

No. 24-539

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IN THE  
**Supreme Court of the United States**

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KALEY CHILES,

*Petitioner,*

v.

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

*Respondents.*

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

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**BRIEF OF *AMICI CURIAE*  
PROFESSOR CLIFFORD J. ROSKY  
PROFESSOR LISA M. DIAMOND  
IN SUPPORT OF RESPONDENTS**

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## INTEREST OF *AMICI CURIAE*<sup>1</sup>

*Amicus* Clifford J. Rosky is a professor of constitutional law and civil rights who participated in drafting Utah’s professional regulations prohibiting licensed therapists from subjecting minors to sexual-orientation and gender-identity change efforts. He graduated from Yale Law School in 2001. *Amicus* Lisa M. Diamond is a professor of developmental psychology at the University of Utah, where she has taught since 1999. She graduated from Cornell University with a Ph.D. in Human Development in 1999. Amici co-authored *Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities*, 53 J. Sex. Res. 363 (2016). Their work has been repeatedly—and misleadingly—invoked by Petitioners and other opponents of Colorado’s statute prohibiting licensed mental health professionals from trying to change the sexual orientation or gender identity of minors, a treatment that is demonstrably harmful and ineffective.

Amici submit this brief to correct the mischaracterizations of their research and to provide the Court with the current scientific consensus regarding: (1) the distinction between naturally occurring sexual-orientation fluidity and therapist-directed “conversion therapy;” and (2) the overwhelming evidence that sexual orientation change efforts are ineffective and pose grave risks of harm, especially to minors.

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<sup>1</sup> No counsel for a party authored this brief in whole or in part and no person other than amici or their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

## SUMMARY OF ARGUMENT

Petitioners rely on isolated phrases from amici's 2016 article and on selective quotations from the American Psychological Association's 2009 Task Force Report to claim that "sexual orientation changes for many people," and that Colorado, by restricting sexual orientation change efforts for minors, impermissibly "den[ies] and suppress[es] the reality that gender identity and sexual orientation can change." Brief for Petitioners at 7-8, *Chiles v. Salazar*, No. 24-539 (U.S. June 6, 2025). That argument collapses two fundamentally different phenomena—naturally occurring fluidity and therapist-directed attempts to change sexual orientation—into a single concept, and it does so in direct opposition to the scientific record.

Amici's research carefully distinguishes between (a) longitudinal evidence showing that some individuals experience spontaneous shifts in attraction or identity over time, and (b) evidence regarding deliberate attempts to alter orientation through conversion therapy and sexual orientation change efforts. The former says nothing about the efficacy or safety of the latter.

The best available evidence demonstrates that conversion therapy and sexual orientation change efforts are not only ineffective at producing enduring changes in sexual orientation but are also strongly correlated with elevated depression, anxiety, self-harm, and suicidality among minors. Colorado's statute prohibiting conversion therapy therefore responds to a well-documented public-health threat.

## ARGUMENT

### I. Petitioners Misrepresent the Scientific Literature on Sexual-Orientation Fluidity.

Petitioners cite amici’s research article as support for the proposition that “longitudinal, population-based studies” reveal changes “in the same-sex attractions of some individuals over time.” Brief for Petitioners at 7-8, *Chiles v. Salazar*, No. 24-539 (U.S. June 6, 2025) (quoting Lisa M. Diamond & Clifford J. Rosky, *Scrutinizing Immutability: Research on Sexual Orientation and U.S. Legal Advocacy for Sexual Minorities*, 53 J. Sex Res. 363, 368 (2016)). But Petitioners omit amici’s explicit clarification—immediately preceding the sentence introducing this longitudinal data—that these data concern “change that occurs *outside the context* of [sexual orientation change efforts]” and have *no bearing* on the efficacy of sexual orientation change efforts at all. Diamond & Rosky, 53 J. Sex Res. at 368 (emphasis added).

As to the data that do relate to sexual orientation change efforts, amici’s article clearly concluded—based on a comprehensive review—that such efforts “are not only ineffective in changing sexual orientation but are psychologically damaging, often resulting in elevated rates of depression, anxiety, and suicidality.” *Id.* Indeed, amici stated that “therapists cannot ethically offer individuals the promise of changing their sexual orientation, given the lack of evidence that such permanent change can be therapeutically achieved.” *Id.*

Similarly, the Petitioners cite the American Psychological Association’s (APA) 2009 Task Force Report to support the assertion that “for some, sexual orientation identity ... is fluid.” Brief for Petitioners

at 7-8. This is also a reference to spontaneous development, not to therapist-induced alteration. APA, Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation 2 (2009) (“2009 APA Task Force Report”). Again, Petitioners ignore the 2009 APA Task Force Report conclusion that “the results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex sexual attractions through [sexual orientation change efforts].” *Id.* at 3.

Petitioners’ conflation of these concepts wrongly implies that because sexual orientation can evolve naturally, it can be forcibly reshaped through clinical intervention. Amici’s research paper and the 2009 APA Task Force Report directly contradict this spurious claim.

## **II. Contemporary Peer-Reviewed Research Confirms That Conversion Therapy is Ineffective and Harmful.**

Several large-scale studies published after amici’s 2016 article address the mental-health outcomes of minors subjected to sexual orientation or gender-identity change efforts:

- Among lesbian, gay, and bisexual minors exposed to “external conversion efforts,” 62.8 percent attempted suicide—*nearly three times* the rate of peers with no such exposure. Caitlin Ryan et al., *Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment*, J. Homosexuality 67:2, 159-173 (2018).

- Exposure to gender identity change efforts before age ten was significantly associated with adverse outcomes, with more than 60 percent attempting suicide. Jack L. Turban et al., *Association Between Recalled Exposure to Gender Identity Conversion Efforts and Psychological Distress and Suicide Attempts Among Transgender Adults*, JAMA Psychiatry 77(1):68–76 (2019).
- Youth who underwent sexual orientation change efforts were more than twice as likely to report multiple suicide attempts in the preceding year. Amy E. Green et al., *Self-Reported Conversion Efforts and Suicidality Among US LGBTQ Youths and Young Adults*, American Journal of Public Health 110(8): 1221-1227 (2020).

Further, in February 2021, the APA adopted the *Resolution on Sexual Orientation Change Efforts*. APA, APA Resolution on Sexual Orientation Change Efforts (2021), <https://www.apa.org/about/policy/resolution-sexual-orientation-change-efforts.pdf>. The APA concluded that research on sexual orientation change efforts published following APA’s 2009 Task Force Report “has continued to support the conclusions that former participants ... look back on those experiences as harmful to them and that there is no evidence of sexual orientation change.” *Id.* at 3.



**CONCLUSION**

Scientific research—including amici’s own research, which Petitioners misconstrue—establishes that conversion therapy and sexual orientation change efforts are not effective and pose serious dangers to the mental health of minors. Petitioners’ reliance on data regarding naturally occurring fluidity to defend sexual orientation change efforts is scientifically unsound.

Respectfully submitted,

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