



Written by [Raven Clabough](#) on May 31, 2017

Judge Dismisses Mother's Lawsuit Over Her Son's Transition to a "Girl"

A federal judge in Minnesota dealt a devastating blow to parental rights last week. Senior U.S. District Judge Paul Magnuson dismissed a lawsuit brought by a mother who accused school officials, healthcare providers, and doctors of violating her parental rights by assisting her son with gender transition without the mother's consent.



Anmarie Calgaro's case made international headlines last year when she sued her teenage son — known only as EKJ — for undergoing a sex change through hormonal therapy without her permission, as well as numerous state agencies for the role they played in helping him to transition from male to "female." Calgaro's lawsuit claimed that she was neither consulted nor informed about the transition, thereby stripping her of her constitutionally protected parental rights.

"The U.S. Constitution says that parental rights are fundamental rights, that can't be terminated without due process," said Calgaro's attorney, Erick Kaardal of the Thomas More Society.

At particular issue in Calgaro's lawsuit was a Minnesota law that allows minors to undergo medical care and procedures without parental consent. According to Calgaro's suit, Park Nicollet and Fairview Health Services began providing hormone therapy to her son in November without consulting Calgaro or even informing her about it. Calgaro also argued that St. Louis County violated her parental rights by providing government assistance in the form of medical payments to cover the costs of the child's transition.

Calgaro indicates she is fighting for parents to be included in their minors' medical decisions.

"I'm also taking this action for the benefit of all parents and families, who may be facing the same violation of their rights — so that they and others in the future may be spared from the same tragic events," she opined.

Sadly, some media outlets [portrayed](#) Calgaro less as a champion of parental rights and more as an anti-LGBTQ activist, even quoting critics who took issue with Calgaro's and her attorney's repeated references to her son as male, which of course squares with reality, but not with her son's desire to be acknowledged as female.

For Calgaro, however, the case is not about her son's "transgenderism," but with his ability to obtain medical treatment without



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her knowledge or consent, particularly potentially harmful treatment. At a press conference, Calgaro told reporters that “The transitioning thing isn’t even the issue, the issue is that he’s able to make these [medical] decisions.”

In fact, scientists suggest that it is psychologically harmful for adolescents to undergo hormonal therapy in the name of transgenderism, as most children outgrow gender confusion.

“Children are a special case when addressing transgender issues. Only a minority of children who experience cross-gender identification will continue to do so into adolescence or adulthood,” a [study](#) in *The New Atlantis* reads.

“There is little scientific evidence for the therapeutic value of interventions that delay puberty or modify the secondary sex characteristics of adolescents, although some children may have improved psychological well-being if they are encouraged and supported in their cross-gender identification,” it continues. “There is no evidence that all children who express gender-atypical thoughts or behavior should be encouraged to become transgender.”

The study argues that enabling acceptance of transgenderism through medical intervention is particularly harmful. “An area of particular concern involves medical interventions for gender-nonconforming youth. They are increasingly receiving therapies that affirm their felt genders, and even hormone treatments or surgical modifications at young ages,” the authors observe.

Calgaro’s lawsuit also focused on the absence of an official legal process in the state for the emancipation of minors, and this absence served to create considerable confusion and inconsistencies in Calgaro’s case. Some of the agencies involved considered the teenage boy to be emancipated from his mother based on the grounds that he no longer lived with Calgaro and was not financially supported by her. EKJ reportedly moved out of his mother’s home in 2015 to move in with his father so that he could attend a better school and has not returned since. He eventually moved in with friends until he finally began living on his own.

EKJ also filled out an emancipation form with the help of a homosexual advocacy group without Calgaro’s knowledge. In the lawsuit, Calgaro notes that the emancipation form was riddled with falsehoods. For example, the form claimed that Calgaro failed to report her teen son as a runaway and “made no attempt to bring him home,” thereby concluding that she wished to have no contact with him, all of which Calgaro denies.

The *Minneapolis Star Tribune* reports that an attorney with the Mid-Minnesota Legal Aid clinic then provided EJK with a letter that concluded the teen was legally emancipated under Minnesota law.

Meanwhile, Calgaro’s attorney noted at a news conference last year that Calgaro was never given notice that her child was seeking emancipation and the emancipation determination was reached without a hearing or court order.

“If there had been a court order of emancipation, then Anmarie would have received notice and an opportunity to be heard,” said Kaardal.

Once it was determined that EKJ was emancipated, the school then refused to provide Calgaro her son’s medical records, and the Department of Human Services refused to provide her information about her son’s hormonal therapy, Life Site News reports.

Yet, while these particular agencies accepted EKJ’s emancipation determination, the St. Louis County District Court had rejected the teen’s application for a name change because of the “lack of any adjudication relative to emancipation,” underscoring the flimsy legal grounds on which the defendants’ case stood.



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Calgaro turned to the federal court to intervene, and asked the court to stop the teen's hormone treatment and award her financial damages.

But Judge Magnuson determined on Tuesday that Calgaro's claims were "meritless."

Magnuson admitted that the boy was not legally emancipated, and that Calgaro's parental right "remain[ed] intact." However, he decided that the defendants could not be held liable "because they did not act under color of state law." Without evidence that the school and agencies violated a law or a "policy or custom," Calgaro had no claim, he determined.

Magnuson revealed his flagrant disregard for parental rights by going so far as to question whether those include access to school records.

Furthermore, Kaardal asserts that Judge Magnuson's decision has done little to clarify the state's emancipation issue.

"On the legislative front, people on the left and on the right believed that emancipation procedures in Minnesota should be put in statutes and codified," Kaardal said. "But until then, it's confusing and the court's decision hasn't cleared up that confusion."

NBC News notes the potential impact that a decision on the state's emancipation process could have on abortion in Minnesota, since current statute mandates that a non-emancipated minor cannot access an abortion until 48 hours after parental notification has taken place.

Predictably, EJK's attorneys welcomed the judges' decision, saying it "shows the resilience of transgender youth and the importance of access to appropriate health care."

"The law protects all young people, including transgender young people, and we are pleased that this outcome supports her access to essential health care and other critical service," said Asaf Orr, a staff attorney for the National Center for Lesbian Rights' Transgender Youth Project in San Francisco.

According to the *Minneapolis Star Tribune*, Kaardal and Calgaro are considering an appeal.

"Anmarie Calgaro is living a parent's worst nightmare," Kaardal [said](#). "Her minor child has been piloted by third parties through a life-changing, permanent body altering process by organizations that have no legal authority over him, and that have denied his own mother access."



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