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NEWS

Hogan Lovells, Jenner & Block Challenge Trump EOs Impacting Gender-Affirming Care

"These Executive Orders are unlawful and unconstitutional," counsel representing transgender persons wrote in a complaint seeking to overturn President Donald Trump's twin edicts defunding gender-affirming medical care to anyone under the age of 19.

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By Sulaiman Abdur-Rahman

What You Need to Know

- Jenner & Block, Hogan Lovells, the ACLU and Lambda Legal represent the plaintiffs alleging President Donald Trump issued unlawful orders defunding gender-affirming medical care.
- Trump issued two executive orders ending federal funding to entities that provide gender-affirming care.

- 14 blue state attorneys general threatened legal action if Trump impedes gender-affirming care in their states.

Hogan Lovells, Jenner & Block and civil rights advocacy groups have filed a lawsuit in Maryland federal court seeking to block President Donald Trump's executive orders ending federal funding for gender-affirming medical care to children and 18-year-olds.

"These Executive Orders are unlawful and unconstitutional," counsel representing several transgender plaintiffs and LGBTQ+ membership organization PFLAG Inc. wrote in the complaint. "Hospitals across the country, including those that have provided medical care to the Transgender Plaintiffs, have ended the provision of ongoing and essential gender affirming medical care to transgender patients under nineteen because of the Executive Orders."

The complaint, filed Tuesday in the U.S. District Court for the District of Maryland, was surfaced by Law.com Radar.

Trump in the early days of his new administration issued Executive Order 14168 ending the federal funding of "gender ideology" and Executive Order 14187 defunding gender-affirming care to patients under the age of 19.

"Accordingly, it is the policy of the United States that it will not fund, sponsor, promote, assist, or support the so-called 'transition' of a child from one sex to another, and it will rigorously enforce all laws that prohibit or limit these destructive and life-altering procedures," Trump wrote in an EO issued Jan. 28.

"Federal funds shall not be used to promote gender ideology," Trump wrote in an EO issued Jan. 20. "Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology."

Counsel for the plaintiffs alleged Trump's twin edicts violate the civil rights of thousands of transgender persons aged 18 and younger by hindering their access to "necessary medical care solely on the basis of their sex and transgender status."

The plaintiffs seek injunctive relief preventing the Trump administration from defunding health-care facilities that provide gender-affirming medical care.

Jenner & Block, Hogan Lovells, the ACLU and Lambda Legal represent the plaintiffs.

The defendants named in the complaint include Trump in his official capacity as U.S. president and the U.S. Department of Health and Human Services. HHS has multiple agencies and offices that typically provide grants and funding to health-care providers and medical institutions, according to the complaint.

Attorneys general from 14 blue states issued a joint statement Wednesday reaffirming their commitment to protecting access to gender-affirming care.

"The Trump administration's recent Executive Order is wrong on the science and the law. Despite what the Trump administration has suggested, there is no connection between 'female genital mutilation' and gender-affirming care, and no federal law makes gender-affirming care unlawful," the state attorneys general said. "President Trump cannot change that by Executive Order."

The attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Nevada, Rhode Island and Vermont suggested they may take legal action if Trump restricts access to gender-affirming care in their states.

The U.S. Department of Justice did not respond to a request for comment on this article.

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