


Judge rejects DOJ's subpoena to Children's Hospital Colorado over transgender care

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A demonstrator holds a trans flag during a rally in support of trans youth at Seattle Children's hospital, following U.S. President Donald Trump's executive order that denies federal funding...

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Jan 6 (Reuters) - The U.S. Department of Justice has suffered another setback in its efforts to subpoena providers of gender-affirming care for transgender youth in order to obtain patient information and details about the treatments they were provided.

U.S. Magistrate Judge Cyrus Chung in Denver on Monday [recommended](#)  [, opens new tab](#) that an administrative subpoena the Justice Department served on Children's Hospital Colorado in July be quashed because it was issued for the improper purpose of pressuring the pediatric hospital into ending transgender care.

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"The Executive Branch cannot engage in new lawmaking on its own and, thus, until and unless Congress creates a statute justifying it, a purpose of investigating the legal activity of gender-affirming care — let alone ending it — cannot ground a legitimate investigation," he wrote.

Chung said he was joining a "chorus" of judges nationally [who have blocked](#) the Justice Department's efforts to subpoena providers of gender-affirming care, after at least five other judges in Massachusetts, Pennsylvania and Washington state ruled against it in similar cases. The Justice Department has 14 days to appeal Chung's ruling before the district court judge assigned to the case, U.S. District Judge S. Kato Crews, who was appointed by Democratic former President Joe Biden, decides whether to adopt the magistrate judge's recommendation.

Children's Hospital Colorado in a statement said the ruling "reinforces our ongoing commitment to protect medical and personnel records from improper disclosure."

The Justice Department did not respond to requests for comment on Tuesday.

The hospital was one of the recipients of more than 20 subpoenas that the Justice Department said it had issued in July to doctors and clinics involved in providing gender-affirming care to children nationwide.

The subpoenas were issued after Republican President Donald Trump, shortly after taking office in January 2025, signed an executive order ending all federal funding or support for gender-affirming care for transgender youth.

The order described gender-affirming care as a "dangerous trend" and a form of "chemical and surgical mutilation," and it directed the Justice Department to prioritize investigations concerning such treatments.

U.S. Attorney General Pam Bondi subsequently in an April memo directed the department to investigate medical providers and pharmaceutical companies that manufacture and distribute puberty blockers and hormones prescribed by doctors "to facilitate a child's so-called 'gender transition.'"

The subpoena that Children's Hospital received sought extensive information about gender-affirming care provided by the pediatric hospital in Colorado, a Democratic-led state where such treatment is legal.

It asked for records concerning its TRUE Center for Gender Diversity, and the names, addresses and other information for any minors who received puberty blockers or hormone therapy at the hospital, among other things.

The hospital moved to quash the subpoena in August, saying it was designed to harass it into stopping providing gender-affirming care and that it "cannot properly be subject to a burdensome and harassing subpoena for providing care that is safe, effective, and allowed under Colorado

law."

The Justice Department said the subpoena was issued to investigate potential violations of the Federal Food, Drug, and Cosmetic Act through the off-label promotion or unlawful dispensing of puberty blockers and hormones to minors.

But Chung said the subpoena's request for patient data had little to do with probing violations of the FDCA, which creates penalties for drugmakers that promote unapproved uses for drugs approved by the U.S. Food and Drug Administration but does not bar doctors from prescribing them for off-label uses.

The case is In re: Department of Justice Administrative Subpoena, U.S. District Court for the District of Colorado, No. 1:25-mc-00063.

For Children's Hospital Colorado: Elliot Peters and Cody Gray of Kecker Van Nest & Peters

For the Justice Department: Ross Goldstein of the U.S. Department of Justice

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