

APP. NO. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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IN THE MATTER OF A.C.,

M.C. AND J.C.,

*Petitioners,*

v.

INDIANA DEPARTMENT OF CHILD SERVICES,

*Respondent.*

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**PETITIONERS' APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI**

Counsel for Petitioners

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**PETITIONERS' APPLICATION FOR EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

*To the Honorable Amy Coney Barrett, Justice of the United States Supreme Court and Circuit Justice to the Seventh Circuit:*

Petitioners, M.C. and J.C., pursuant to Rule 13(5), Rules of the Supreme Court, respectfully seek a sixty (60) day extension of time within which to file their petition for writ of certiorari in this Court. In support of this application, the Petitioners state as follows:

1. This application is submitted more than ten (10) days prior to the filing deadline for the Petition. The Indiana Court of Appeals ruled in this matter on October 21, 2022, and denied the Petitioners' Petition for Rehearing on December 22, 2022. The Indiana Supreme Court denied the Parents' Petition for Transfer on April 27, 2023. *See In the Matter of A.C.*, 198 N.E.3d 1, 8 (Ind. Ct. App. 2022); 208 N.E.3d 1259 (Ind. 2023).

2. Pursuant to Rule 13(1), Rules of the Supreme Court, the petition for writ of certiorari is due ninety (90) days from the Indiana Supreme Court's order denying discretionary review, or July 26, 2023. This motion is timely filed on July 13, 2023.

3. This Court has jurisdiction under 28 U.S.C.A. § 1257(a).

4. This is a novel case in which the trial court (1) removed the Petitioners' child from their custody due to allegations they were not referring to their child using a cross-gender name and pronouns and (2) entered a prior restraint against the Petitioners' religiously motivated speech with their child on the entire topic of transgenderism. *See In the Matter of A.C.*, 198 N.E.3d 1, 8 (Ind. Ct. App. 2022). Even after the Indiana Department of Child Services voluntarily dismissed all allegations of neglect against the Parents, the trial court continued placement outside of the

Petitioners' home and the prior restraint on their speech to their own child concerning transgenderism. *See In the Matter of A.C.*, 198 N.E.3d at 14-18.

5. Counsel for Petitioners intends to ask this Court to grant review on the question of whether these orders, affirmed by the Indiana Court of Appeals, violated the Parents' free speech rights and their right to the care, custody, and control of their child. These orders are a significant departure from law and practice and are in direct conflict with federal precedent. *See Troxel v. Granville* 530 U.S. 57, 68 (2000) (plurality opinion); *see Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015).

6. Due to the novelty of the case; Counsel's litigation schedule in other matters; and two previously scheduled, out-of-state professional conferences in mid-July, Counsel for Petitioners is requesting an extension of time up to and including Monday, September 25, 2023, (as September 24, 2023, falls on a Sunday).

7. Robert J. Henke, Director of the Child Services Appeals Unit in the Office of the Indiana Attorney General and opposing counsel in this litigation, does not object to this extension.

### **Conclusion**

For the foregoing reasons, the Petitioners respectfully pray that this Court grant an extension of sixty (60) days up to and including Monday, September 25, 2023, within which to file their petition for writ of certiorari.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A copy of this application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court rules 22.2 and 29.3.

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