

IN THE
Supreme Court of the United States

KALEY CHILES,

Petitioner,

v.

PATTY SALAZAR, IN HER OFFICIAL CAPACITY AS
EXECUTIVE DIRECTOR OF THE COLORADO
DEPARTMENT OF REGULATORY AGENCIES, et al.,

Respondents.

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

**BRIEF FOR *AMICUS CURIAE*
GUY ALBERT, PhD, CO-FOUNDER AND
MANAGING DIRECTOR OF THE
U.S. JOINT STATEMENT AGAINST
CONVERSION EFFORTS
IN SUPPORT OF RESPONDENTS**

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INTEREST OF AMICUS CURIAE¹

Amicus Guy Albert, PhD, has been a licensed psychologist for over 19 years. Amicus is the Co-Founder and Managing Director of the United States Joint Statement (USJS) Against Conversion Efforts, which is a multidisciplinary educational initiative supported by a coalition of 29 major U.S. medical and psychological professional associations. The USJS is a consensus statement, and its signatories include the following associations representing more than 1.3 million healthcare providers:

1. American Academy of Child & Adolescent Psychiatry
2. American Academy of Family Physicians
3. American Academy of Nursing
4. American Academy of Pediatrics
5. American Academy of Physician Associates
6. American Association for Marriage and Family Therapy
7. American Association for Marriage and Family Therapy's Queer and Trans Advocacy Network
8. American Association for Psychoanalysis in Clinical Social Work

¹ Pursuant to Rule 37.6, *amicus curiae* certify that no counsel for a party authored this brief in whole or in part and that no person or entity, other than *amicus* or their counsel, has made a monetary contribution to the preparation or submission of this brief. SUP. CT. R. 37.6.

9. American Association of Sexuality Educators, Counselors and Therapists
10. Association for Behavior Analysis International
11. American College of Physicians
12. American Counseling Association
13. American Medical Association
14. American Medical Student Association
15. American Psychiatric Association
16. American Psychoanalytic Association
17. American Psychological Association
18. Association for Behavioral and Cognitive Therapies
19. Association of Black Psychologists
20. Association of Lesbian, Gay, Bisexual, Transgender Addiction Professionals and Their Allies
21. Association of LGBTQ Psychiatrists
22. Association of Psychology Training Clinics
23. Clinical Social Work Association
24. GLMA: Health Professionals Advancing LGBTQ Equality
25. LGBT PA (Physician Associates) Caucus
26. National Association of Social Workers
27. National Latinx Psychological Association
28. Society of Sexual, Affectional, Intersex, and Gender Expansive Identities
29. United States Professional Association for Transgender Health

The USJS initiative began in January 2015, so that professional associations could work together to protect the public from the risks and harms of medical and psychological practices that have the goal of attempting to change a person’s sexual orientation, gender identity, or gender expression, known as “conversion efforts.” The USJS reflects its partner associations’ goal to build greater acceptance of individuals of all sexual orientations and gender identities, account for the different developmental stages of a patient’s life, and encourage provision of culturally-relevant affirmative therapy. U.S. Joint Statement Against Conversion Efforts (Aug. 23, 2023).² The stated objectives of the USJS include:

- (a) informing the public about the overwhelming scientific research demonstrating the risks and harms of conversion efforts;
- (b) advocating for national professional standards and guiding its member associations in setting ethical guidelines that will prevent conversion efforts; and
- (c) serving as a legal and legislative resource supporting efforts to prohibit conversion efforts by licensed healthcare professionals.

Amicus submits this brief to inform the Court of the unanimous consensus of 29 medical and psychological healthcare provider associations—including virtually all of the major professional associations in healthcare fields that are relevant to this issue—about the well-documented dangers of conversion efforts and how their practice violates established medical and

² <https://usjs.org/wp-content/uploads/2023/10/USJS-Final-Version.pdf>.

psychological standards of care and ethical standards. The USJS supports the compelling public interest in upholding statutes that prohibit these practices. Amicus also highlights the resolutions and policy statements of individual signatory associations to the USJS.

SUMMARY OF THE ARGUMENT

The overwhelming consensus of the medical and mental health communities, as reflected by the associations signing the USJS, supports the rationale for statutes such as Colorado's Minor Conversion Therapy Law, Colo. Rev. Stat § 12-245-224(1)(t)(V). The USJS affirms that conversion efforts are not supported by scientific evidence, are unethical, and pose significant risks to patients' health and well-being. This consensus among licensed professionals underscores the compelling public interest in prohibiting conversion efforts for minors.

As discussed below, the USJS initiative clearly states the consensus of the above-listed influential medical and mental health care provider associations that conversion efforts not only fail to achieve their stated objective of changing the patient's sexual orientation or gender identity, but that they also significantly harm patients by causing additional stigma. Colorado's statute prohibiting conversion efforts on minors thus addresses a thoroughly documented public health risk.

ARGUMENT

I. THE USJS SUMMARIZES THE OVERWHELMING MEDICAL AND SCIENTIFIC EVIDENCE SUPPORTING PROHIBITIONS AGAINST CONVERSION EFFORTS

The USJS is the result of its signatories' commitment to end conversion efforts³ and to provide ethical treatment for individuals questioning their sexual orientation and gender identity. U.S. Joint Statement Against Conversion Efforts (Aug. 23, 2023).⁴ It documents the consensus, grounded in decades of clinical experience and peer-reviewed science, that attempts to change a person's sexual orientation, gender identity, or gender expression are not only ineffective but potentially harmful. It is important to note that the USJS does not seek to restrict speech by medical and mental health providers. Instead, the USJS exists to prevent people from being harmed by a specific set of treatment practices that have neither a scientific basis nor proof of their effectiveness, and that are often dangerous.

Conversion efforts, also known as Sexual Orientation Change Efforts (SOCE) or Gender Identity Change Efforts (GICE), refer to a range of practices that attempt to change an individual's sexual orientation, gender identity, or gender

³ The USJS intentionally does not use the term "conversion therapy" to avoid creating the false impression that efforts to change a person's sexual orientation, gender identity, or gender expression are a valid form of therapy.

⁴ <https://usjs.org/wp-content/uploads/2023/10/USJS-Final-Version.pdf>.

expression. U.S. Joint Statement Against Conversion Efforts at 1. Extensive research and clinical expertise show that variations in sexual orientation and gender identity are a normal part of human development across race, ethnicity, and socioeconomic status. *Id.* Having same- or multi-gender attractions, behaviors, and desires, as well as transgender, nonbinary, and gender diverse identities and expressions, is a healthy feature found in every society and culture. *Id.*

The USJS emphasizes that conversion efforts are not only ineffective, but also potentially harmful. Evidence demonstrates that conversion efforts lead to increased risks of psychological distress and suicidality among those subjected to them. *Id.* at 1 & nn. 28, 31, & 33. International human rights organizations, including the International Rehabilitation Council for Torture Victims and the United Nations Human Rights Council, have recognized the harm and danger of conversion efforts, deeming them “tantamount to torture” and stating that they “can often cause ‘extreme, and often unimaginable, human suffering.’” *Id.* at 1-2.

In addition, the USJS states that conversion efforts violate core ethical principles of healthcare, including “do no harm” and respect for individual dignity and self-determination. *Id.* at 2. The USJS urges healthcare providers to “allow expression of one’s authentic identities without fear of stigma, pressure, or reprisal.” *Id.* Accordingly, the Colorado legislature had extremely clear and strong reasons to prohibit licensed healthcare professionals from engaging in any practice or treatment that “attempts or purports to change an individual’s sexual orientation or gender identity.” Colo. Rev. Stat. § 12-245-202(3.5)(a).

The USJS urges healthcare providers to inform the public about the well-documented risks of conversion efforts, offer affirmative treatment to individuals questioning their sexual orientation and/or gender identity, and to be aware of the ethical issues regarding conversion practices. U.S. Joint Statement Against Conversion Efforts at 3. The USJS also urges its signatories to implement this framework to ethically treat their patients and take action to end conversion efforts. *Id.* at 4.

II. THE OFFICIAL POLICY AND POSITION STATEMENTS FROM MAJOR USJS PROFESSIONAL ASSOCIATION SIGNATORIES CONDEMN CONVERSION EFFORTS

By partnering in the USJS, the signatories affirmed the unequivocal conclusion that any intervention that seeks to change an individual's sexual orientation or gender identity has a high potential for causing harm to healthcare patients. These signatories include professional associations as prestigious as the American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American College of Physicians, American Medical Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association, American School Counselor Association, National Association of Social Workers, and other leading healthcare provider associations. As discussed below, many of these associations have issued their own policy or position statements condemning these practices, with particular concern for the welfare of children and adolescents.

First, the signatories to the USJS uniformly agree that conversion efforts lack any credible scientific foundation. For example, the American Academy of Child and Adolescent Psychiatry’s policy states that there is “no evidence” supporting these interventions, and the American College of Physicians similarly concluded that available research “does not support” conversion efforts “as an effective method of treatment of LGBT persons.” Am. Acad. of Child and Adolescent Psychiatry, *The AACAP Policy on “Conversion Therapies”* (2018);⁵ Am. Coll. of Physicians, *Lesbian, Gay, Bisexual, and Transgender Health Disparities: Executive Summary of a Policy Position Paper from the American College of Physicians*, *Annals of Internal Med.* (2015), (hereafter, Am. Coll. of Physicians Position Paper).⁶

Beyond ineffectiveness, multiple signatories to the USJS state that attempts to alter orientation or identity are unethical and fundamentally incompatible with accepted clinical principles. The National Association of Social Workers labels efforts to change sexual orientation a violation of core professional values, while the American Psychoanalytic Association describes such attempts as “against the fundamental principles of psychoanalytic treatment.” Nat’l Ass’n of Soc. Workers, *Sexual Orientation Change Efforts (SOCE) and Conversion Therapy with Lesbians, Gay Men,*

⁵ https://www.aacap.org/aacap/Policy_Statements/2018/Conversion_Therapy.aspx.

⁶ <https://www.acpjournals.org/doi/10.7326/M14-2482>.

Bisexuals, and Transgender Persons (2015);⁷ Am. Psychoanalytic Ass’n, *Position Statement on Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression* (2012);⁸ Am. Psychiatric Ass’n, *Position Statement on Issues Related to Sexual Orientation and Gender Minority Status* (2020).⁹

The signatory associations in the USJS identified the distinct and severe harm that conversion efforts inflict on youth. The American School Counselor Association notes that LGBTQ+ youth already face unique challenges during identity development. Am. Sch. Couns. Ass’n, *The Professional School Counselor and LGBTQ Youth* (2016).¹⁰ Research cited by the American College of Physicians shows that adolescents rejected for their sexual orientation or gender identity have markedly higher rates of suicide attempts, depression, illicit drug use, and sexually transmitted infections. Am. Coll. of Physicians Policy Position Paper. These findings are echoed by the American Academy of Pediatrics, which observed that orientation-change therapy provokes “guilt and anxiety” while offering no realistic prospect of success.

⁷ <https://www.socialworkers.org/LinkClick.aspx?fileticket=IQYALknHU6s%3D&portalid=0>.

⁸ <https://apsa.org/wp-content/uploads/2022/02/2012-Position-Statement-on-Attempts-to-Change-Sexual-Orientation-Gender-Identity-or-Gender-Expression.pdf>.

⁹ <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-Sexual-Orientation-Gender-Minority-Status.pdf>.

¹⁰ <https://www.schoolcounselor.org/Standards-Positions/Position-Statements/ASCA-Position-Statements/The-School-Counselor-and-LGBTQ-Youth>.

Am. Academ. of Pediatrics, *Homosexuality and Adolescence*, 92 Pediatrics 631, 633 (1993).¹¹

The USJS signatory associations also emphasize in their statements that the harms of conversion efforts are neither incidental nor unforeseeable—they are inherent in the practice. The Just the Facts Coalition, endorsed by leading medical, mental health, and educator associations, explained that conversion efforts are based on the false premise that homosexuality is a mental illness or disorder, thereby branding any failure to change as a “personal and moral failure.” Just the Facts Coal., *Just the Facts About Sexual Orientation and Youth: A Primer for Principals, Educators, and School Personnel* (2008).¹² The American Psychoanalytic Association warns that these interventions reinforce “an enduring sense of stigma” and “foster pervasive self-criticism” in young people. Am. Psychoanalytic Ass’n Position Statement. See also Am. Psych. Ass’n, *Resolution on Sexual Orientation Change Efforts* (2021).¹³ The American College of Physicians links conversion efforts to loss of sexual feeling, depression, anxiety, and suicidality. Am. Coll. of Physicians Policy Position Paper.

Because these risks are predictable and avoidable, ethical obligations compel practitioners to reject conversion efforts and support legislative measures that restrict or prohibit it, such as the Colorado

¹¹ <https://publications.aap.org/pediatrics/article-abstract/92/4/631/58797/Homosexuality-and-Adolescence?redirectedFrom=fulltext>.

¹² <http://www.apa.org/pi/lgbt/resources/just-the-facts.pdf>.

¹³ <https://www.apa.org/about/policy/resolution-sexual-orientation-change-efforts.pdf>.

statute in this case. See Am. Med. Ass'n, *Health Care Needs of Lesbian, Gay, Bisexual, Transgender and Queer Populations H-160.991* (reaffirmed 2018).¹⁴

Thus, many USJS signatories have independently concluded that orientation- or identity-change efforts are medically unnecessary, incompatible with evidence-based care, and violative of professional duties of informed consent, cultural competence, and client self-determination. Endorsing, providing, or referring patients to such interventions therefore contravenes established standards of practice and exposes youth to well-documented psychological and physical harm.

CONCLUSION

The USJS emphasizes that conversion efforts inflict serious psychological distress without conferring any compensating benefit. The medical and mental health consensus expressed in the USJS is unequivocal: conversion efforts lack scientific foundation, contravene accepted standards of care, and threaten the health and dignity of those subjected to them. The USJS reflects a unanimous consensus among its signatory associations representing pediatrics, psychiatry, psychology, social work, and counseling: there is no credible evidence that sexual orientation or gender identity can be altered through conversion efforts. Every credible study identifies significant risk from conversion efforts. The USJS supports the overwhelming body of well-substantiated scientific

¹⁴ <https://policysearch.ama-assn.org/policyfinder/detail/conversion%20therapy?uri=%2FAMADoc%2FHOD.xml-0-805.xml>.

evidence upon which Colorado based its conclusion that conversion efforts cause substantial harm. For these reasons, amicus Dr. Guy Albert respectfully urges this Court to recognize the scientific research that Colorado's compelling interest in protecting the public—particularly vulnerable youth—from such demonstrably injurious medical and mental health practices. The judgment below should be affirmed.

Respectfully submitted,

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