# FACT SHEET

**Department of Justice Subpoenas Sent to Healthcare Facilities Treating Trans Youth: Information for Parents and Advocates**

As part of its open agenda to eliminate gender-affirming medical care for minors, the Department of Justice (DOJ) recently issued a set of civil subpoenas to a range of healthcare entities providing this care. This fact sheet provides information about the subpoenas and offers options for parents of and advocates for transgender youth to consider regarding the privacy of their medical records and information.

**Disclaimer**: This fact sheet is not legal advice.

## 1. What are the subpoenas?

In early July 2025, the Department of Justice announced that it had sent over 20 subpoenas to healthcare entities that provide gender affirming medical care for minors. A subpoena is a written order to compel a person or entity to provide information or testimony. The wording of the press release—as with other statements about this care from the Administration—is both sweeping and hateful: "medical professionals and organizations that mutilated children in the service of a warped ideology will be held accountable by this Department of Justice." The Administration did not release a list of the healthcare entities that had been sent subpoenas.

The kind of subpoena that DOJ sent is a civil (**not criminal**) demand to produce documents, purportedly to "investigate Federal health care offenses" they suspect the healthcare entities, their providers, or others are committing related to the provision of gender affirming care. "Federal health care offenses" is a defined term in the law, and it refers to a range of federal statutes that prohibit various types of fraud related to health care. "Federal health care offenses" does include criminal conspiracy by providers to commit fraud.

**Healthcare entities that receive the subpoenas are not automatically required to produce all the documents requested by the subpoena.** They may instead go to a federal court and seek to "quash" or limit the information they must provide in response to the subpoena. If they do not respond at all, then DOJ could ask a federal court to enforce the subpoena.

A number of healthcare entities are currently fighting the subpoenas in federal court. These efforts are largely not visible, because the healthcare entities are moving under seal (meaning that the proceedings are not public). At DOJ's request, one court recently unsealed the motion to limit the subpoena filed by Children's Hospital of Philadelphia (CHOP), and the court there has ordered DOJ to explain why it needs all the information it is seeking, particularly patient data.

**2. What information are the subpoenas seeking?**

The subpoenas seek documents, broadly defined to include all paper records and electronic data, between 2020 and today. Because the CHOP lawsuit has been unsealed, a copy of that subpoena is public. Although the other subpoenas have not been made public, they are likely exactly the same or at the very least, very similar.

The subpoena seeks a very broad range of information related to the provision of gender-affirming medical care for minors, including patient identifying information for every patient who was prescribed puberty blockers and hormone therapy.

The subpoena does not explain what conduct DOJ is investigating as fraud. It seeks information about:

- Billing codes: "relating to whether or how to code or bill for treatment of gender dysphoria by using alternative diagnoses or alternative ICD codes";
- Off-label use of puberty blockers and hormones;
- "Informed consent, patient intake, and parent or guardian authorization for minor patients . . . including any disclosures about off-label use . . . and potential risks"; and
- "[A]ny adverse event, side effect, or medically unfavorable consequence or outcome in a minor patient with regards to gender-related care."

Healthcare entities could provide information on all of these categories without individual patient data, but how they choose to respond may vary between entities.

### 3. What action can I take to protect my family's information?

The healthcare entities are best positioned to limit the scope of these subpoenas by going to court. It is our understanding that many if not all entities have done so, but that the actions are not visible because they have moved under seal. These healthcare entities have strict protocols around the privacy of patient medical information, including because they are required to by state and federal laws like the Health Insurance Portability and Accountability Act (HIPAA). They have strong incentives to fight to protect your privacy,

We recommend that concerned parents and/or other advocates try to work with their healthcare entity, whether or not they are continuing to provide the medical care transgender young people need. We recommend that parents band together with other parents whose children are receiving care from the same entity and then they themselves or with advocacy partners or attorneys could reach out to the healthcare entity for information about what steps the entity is taking to narrow the scope of the subpoena. If you are looking to be connected with other parents and advocacy partners, please reach out the ACLU State Affiliate and LGBT State Equality organization in your state. Parents and community members may also reach out to Transgender Law Center's Legal Information Helpdesk for resources in their area.

If you learn that a healthcare entity is voluntarily releasing patient data to DOJ without seeking to quash or limit the scope of the subpoena, there may be other legal steps that parents could take. Please reach out to the ACLU, Lambda Legal or Transgender Law Center for assistance.

Parents and advocates might also seek support from the Attorney General's office in the state where your child's healthcare entity is located. State Attorneys General play a role in enforcing medical privacy obligations and may have additional resources for families worried about their children's medical information. You can find that state's Attorney General here

### 4. Are the courts likely to stop the subpoenas?

Courts are likely to limit the subpoenas. The federal power to investigate alleged fraud, however, is very broad, and courts are unlikely to quash the subpoenas altogether.

The subpoenas are also the subject of a lawsuit, *Massachusetts v. Trump*, brought by many of the states that support best practice medical care for transgender youth: MA, CA, NY, CT, IL, DE, DC, HI, ME, MD, MI, NV, NJ, NM, PA, RI, WI. A court in that case could conclude that the subpoenas were an abuse of DOJ's authority, but that is not likely to happen in the short term.

**5. What happens if the Administration gets information about my family?**

It is possible that a healthcare entity will release patient identifying data to DOJ. That data would be released solely to attorneys at DOJ, who have legal obligations to keep personal information confidential. Given the language coming out of the Administration, parents are understandably concerned about being charged with "child abuse." Child Welfare, however, is primarily the responsibility of the states. Unless federal law changes, in the states that support gender-affirming care for minors, parents will not be charged with child abuse simply for accessing that care for their transgender child.

**6. What else can I do?**

These subpoenas are part of the Trump Administration's campaign of intimidation against providers of gender-affirming care for trans youth. The Administration has made every effort to trumpet the subpoenas and other actions targeting healthcare institutions that provide this care—in press releases and court proceedings, including in seeking to unseal the CHOP lawsuit. Unfortunately, this larger campaign—including the subpoenas—has been effective, in that large institutions that provided this essential care are continuing to announce voluntary cessation of the care.

We strongly urge parents and advocates to come together to try to find ways to preserve care in your communities, and here are some ideas:

- Support the healthcare entities that are still providing care for trans youth. Recognizing that this environment is intensely hostile and it is costly to respond to the threats, we need to support the entities that are willing to fight for the care.
- Support providers who want to provide the care. Providers may be interested in continuing to provide care outside of institutions that no longer provide gender affirming care. Communities can work to find these folks new medical homes, and it may make sense for these to be in smaller clinic settings as opposed to hospitals.
- Connect with your state elected officials—governors and attorneys general—and work with them to support access to care in your state.
- As these attacks on trans communities are part of an overall attack on the rights and lives of so many communities in this country, you can also get involved in ACLU People Power, the ACLU's grassroots network of activists, volunteers, and supporters organizing in their communities to protect our rights and demand lasting change.