

Emergency Response Checklist for Parents, Guardians, and Caregivers of Trans Minors

(High-Risk Federal Privacy Threats)

*This checklist is meant to support families whose children have been patients at a U.S. clinic that receives a federal subpoena. It is important to know that while HIPAA normally protects the privacy of medical records, **it may not stop the government from accessing information when they have a subpoena or court order.** This means that even though your child's care is private, agencies may legally obtain copies of records. This advice can help you respond calmly, protect your child's privacy where possible, and coordinate with trusted legal and advocacy support groups. It can also be used as proactive steps by parents whose children have been supported at other hospitals or clinics.*

Emergency Notes

- Assume that legal and constitutional protections **may not be honored**.
- Focus on **containment, operational security, and trauma mitigation**.
- **Every detail counts**: digital footprints, record handling, and communications.
- Prioritize actions that **immediately minimize exposure** to federal overreach.

Color Key

-  Immediate (Today / Hours)
-  Short-Term (Next Few Days)
-  Ongoing / Continuous

Priority 1 – Immediate Legal Protection

- ☐  **Reach out to specialized LGBTQ/civil liberties attorneys** (HIPAA, federal overreach experience).
- ☐  **Forward any communication (letters or emails) from the clinic or government agencies to counsel immediately.**
- ☐  **Notify national LGBTQ legal organizations** (Lambda Legal, GLAD, NCLR, TLDEF) so they can keep a running list of affected communities.
- ☐  **Request clinic/legal team to respond only via attorney;** do not respond directly to investigators.
- ☐  **Document all requests and communications** (dates, names, roles, content).

Priority 2 – Medical Records & Care Security

- ☐  **Ask providers to segment or redact sensitive records;** share only legally required info.
- ☐  **Ask your provider to limit personal identifiers** in communications.
- ☐  **Consider telehealth or alternate providers in safer jurisdictions** (sanctuary states or those with strong privacy protections), if feasible. This may protect you to some degree, but a federal investigation would likely fall under Interstate Commerce laws (FTC and the FBI's turf). Physically traveling to a clinic in a sanctuary state like Minnesota would offer more protections because of how their laws are written.
- ☐  **Ensure providers maintain legal intermediaries** for all federal requests.

Priority 3 – Digital & Operational Security

- ☐  **Audit social media and online presence**; remove or anonymize care-related info.
- ☐  **Switch to encrypted communication channels** (Signal, ProtonMail) for all sensitive messaging. Note that ProtonMail is only encrypted from your end. If you email someone using another service (gmail, yahoo, or a business/org/hospital email address), it won't be encrypted on their end. Ask them to set up a ProtonMail account for new correspondence.
- ☐  **Separate medical, school, and legal files**; move them to encrypted or secure offline storage.
- ☐  Regularly review and **update passwords, devices, and cloud storage** for security gaps.

Priority 4 – School & Education Records

- ☐  **Limit school disclosures to essential information only.**
- ☐  **Remove all family members from the school's directory information.**
- ☐  **Coordinate with school officials** on privacy-conscious handling of records/accommodations.
- ☐  **Store sensitive information separately** from general school files if legally possible.

Priority 5 – Community & Advocacy

- ☐  **Join rapid-response parent/advocacy networks** for legal updates and support, i.e. the Campaign for Southern Equality and HRC's Parents for Transgender Equality Network are a couple of options.
- ☐  **Consider strategic public visibility only under legal guidance.** ← *I actually don't want any family who hasn't already been public to be public now. Those who have been out there already have connections that will be able to offer additional support.*
- ☐  **Maintain mental health support for child** (trauma-informed, gender-affirming counseling).
- ☐  **Obtain/ maintain mental health support for yourself** (trauma-informed, gender-affirming counseling)

Priority 6 – Documentation for Future Legal Action

- ☐  **Keep a chronological log of threats, overreach, and illegal requests.**
- ☐  **Preserve all communications** (emails, letters, texts, provider notes).
- ☐  **Prepare for potential civil rights enforcement;** these records may be critical for future lawsuits.

Understanding the Investigation Process

*Under normal legal circumstances in the U.S., there is a due process for any family investigated for abuse or medical neglect. This section explains **how investigations usually start, what steps agencies may take, and what rights you and your child have.** Understanding the process doesn't remove the stress — but it gives you a roadmap to make thoughtful decisions, protect your child, and access support without panicking in the moment.*

1. How investigations typically start

Below is the typical process when a child welfare agency investigates potential abuse or neglect, including concerns about medical care:

1. **Report Received:** Someone (doctor, teacher, anonymous tip) contacts CPS/child protective services. *In our new reality, it could be from data collected via subpoena of medical records.*
2. **Screening:** The agency decides if the report meets criteria for an investigation.
3. **Investigation:** Social workers meet with the child, parents, and others involved. They gather records and conduct interviews.
4. **Interim Safety Plan:** If the agency believes the child is at **immediate risk**, they may temporarily remove the child from the home.

Key point: Removal is supposed to be a **last resort** under federal law, and agencies are generally required to show that keeping the child in the home poses imminent danger.

2. Legal rights of parents

Parents typically have:

- **Right to legal counsel** immediately if CPS is involved.
- **Right to be notified** about allegations and hearings.
- **Right to participate in planning** for the child's care.
- **Right to challenge removal** in court.
- **Right to request that a family member or trusted adult be considered** as a placement option if temporary removal occurs.

3. Placement options if a child is removed

Normally, CPS tries to **keep children with family** whenever possible:

1. **Relative placement:** Grandparents, aunts/uncles, older siblings, or other approved relatives are considered first.
2. **Kinship care:** Trusted family friends can sometimes be approved.
3. **Foster care:** Only if no safe relative/kinship placement is available.

Agencies often prefer **minimizing disruption**, so children typically do **not automatically go into the general foster system** if family placement is available.

4. Proactive legal steps parents can take (*please see the next section for details!*)

Parents can prepare **advance legal planning** to protect their child's placement:

a. Designate a legal guardian

- Prepare a **formal guardianship or custody document** (consult an attorney).
- Specify **who should take custody** if parents are temporarily unable to care for the child.
- Make sure it's **signed, notarized, and possibly filed with the court** to strengthen enforceability.

b. Emergency medical/health care proxies

- Can ensure someone trusted can make **medical decisions** if parents are unavailable.

c. Keep records organized

- Include **birth certificates, medical records, and legal documents** for easy access by designated guardians.

d. Attorney consultation

- An attorney familiar with **family law and LGBTQ/medical privacy issues** can help draft documents that are recognized by courts in advance.

5. Special considerations

- Even with documents in place, in an **emergency removal**, the court has final authority over placement. But **clear, legally recognized guardianship documentation strongly influences the court to place with the designated person rather than the general foster system.**
- Documentation should **name alternates** in case the primary designee is unavailable.
- Keep copies **secure but accessible** (trusted lawyer, encrypted cloud, safe at home).

NOTES

- **Normal law protects parents** with due process, legal representation, and priority for family/kinship placement.
- **Parents can proactively designate guardianship** to ensure children go to trusted adults if removed.
- **Courts weigh the child's best interest**, and legally prepared documents strongly influence that decision.

Trusted Emergency Guardian Plan – Framework

*Every family hopes they will never need it, but it can be life-saving to have a trusted plan in place if parents are temporarily unavailable or at risk of a child being removed. This framework guides you through **identifying primary and backup guardians, clarifying responsibilities, and preparing legal documents in advance**. The goal is simple: keeping your child safe, cared for, and with people they know and trust, even during an urgent situation.*

Purpose

- Ensure the child's safety and continuity of care in case parents are temporarily unable to care for them.
- Specify trusted adults to assume custody, medical, and educational responsibilities.
- Minimize the risk of the child being placed in the general foster care system.

Information to Include:

Child Information (for quick reference)

- Full Name:
- Date of Birth:
- Current Address:
- Health conditions / allergies / medications:
- Preferred pronouns:
- Key medical providers

Primary Guardian Designation

- **Name of Guardian:**
- Relationship to child:
- Contact information:
- Address:
- Responsibilities:
 - Custody and care
 - School decisions
 - Medical decisions (with emergency health proxy if needed)
- Special instructions (e.g., dietary restrictions, neurodivergence accommodations, GAC info if medically relevant)

Secondary / Backup Guardians

(Include at least 1–2 alternates in case the primary is unavailable.)

- **Name:**
- Relationship:
- Contact info:
- Responsibilities:

Tip: Rank order backup guardians in priority. Include brief notes on who has legal standing in your state if multiple options are available.

Legal Documentation

- ☐ **Current guardianship/custody paperwork:** [Yes/No – attach copy]
- ☐ **Notarized health care proxy/emergency medical authorization:** [Yes/No – attach copy]
- ☐ **Attorney contact:** [Name / phone / email]

These documents should ideally be reviewed by an attorney specializing in family law, and where possible, **filed with the court** to strengthen enforceability. ****If you cannot afford legal representation, cannot find a pro bono LGBTQ attorney, or have access to a free community legal service...at the very least, try to have the documents signed by yourself and a witness in front of a notary public. Many banks offer notary services for free to their customers, and notary services are available at shipping/mailing stores for a small fee.*

Emergency Procedures

- If a government agency or child welfare worker contacts the family:
 1. Contact your **family law attorney immediately**.
 2. Notify your **primary designated guardian**.
 3. Gather **essential documents** (birth certificate, medical records, guardianship paperwork).
 4. Provide only **required information** to authorities until attorney guidance.

Have a Communication Plan

- How the child will be notified (age-appropriate).
- How updates will be provided to parents while child is with guardian.
- Safe channels for communication if the parents are restricted from direct contact.

NOTES

- Include medical history, school accommodations, neurodivergence, or special care instructions.
- Keep a **secure digital copy** (encrypted cloud or password-protected file) and **physical copy** with designated guardians.
- Update the plan **annually** or whenever circumstances change (new guardian, new provider, new legal restrictions).

Trusted Guardian Quick-Reference – Emergency Use Only

Child Information

- Name: _____
- DOB: _____
- Pronouns: _____
- Key medical conditions / meds: _____
- Healthcare provider(s): _____

Primary Guardian

- Name / Relationship: _____
- Phone / Email: _____
- Address: _____
- Responsibilities: (Custody, school, medical) _____

Secondary / Backup Guardian(s)

1. Name / Relationship: _____ / _____
Phone / Email: _____
2. Name / Relationship: _____ / _____
Phone / Email: _____

Use backup in priority order if primary is unavailable

NOTES

- Keep child's medical info and special needs accessible.
- Document location: _____ (secure cloud / physical folder)
- Update this reference whenever guardianship, contact info, or medical info changes.
- Save a **photo/PDF copy on your phone** in a secure location (encrypted or password-protected), and keep a **printed copy** in a safe place in your home.