

Canadian Court Strips Father of Rights, Allowing Teen to Transition Against His Wishes

A 14-year-old girl in Canada will continue with hormone replacement therapy to become a male against her father's wishes, a court in Canada has ruled.

A three-judge panel of the British Columbia Court of Appeals, the province's highest court, upheld a lower Canadian court's decision to allow the child, who has identified as male since age 11, to continue the treatments. The mother supports the hormone therapy.

The child, who lives in Vancouver, already has begun hormone treatments and desperately wanted to continue them, [The Guardian reports](#).

Eighteen attorneys – including representatives of public health officials, the local school board, the teenager, her mother, and her father – participated in the three-day hearing, which has spurred a debate over parental rights, consent, and freedom.

The teenager apparently attempted suicide, met with medical professionals, and then pursued hormone therapy to transition from female to male. Though her mother supported this, her father has said the lower court rushed to judgment and was forced to hire attorneys to attempt to halt the process.

“I will be stranded between looking and sounding feminine and looking and sounding masculine. I would feel like a freak,” the teenager wrote in an affidavit that was read in court. The girl began taking hormones in March and reported she feels “amazing” and no longer has suicidal thoughts.

The lower court's ruling is based on the Infants Act, a provision in Canada that gives minors the ability to consent to medical procedures. It says: "Children may consent to a medical treatment on their own as long as the health care provider is sure that the treatment is in the child's best interest, and that the child understands the details of the treatment, including risks and benefits."

Though the child has only begun hormone treatments, she has already changed her name and birth certificate to reflect that she now identifies as male.

The question is not over custody, but whether the father's right to approve this decision override those of a child who can't legally drive.

The father's rights have not fared well. In addition to stripping him of his right to have a say in his child's medical treatments, the lower court ordered the father to use the child's chosen pronouns, which are now male. This means that if the father uses his child's birth name, or referred to his child as a girl – her biological sex at birth—it would be labeled "family violence" under the province's Family Law Act.

The court also gagged the father from speaking about the case to the media. To add insult to injury, the panel of judges will release written judgments on the case soon and they will address "the question over whether or not the father's misgendering of his child amounts to abusive behavior."

The Infants Law aside, the case still stands as a grievous instance of government interference for personal liberty and parental rights and a dangerous one at that since it's [debatable whether hormone therapy](#) is even appropriate medical treatment.

"It's a case about freedom of speech and the freedom to parent," Carey Linde, the father's lawyer, told The Guardian. "It's about the right of a parent to participate in the

discussion on that issue.”

The father and his legal team have cast the case in terms of personal liberties, arguing in court filings the court’s order that he use his child’s chosen identity amounts to “totalitarian interference.”

In his filings, the father indicated that he was not necessarily opposed to his child’s transition from female to male “but argues that too little is known about the effects of hormone treatment for the decision to be made by a minor.” This seems appropriately cautious, reasonable, and even caring.

That the state should support this child’s decision to move ahead with experimental treatment and deny her father’s simple requests for further information and a measured approach shows just how authoritarian things have become north of the border. It is not a good trend.

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