, kinship care provider, emergency
 94 placement, or other contracted provider of services to children in the custody of the State

95 of Georgia shall be required to perform or undergo any of the following actions, if doing
96 so is contrary to such individual's or such provider's religious beliefs, sincerely held beliefs,
97 or the religious beliefs of the organization with which such individual or provider is
98 affiliated:
99 (1) Be required to deny, or not affirm, the sex of a child; or
100 (2) Be refused the placement or adoption of a child, or suffer the removal of a child, on
101 the grounds of affirming a child's sex.
102 (c) At the end of each fiscal year, the department and the Department of Juvenile Justice
103 shall each certify that, notwithstanding any provision of this Code section, it has no policy
104 or practice requiring a prospective or current foster or adoptive parent, kinship care
105 provider, emergency placement, or other contracted provider of services to children to act
106 in a manner contrary to the religious beliefs or the sincerely held beliefs of such individual
107 or provider."

108 **SECTION 4.**

109 Said title is further amended in Article 1 of Chapter 5 of the Official Code of Georgia
110 Annotated, relating to children and youth services, by adding a new Code section to read as
111 follows:

112 "49-5-8.2.

113 (a) As used in this Code section, the term:

114 (1) 'Child' shall have the same meaning as set forth in Code Section 15-11-2.

115 (2) 'Sex' shall have the same meaning as set forth in Code Section 19-15-8.

116 (b) When exercising its authority to place a child in accordance with Code Section 49-5-8,
117 the department shall ensure any such placement decision shall be based solely upon the
118 child's sex.

119 (c) This Code section shall apply to all placements made under the authority of the
120 department or pursuant to its exercise of its child protective services authority."

SECTION 5.

121
122 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
123 provisions relative to state government, is amended by adding a new Code section to read as
124 follows:

125 "50-1-15.

126 (a) As used in this Code section, the term:

127 (1) 'Affirming' with regard to a child's sex shall have the same meaning as set forth in
128 Code Section 19-15-8.

129 (2) 'Child' shall have the same meaning as set forth in Code Section 15-11-2.

130 (3) 'Sex' shall have the same meaning as set forth in Code Section 19-15-8.

131 (b) While engaged in an official capacity representing the state or while using state funds,
132 no employee, contractor, or volunteer of the state shall:

133 (1) Encourage any child to adopt an identity that differs from the child's sex or to
134 undergo medical interventions that modify a child's body to align the child's appearance
135 with an identity that differs from the child's sex; or

136 (2) Conceal from a parent or legal guardian that a child has requested to adopt an identity
137 that differs from the child's sex, including to change the child's official name, pronouns,
138 participation in sex separated events or facilities, treatment, or access in a manner that is
139 inconsistent with the child's sex.

140 (c) The state shall not contract with any entity or individual or conduct any educational or
141 training program for any employees, contractors, or volunteers of the state, including any
142 court or persons employed or authorized by a court, that:

143 (1) Characterizes affirming a child's sex as abuse, neglect, or risk thereof; as creating an
144 unsafe environment for the child; or as a basis for loss of custody or finding the child
145 dependent as provided in Chapter 11 of Title 15;

146 (2) Promulgates information, materials, policies, or training suggesting that individuals
147 may, through social or medical interventions, change their sex; or

148 (3) Promotes or encourages the use of social interventions or medical treatments to
149 modify a child's body to align the child's appearance with an identity that differs from the
150 child's sex."

151 **SECTION 6.**

152 In the event any section, subsection, paragraph, subparagraph, item, sentence, clause, phrase,
153 or word of this Act shall be declared or adjudged invalid or unconstitutional, such
154 adjudication shall in no manner affect the remaining provisions of this Act, which shall
155 remain in full force and effect as if the section, subsection, paragraph, subparagraph, item,
156 sentence, clause, phrase, or word so declared or adjudged invalid or unconstitutional were
157 not originally a part hereof. The General Assembly declares that it would have passed the
158 remaining provisions of this Act if it had known that such provision or provisions hereof
159 would be declared or adjudged invalid or unconstitutional.

160 **SECTION 7.**

161 All laws and parts of laws in conflict with this Act are repealed.