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Herald Sun Sunday

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Judge agrees to gender swap – and you pay

GIRL, 12 WINS SEX CHANGE

Exclusive

FIONA HUDSON

A JUDGE has allowed a 12-year-old Victorian girl to start a taxpayer-funded sex swap, despite objections from the child's father.

The girl has begun court-approved hormone treatment in the first step toward a complete gender switch.

The Family Court orders also permit the girl, who cannot be named, to apply for a new birth certificate, passport and Medicare card in a boy's name.

The application to allow the hormone treatment was lodged by the girl's mother.

A state government observer, an endocrinologist, a psychiatrist, a family counsellor and a lawyer acting on the child's behalf all supported the plan.

Only her father, who lives interstate, opposed the proposed sex change, though he did not attend the final court hearing and could not afford to send a lawyer on his behalf.

The court was told he could not accept that his daughter had always seen herself as a boy and considered her too young to make such a decision.

The mother expressed sadness and deep concern for her daughter, but said she would stand by the girl.

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AUSSIE MUM, DAUGHTER CONQUER EVEREST PICTURE, PAGE 3

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Girl to begin sex change

'I am a boy, Dad'

FIONA HUDSON

ALMOST all her life "Jess" has felt like a boy trapped in a girl's body.

From when she turned six, shopping trips with her mother usually ended in the boy's clothing section.

Now 12, she recently told a psychiatrist her long-held dream was to overcome biology and one day live as a man — complete with wife and children.

The thought of growing breasts and starting her periods provoked such anxiety in Jess that her mother successfully sought a court order allowing her daughter to start a sex change.

Under court orders, the girl will receive taxpayer-funded hormone implants every three months to suppress puberty.

The prospect of testosterone treatment and surgery in coming years was flagged in court.

Her parents, who are separated, are deeply divided over the proposed sex swap.

Jess lives with her mother and younger sister in government housing. Jess's father lives interstate with a new partner.

Text messages from Jess's father, mentioned in court, sum up his position.

In one, he told his former wife: "She's not old enough to make a serious decision like this and you have no right to let her think about it."

Though Jess's mother has expressed sadness and deep concern about the implications for her child, she has made it clear she will support her through a sex change.

Experts who appeared in court revealed the level of anxiety Jess felt.

The girl told her father on the phone last year: "I am a boy, Dad, and I will

WHAT THEY SAID

GIRL TO HER DAD: "I am a boy, Dad, and I will kill myself if I have to live as a girl!"

THE MUM: "From a very early age, she identified strongly as a boy. She really behaves and considers herself to be a boy in every practical sense. She has worn boys' underwear since she was about six years old."

SMS FROM DAD TO MUM: "She's not old enough to make a serious decision like this and you have no right to let her think about it."

SMS FROM DAD TO GIRL: "I want the little girl ... not some girl that thinks she is a boy."

MEDICAL EXPERT: "He (the girl) has not wavered ... in his conviction that he always was male and always will be male."



EXPERTS' JOINT STATEMENT: "There is greater risk to her psychological wellbeing if she does not have permission to commence treatment as soon as possible than if she does not have treatment at all."

CHILD'S LAWYER: "The physical effects of the treatment, simply put, are that she ... will not menstruate, nor develop breasts, and the treatment would suppress the widening of her hips."

PSYCHIATRIST: "(The mother) goes to bed at night and prays that in the morning it will all be over and the issue will have disappeared."

THE JUDGE: "In my view, and on all the evidence, the treatment is in his best interests."

'Her core identity is of a male, not of a female wanting to be like a boy'

PSYCHIATRIST

kill myself if I have to live as a girl."

A family counsellor told the court an attempt was made to interview Jess and her father together: "However, Jess refused and expressed extreme anger about her father."

Jess was described by an expert who examined her as an "angry, intelligent, pre-pubescent boy".

Her younger sister seems to consider Jess a boy. The court heard she was asked by a hairdress-

er if she had siblings, and the sister replied that she had "a big brother".

At times, the situation has left the mother at her wit's end.

An expert called as a witness in the court case said the mother "goes to bed at night and prays that in the morning it will all be over and the issue will have disappeared".

The child's lawyer asked an expert in court if Jess was simply going through a tomboy phase.

The expert, identified only as a psychiatrist,

said: "Jess's core identity is of a male, not of a female wanting to be like a boy."

A joint statement presented by several experts found there was a risk to Jess's psychological wellbeing if she did not begin treatment as soon as possible.

Jess's lawyer submitted that the evidence was overwhelming "that the treatment was in the best interests of the child".

The judge agreed. The judge ruled: "In my view, and on all the evidence, the treatment is in his best interests."

"Jess" is a pseudonym. A court order prevents the *Sunday Herald Sun* using the girl's real name.

Judge allows swap

The child's lawyer told the court she considered the girl capable of making an informed decision.

The girl is one of the youngest patients in Australia granted permission to begin a sex swap.

The court was told early intervention was needed because the child was stressed and anxious at the prospect of starting her period and had threatened self-harm.

Hormones implanted under her skin every three months will stop her menstruating and prevent her hips and breasts growing.

The court heard the hormone therapy was reversible and would give the family "breathing time".

A further court application must be lodged in coming years for testosterone treatment to deepen her voice and promote growth of facial hair and muscles.

Surgery to remove her womb or ovaries, or build an artificial penis must wait until she is at least 18.

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Details of the case came to light in a Family Court judgment issued this month. The hearing was held in December, behind closed doors.

The case was heard over two days. The next day the judge issued orders approving the treatment.

"The expert evidence made it clear that if I determined to make an order for the treatment, I should do so with expedition," the newly released judgment said.

News of the judge's decision yesterday ignited debate among

medical ethicists and child-health experts.

Medical ethicist Dr Nicholas Tonti-Filippini said the decision was astounding.

"I fail to see how it can be in the interests of a young girl to undergo treatment that will change her for the rest of her life," he said.

"Twelve is a time of great uncertainty for a young person ... I would question whether the medical evidence supports treating (her) in this way."

Australian Childhood Foundation chief executive Dr Joe Tucci, a psychologist, said the issue was complex.

"But I would have thought that waiting until the child is older is a more prudent course of action," he said. "Kids can change their minds. Things that seem set in stone when they are 12 will seem very different when they are 18 or 19."

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