

In the
Supreme Court of the United States

KALEY CHILES, ET AL.,

Petitioners,

v.

GRETCHEN SALAZAR, ET AL.,

Respondents.

On Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

BRIEF OF AMICI CURIAE
JACO BOOYENS MINISTRIES (JBM),
ILONKA DEATON, TAMI BROWN RODRIQUEZ,
AND TRUTH IN EDUCATION (TIE)
IN SUPPORT OF PETITIONERS

Frank J. Wright

Counsel of Record

LAW OFFICES OF FRANK J. WRIGHT, PLLC

1800 Valley View Lane, Suite 250

Farmers Branch, TX 75234

(214) 935-9100

frank@fjwright.law

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTEREST OF THE AMICI CURIAE.....	1
SUMMARY OF ARGUMENT	5
ARGUMENT	6
I. The Law Unconstitutionally Restricts Core Political and Religious Speech.....	6
II. The Law Discriminates Against Specific Viewpoints, Violating the First Amendment	8
III. Faith-Based Counseling Serves a Critical Role in Mental and Spiritual Health.....	9
IV. Denying Access to Voluntary, Faith-Aligned Therapy Harms Vulnerable Youth.....	10
V. Restricting Faith-Aligned Counseling Increases Youth Vulnerability to Exploitation	12
CONCLUSION.....	14

TABLE OF AUTHORITIES

	Page
CASES	
<i>Ashcroft v. ACLU</i> , 542 U.S. 656 (2004)	13
<i>Brown v. Entertainment Merchants Association</i> , 564 U.S. 786 (2011)	6
<i>Chiles v. Salazar</i> , No. 22-1445 (10th Cir. 2024).....	1
<i>Church of the Lukumi Babalu Aye, Inc. v. Hialeah</i> , 508 U.S. 520 (1993)	10
<i>Matal v. Tam</i> , 582 U.S. 218 (2017)	8
<i>Meyer v. Nebraska</i> , 262 U.S. 390 (1923)	11
<i>National Institute of Family and Life Advocates (NIFLA) v. Becerra</i> , 138 S. Ct. 2361 (2018)	7
<i>New York v. Ferber</i> , 458 U.S. 747 (1982)	13
<i>Otto v. City of Boca Raton</i> , 981 F.3d 854 (11th Cir. 2020)	7
<i>Pierce v. Society of Sisters</i> , 268 U.S. 510 (1925)	11, 13
<i>Reed v. Town of Gilbert</i> , 576 U.S. 155 (2015)	7
<i>Rosenberger v. Rector and Visitors of the University of Virginia</i> , 515 U.S. 819 (1995)	8

TABLE OF AUTHORITIES – Continued

	Page
<i>Telescope Media Group v. Lucero</i> , 936 F.3d 740 (8th Cir. 2019)	6
<i>Tingley v. Ferguson</i> , 47 F.4th 1055 (9th Cir. 2022).....	7
<i>Troxel v. Granville</i> , 530 U.S. 57 (2000)	10
<i>West Virginia State Board of Education v. Barnette</i> , 319 U.S. 624 (1943)	11, 13
<i>Wisconsin v. Yoder</i> , 406 U.S. 205 (1972)	13
CONSTITUTIONAL PROVISIONS	
U.S. Const. amend I.....	1, 4, 5, 6, 8, 14
STATUTES	
Colo. Rev. Stat. § 12-245-224(1)(a).....	1
JUDICIAL RULES	
Sup. Ct. R. 37.6	1
OTHER AUTHORITIES	
<i>Child Abuse & Neglect</i> , ISPCAN (2020)	4
Dr. Judith Reisman, <i>Kinsey: Crimes & Consequences</i> , INSTITUTE FOR MEDIA EDUCATION (1998)	4
<i>Journal of Human Trafficking</i> , Taylor & Francis (2021)	3, 12, 13

TABLE OF AUTHORITIES – Continued

	Page
Michael King, et al., <i>A Systematic Review of Mental Disorder, Suicide, and Deliberate Self Harm in Lesbian, Gay and Bisexual People,</i> 8 BMC PSYCHIATRY 70 (2008)	11
Norcross, J. C., & Lambert, M. J., <i>Psychotherapy Relationships That Work II,</i> PSYCHOTHERAPY 48(1) (2011)	11
Polaris Project, <i>U.S. National Human Trafficking Hotline Report (2022)</i>	12, 13



INTEREST OF THE AMICI CURIAE¹

In the case of *Chiles v. Salazar*, the U.S. Supreme Court is asked to determine whether the State of Colorado may constitutionally prohibit licensed counselors from engaging in voluntary, faith-based conversations with minor clients about sexuality and gender identity. Under Colorado’s statute (Colo. Rev. Stat. § 12-245-224(1)(a)), any effort to assist a minor in exploring or embracing a gender identity or sexual orientation aligned with their religious beliefs is labeled as “conversion therapy” and strictly forbidden—even if initiated by the minor or their family. Petitioner Kaley Chiles, a licensed Christian counselor, brings this case not to impose views, but to defend her right to speak freely and offer care consistent with her conscience and the wishes of her clients. The Tenth Circuit upheld Colorado’s ban, but this Court now considers whether that law violates the First Amendment’s guarantees of free speech and free exercise of religion.

Because this case strikes at the heart of therapeutic integrity, parental rights, religious liberty, and child protection, amici Jaco Booyens Ministries (JBM), Ilonka Deaton, Tami Brown Rodriguez, and Truth in Education (TIE), submit this brief to provide insight grounded in lived experience, advocacy, and decades of trauma-informed work with vulnerable populations. Amici further highlights how the law’s chilling effect suppresses essential conversations in the counseling

¹ Pursuant to Rule 37.6, no counsel for any party in this case wrote any part of this amici brief, and no person except amici contributed to the costs of its preparation.

room, imposes viewpoint orthodoxy, and leaves already at-risk youth more exposed to grooming and exploitation.

JACO BOOYENS MINISTRIES (JBM) is one of the most active anti-trafficking organizations in the United States, with over 250,000 members, followers, and supporters. JBM is dedicated to defending the innocence of children, empowering families, and eradicating child exploitation and trafficking. JBM's mission is directly implicated in this case because the challenged Colorado law prevents licensed counselors from speaking freely with minors about issues of sexuality and identity—conversations that are central to preventing early grooming and exploitation. JBM contends that restricting such speech harms vulnerable youth and undermines parents' ability to secure faith-based support for their children.

JBM's leadership includes survivors of trafficking, subject matter experts in child protection, and professionals experienced in developing and implementing trauma-informed curricula. Through advocacy, testimony, and training across educational, clinical, and legal sectors, JBM has consistently defended the rights of children and families to receive truthful, values-aligned information and care.

ILONKA DEATON is a survivor of six years of sex trafficking in the music industry and a nationally recognized advocate for child protection and trafficking prevention. She is the author of *Keeping Secrets* and *Secret Freedom* and has developed extensive training for educators, health professionals, parents, and policy-makers. Through her lived experience, Ms. Deaton understands how the inability to speak openly with a trusted adult about identity, trauma, and faith can prolong exploitation. Her testimony before legislative

bodies and her policy contributions at both the state and national level have led to stronger protections for minors. She urges this Court to preserve a counselor's ability to offer trauma-informed, faith-aligned care to minors who seek it.

TAMI BROWN RODRIQUEZ, Director of Policy for JBM, is a leading voice in legislative advocacy against child sexual exploitation. Her work is informed by personal experience after a member of her family was groomed in an educational setting and harmed due to the failure of institutions to uphold basic moral and safety standards. She now advances policies that support survivors and protect children from early sexualization. Her expertise lies in identifying systemic failures that increase the risk of grooming and exploitation, including policies that silence religious professionals under the guise of professional regulation.

TRUTH IN EDUCATION (TIE) is a Christian advocacy organization committed to equipping parents and leaders with the tools to protect the health, rights, and spiritual development of children. Founded by Rhonda Thomas, TIE educates communities about the erosion of parental authority and the censorship of Christian speech in public institutions, including therapy and education. TIE believes that no child should be denied the right to receive guidance consistent with their family's religious beliefs, and no counselor should be punished for providing such guidance at a child's request.

Amici's work is grounded in the belief that early exposure to sexual content—and the suppression of religious counseling—harms developing children neurologically, psychologically, and spiritually (*Journal of Human Trafficking*, 2021; *Child Abuse & Neglect*,

2020). The findings of Dr. Judith Reisman, as documented in *Kinsey: Crimes & Consequences* (1998), further reinforce how early sexualization can distort child development and increase vulnerability to grooming.

In addition to their advocacy and survivor-led initiatives, amici routinely educate policymakers, law enforcement, and frontline professionals on the increased risks vulnerable youth face when access to trusted, values-aligned counseling is restricted, offering expertise on both the constitutional and practical consequences of such policies.

Amici contend that Colorado's Minor Conversion Therapy Law violates the Free Speech Clause and the Free Exercise Clause of the First Amendment by censoring the faith-based speech of licensed professionals and denying families access to counseling that reflects their values. This case raises critical constitutional questions about whether the government may silence one viewpoint in the counseling room while permitting others. Amici respectfully urge this Court to reverse the judgment of the Tenth Circuit and affirm that viewpoint neutrality, religious liberty, and the right of minors to seek trusted, faith-aligned counsel must remain protected under the Constitution.



SUMMARY OF ARGUMENT

Colorado’s ban on so-called “conversion therapy” for minors violates foundational constitutional principles. While framed as a regulation of professional conduct, the law in practice targets and censors a specific category of speech—conversations between a counselor and a minor client that reflect traditional or faith-based perspectives on gender identity and sexual orientation. The statute imposes a content- and viewpoint-based restriction on speech in a therapeutic setting, where open dialogue and client-led exploration are essential.

This prohibition burdens not only the speech of licensed professionals but also the religious exercise of both the counselor and the client. It bars minors who seek guidance consistent with their faith from receiving it, and prevents counselors like Kaley Chiles from fulfilling their professional and religious duty to provide care that is ethical, compassionate, and conscience-driven. The law compels silence on one side of a deeply personal and constitutionally protected issue, while affirming and promoting only one state-approved viewpoint. That is neither neutral nor constitutional.

Amici argue that such policies endanger the well-being of children and erode the constitutional protections owed to families, counselors, and religious communities. The First Amendment does not permit the government to police speech based on ideological preference, particularly in private, voluntary counseling relationships. Upholding the rights of therapists like Chiles affirms the broader principle that freedom of speech and reli-

gious exercise must remain protected—even, and especially, when the conversation is potentially life altering.

While Colorado claims its law protects minors from psychological harm, this argument assumes—without evidence—that any effort to align identity with faith is inherently damaging. Yet the state provides no data showing that voluntary, faith-based counseling causes harm, and entirely ignores the known risks of depriving minors of therapeutic options that reflect their beliefs. As this Court noted in *Brown v. Entertainment Merchants Association*, 564 U.S. 786 (2011), “[t]he government does not have a free-floating power to restrict the ideas to which children may be exposed.”



ARGUMENT

I. The Law Unconstitutionally Restricts Core Political and Religious Speech

The First Amendment’s guarantee of free speech applies with full force to licensed professionals engaged in private counseling sessions. Contrary to the state’s framing, Colorado’s law does not simply regulate conduct; it suppresses a specific category of speech based on content and viewpoint. As seen in *Telescope Media Group v. Lucero*, 936 F.3d 740, 754 (8th Cir. 2019). “The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” The statute prohibits any counseling practice that might “change” a minor’s sexual orientation or gender identity yet permits and even encourages counseling that affirms transitions or same-sex attrac-

tion. This asymmetry creates a regime in which only state-favored messages may be expressed, violating the principle of viewpoint neutrality.

Speech between a counselor and client—especially regarding identity, values, and beliefs—is entitled to the highest constitutional protection. As this Court noted in *National Institute of Family and Life Advocates (NIFLA) v. Becerra*, 138 S. Ct. 2361 (2018), “professional speech” is not a separate category of lesser-protected speech. Regulation may not be used as a vehicle to silence disfavored ideas, particularly those rooted in religious or moral frameworks. Similarly, in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), this Court held that content-based laws are “presumptively unconstitutional” and must be narrowly tailored to serve a compelling government interest. Colorado’s law targets precisely such ideas and must therefore be subject to strict scrutiny.

Unlike coercive or aversive practices historically associated with the term “conversion therapy,” the counseling Chiles provides is client-initiated, non-directive, and trauma-informed. It respects the dignity and autonomy of minors and honors their right to explore identity in alignment with their faith. To conflate such counseling with discredited practices is not only inaccurate—it dangerously chills speech and access to care.

This case presents a direct circuit split. The Eleventh Circuit (in *Otto v. City of Boca Raton*) protects faith-based counseling speech as constitutionally protected, while the Tenth Circuit (in this case) and the Ninth Circuit (in *Tingley v. Ferguson*) allows states to ban it outright. This Court must now resolve this inconsistency and clarify that professional speech—

even in sensitive settings—is not exempt from First Amendment safeguards.

II. The Law Discriminates Against Specific Viewpoints, Violating the First Amendment

A foundational tenet of First Amendment jurisprudence is that the government may not favor one viewpoint over another. Yet Colorado’s law imposes a direct and impermissible form of viewpoint discrimination by allowing counselors to encourage minors to embrace LGBTQ+ identities, while forbidding those who would, at a client’s request, help them align with a cisgender or heterosexual identity informed by faith.

This is not content-neutral regulation; it is ideological enforcement. The state cannot selectively suppress speech merely because it disapproves of the religious or moral foundations upon which that speech rests. In *Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819 (1995), this Court made clear that speech restrictions grounded in viewpoint discrimination are “presumptively unconstitutional.” Likewise, in *Matal v. Tam*, 582 U.S. 218 (2017), the Court affirmed that even offensive or unpopular viewpoints are protected under the First Amendment.

The law’s effects extend beyond the counselor to the rights of the client. When a minor seeks out a faith-based therapist for help reconciling identity with belief, the law operates to deny that child access to support solely because the desired viewpoint is disfavored by the state.

If the state permitted therapists to affirm atheism but criminalized conversations that affirm Christianity, the constitutional violation would be obvious. Yet that is precisely what Colorado has done with respect to

views on gender and sexuality, it has silenced only one worldview.

Colorado's law imposes a chilling effect on the counseling profession by signaling those certain religiously informed conversations, even when requested—are off-limits. The result is a culture of self-censorship, where counselors avoid faith-based dialogue out of fear of reprisal, even at the expense of their clients' well-being.

III. Faith-Based Counseling Serves a Critical Role in Mental and Spiritual Health

For many families, particularly those of faith, counseling is not merely clinical—it is a holistic practice encompassing emotional, psychological, and spiritual healing. Faith-based counselors like Kaley Chiles offer services that are specifically requested by families who seek guidance consistent with their religious values. These counselors serve as critical lifelines, especially for youth grappling with identity questions in the context of deeply held beliefs. Existing therapeutic approaches that support counselors in this work include Erikson's Psychosocial Development Theory, Narrative Therapy for identity reconstruction, and Multicultural Counseling Competencies.

By banning one side of the dialogue, Colorado's law severs a vital support system. It denies religious youth access to compassionate care from professionals who understand and share their values. It also strips parents of the right to direct the upbringing and moral development of their children by restricting the options available for mental health support.

The Supreme Court has long recognized that “the interest of parents in the care, custody, and control of

their children” is a fundamental right. (*Troxel v. Granville*, 530 U.S. 57, 65 (2000)). A law that blocks families from choosing faith-based support for their children impermissibly interferes with that liberty.

The state’s interest in preventing coercion or abuse could be addressed through narrower means—such as licensing enforcement or informed consent—rather than an outright speech ban. In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993), the Court held that laws burdening religious exercise that are not neutral and generally applicable must meet strict scrutiny. Faith-based therapy that is voluntary, respectful, and requested by the client should not be equated with coercive or harmful practices.

IV. Denying Access to Voluntary, Faith-Aligned Therapy Harms Vulnerable Youth

Young people experiencing distress over their identity often turn to counselors for guidance that honors both their emotional needs and their spiritual convictions. Colorado’s law forecloses that possibility for minors who wish to pursue an identity consistent with their religious beliefs.

This forced silence can have devastating consequences. When youth are denied access to counselors who share or respect their core values and worldview, they are at increased risk of psychological distress, including feelings of isolation and confusion. The law removes a protective resource at the very moment when vulnerable children need it most. Empirical studies confirm that lesbian, gay, and bisexual individuals face significantly elevated rates of mental disorder, suicide, and self-harm, particularly when they lack access to supportive environments or therapeutic care

that affirms their identity and beliefs. See Joanna Semlyen et al., *A Systematic Review of Mental Disorder, Suicide, and Deliberate Self Harm in Lesbian, Gay and Bisexual People*, 8 BMC PSYCHIATRY 70 (2008). It also places counselors in an impossible position: comply with the law and violate their conscience or speak truthfully and risk professional discipline.

In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), the Court warned against officials prescribing what shall be orthodox in matters of opinion. Likewise, *Meyer v. Nebraska*, 262 U.S. 390 (1923), and *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), affirmed the rights of parents to direct their children's upbringing and education, including moral development. Colorado's law undermines these protections by denying families the freedom to choose therapy that reflects their beliefs.

Research and clinical experience consistently shows that therapeutic outcomes improve when clients perceive alignment or shared understanding with their counselors Norcross, J. C., & Lambert, M. J. (2011). *Psychotherapy Relationships That Work II*. PSYCHOTHERAPY, 48(1), 4-8. By denying religious youth access to aligned care, the law undermines the therapeutic alliance and threatens the well-being of those it purports to protect.

V. Restricting Faith-Aligned Counseling Increases Youth Vulnerability to Exploitation

State-imposed restrictions on voluntary counseling speech not only burden constitutional rights but produce unintended real-world harms to the very minors the State claims to protect. Empirical studies confirm that children experiencing gender identity confusion are at heightened risk of emotional instability, familial estrangement, and isolation—factors that traffickers and exploiters specifically target. (See Polaris Project, *U.S. National Human Trafficking Hotline Report* (2022); *Journal of Human Trafficking* (2021)).

Children experiencing confusion about their gender identity or sexual development face elevated risks of grooming, sexual exploitation, and trafficking. Traffickers frequently prey on youth who exhibit emotional instability, isolation from family or faith structures, or a lack of clear identity—all common traits among gender-confused minors. According to the National Center on Sexual Exploitation, traffickers actively target vulnerable children, especially those who are “searching for belonging, affirmation, and identity.”

By prohibiting counselors from engaging in conversations that affirm a minor’s religious or traditional identity framework, Colorado’s law removes a critical protective factor: the availability of trusted adult guidance. This severance increases minors’ emotional vulnerability and renders them more susceptible to online grooming and real-world exploitation.

Faith-based counselors like Kaley Chiles are often among the first line of defense for such youth. These professionals not only offer guidance rooted in compassion and conscience, but also help minors develop

resilience and self-understanding within the safety of a spiritual framework. When counselors are legally prohibited from engaging in conversations that explore a client's desire to align their identity with their faith, children lose a vital protective resource.

Numerous studies confirm that disconnected or marginalized youth particularly those struggling with identity, are more likely to be targeted by predators both online and in real life. The *Journal of Human Trafficking* (2021) and the Polaris Project (2022) underscore that traffickers use psychological manipulation to exploit confusion, loneliness, and spiritual emptiness. By affirming only one ideological viewpoint, Colorado's law exacerbates these vulnerabilities. It strips young people of their ability to explore spiritual and moral questions with a trusted adult and denies them a critical tool in forming a coherent, values-based self-concept.

This argument finds strong support in U.S. Supreme Court precedent. In *New York v. Ferber*, 458 U.S. 747 (1982), the Court held that the state has a compelling interest in protecting minors from sexual exploitation. In *Ashcroft v. ACLU*, 542 U.S. 656 (2004), the Court reaffirmed this interest in the context of early sexualization. Meanwhile, *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), establish that parents have a constitutional right to guide the moral and spiritual development of their children. Finally, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943), warns against any government actor prescribing what is orthodox in matters of religion or opinion. Each of these cases reinforces amici's position that viewpoint-neutral, faith-based counseling is not only protected by the

Constitution, but essential to the safety and flourishing of vulnerable youth.



CONCLUSION

This Court has long upheld the principle that speech between willing participants in a private setting is among the most protected forms of expression. The counseling at issue here is not imposed, it is client-invited, client-led, and rooted in mutual trust.

At the heart of this case is the question of whether the government may silence private, voluntary speech between a licensed counselor and a minor client when that speech reflects a disfavored religious viewpoint. Colorado's law answers that question in the affirmative—at the expense of the First Amendment, the well-being of vulnerable youth, and the rights of families to seek care aligned with their faith.

By prohibiting counselors from providing values-aligned guidance at a minor's request, Colorado's law creates avoidable real-world harms, increasing minors' emotional vulnerability and exposure to grooming and exploitation. Where a speech restriction produces the very harms it purports to prevent, it cannot satisfy strict scrutiny.

The First Amendment forbids the government from prescribing ideological orthodoxy or penalizing the expression of religious convictions. It protects the right to speak, and to be heard even when the subject is sensitive. It safeguards the rights of counselors to serve, parents to direct, and children to seek meaning, healing, and truth.

Amici submits this brief not only to defend constitutional principles, but to sound the alarm on the law's real-world consequences. Children who are already vulnerable emotionally, spiritually, and developmentally are being denied access to counselors who could help ground them in hope, identity, and faith. In doing so, the State of Colorado is not protecting children. It is leaving them more exposed.

For these reasons, amici respectfully urge this Court to reverse the judgment of the Tenth Circuit and hold that Colorado's Minor Conversion Therapy Law violates the Constitution.

This Court now has the opportunity and the responsibility to clarify that professional licensure does not extinguish constitutional rights. Faith-informed counseling, when sought by minors and supported by families, is not a threat. It is a form of care and a form of speech worthy of the law's protection.

Respectfully submitted,

Frank J. Wright

Counsel of Record

LAW OFFICES OF FRANK J. WRIGHT, PLLC

1800 Valley View Lane, Suite 250

Farmers Branch, TX 75234

(214) 935-9100

frank@fjwright.law

Counsel for Amici Curiae

June 10, 2025