

No. 24-745

IN THE
Supreme Court of the United States

MONTANA, *et al.*,

Petitioners,

v.

PLANNED PARENTHOOD OF MONTANA, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF MONTANA

**BRIEF OF HEARTBEAT
INTERNATIONAL, INC. AS AMICUS CURIAE
IN SUPPORT OF PETITIONERS**

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INTEREST OF AMICUS CURIAE¹

Heartbeat International, Inc. (“Heartbeat”) is uniquely positioned to provide relevant factual background and legal argument on a key issue in this case: specifically, that care can be given, through Medicaid and TANF, to organizations that operate in agreement with state desires for the protection of life. Heartbeat is an IRC § 501(c)(3) non-profit, interdenominational Christian organization whose mission is to serve women and children through an effective network of life-affirming pregnancy help centers. Heartbeat serves approximately 3,592 pregnancy help centers, maternity homes, and non-profit adoption agencies (collectively, “pregnancy help organizations”) in over 97 countries, including approximately 2,278 in the United States—making Heartbeat the world’s largest such affiliate network.

Heartbeat operates a 24/7 toll-free telephone and web-based help line called Option Line, which individuals facing unintended pregnancies can contact for information and referrals to nearby pregnancy help organizations. In 2023, Heartbeat’s Option Line handled approximately 395,176 contacts, including phone calls, e-mails, instant messages, and online chats in English and Spanish. In the year 2023, Heartbeat connected individuals to pregnancy help organizations an average of once every 76 seconds.

Heartbeat is well-positioned to address the healthcare provider issues in this case because of its experience in

1. No counsel for a party authored this brief in whole or in part, nor did any person or entity, other than Amicus Curiae or its counsel, make a monetary contribution to the preparation or submission of this brief. The parties were notified of the intent to file this brief on March 27, 2025.

helping parents and minors deal with life choices. Amicus has a profound stake in ensuring that Montana’s House Bill 391 (HB 391), requiring parental consent for minors’ abortions, is upheld as a constitutional safeguard. This law, backed by over 70% of Montana voters, aligns with pregnancy centers’ efforts to support families, a mission of national importance as thirty-seven states enforce similar parental involvement laws.²

SUMMARY OF ARGUMENT

The Montana Supreme Court’s decision striking down HB 391 undermines parents’ fundamental right to direct their children’s care (*Troxel v. Granville*, 530 U.S. 57, 65 (2000)), deepening a judicial split on parental involvement in minors’ medical decisions. Attorney General Austin Knudsen warns this ruling endangers minors’ health and safety, leaving them “subject to the whims of abortion providers” without parental or judicial oversight.³ Supported by over 70% of Montana voters, HB 391 complements pregnancy centers’ family-focused services, protecting minors from coercion and isolation. The decision’s rejection of a judicial bypass further imperils vulnerable youth. Amicus urges certiorari to reverse Montana’s ruling and uphold parental rights.

2. Petition for Writ of Certiorari at 2, *Montana v. Planned Parenthood of Montana* (No. 24-745)

3. *Id.* at 15

ARGUMENT

I. Certiorari Is Warranted to Resolve a Deepening Split Among Courts

Federal circuit courts and state supreme courts are divided on whether parents have a federal constitutional right to know and participate in a minor’s major medical decisions, such as abortion—a split with national stakes, as thirty-seven states enforce parental involvement laws).⁴ The Ninth and Fifth Circuits affirm this right: *H.L. v. Matheson*⁵ upheld Utah’s notification law, recognizing parents’ “fundamental liberty interest,” while *Doe v. Irwin*⁶ affirmed a “constitutionally protected interest” in notification. These rulings align with *Bellotti v. Baird*⁷ and *Parham v. J.R.*,⁸ supporting state mandates and protection for parental involvement in a child’s medical decisions.

In contrast, the Third and Sixth Circuits, alongside the Alaska and Montana Supreme Courts, elevate privacy concerns over the natural role of the parent. *Planned Parenthood of Southeastern Pennsylvania v. Casey*⁹ struck down a consent law absent judicial bypass. *Alaska’s State v. Planned Parenthood of Alaska* (171 P.3d 577, 583 (Alaska 2007)) and Montana’s ruling here follow suit,

4. *Id.* at 2.

5. 450 U.S. 398, 410 (1981)

6. 615 F.2d 1162, 1167 (5th Cir. 1980)

7. 443 U.S. 622, 639 (1979)

8. 442 U.S. 584, 602 (1979)

9. 947 F.2d 682, 699 (3d Cir. 1991), *aff’d in part, rev’d in part*, 505 U.S. 833 (1992))

elevating minors' autonomy. *Casey* is overruled by *Dobbs v. Jackson Women's Health Organization*,¹⁰ but these regulations signal "open season" on parental rights laws, necessitating this Court's guidance.

II. The Montana Supreme Court Erred in Subordinating Parental Rights

A. Misapplication of State Privacy Over Federal Rights

The Montana Supreme Court's ruling—that HB 391 violates a minor's privacy under Article II, Section 10—overrides parents' federal rights under the Due Process Clause. This Court has affirmed parents' "fundamental right to direct the care and upbringing of their child."¹¹ *Bellotti*¹² upheld consent laws with judicial bypass, balancing minors' needs with parental authority—a balance Montana rejects by offering "no alternative mechanism."¹³ The State of Montana rightfully calls this a "radical" departure from precedent.¹⁴ Montana's *Armstrong v. State* (296 Mont. 361, 376 (1999)) permits regulation for "medically acknowledged, bona fide health risks" like coercion, yet the court disregarded this, leaving

10. 142 S. Ct. 2228 (2022)

11. *Troxel v. Granville*, 530 U.S. 57 at 65 (2000); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925)

12. 443 U.S. at 639

13. Petitioner's Petition for Certiorari, at 11

14. *Id.* at 5.

parents powerless and minors exposed to unchecked provider discretion.

B. Parental Notification Supports Both Mother and Child

HB 391's parental consent requirement protects the minor mother and her unborn child by countering coercion, reducing psychological harm, and ensuring familial support, benefits pregnancy centers amplify with extensive resources. Research reveals that 64% of women report coercion to abort, with minors especially vulnerable due to dependence and immaturity.¹⁵ Over 30% of teens under 18 cite partner pressure to abort, diminishing any claim to privacy or autonomy.¹⁶ This risk is heightened by minors' limited decision-making capacity, recognized by this Court.¹⁷ Without oversight, coerced abortions increase depression, anxiety, and PTSD, particularly in adolescents.¹⁸ The American Academy of Pediatrics confirms familial support mitigates such distress.¹⁹

HB 391 enables parents to buffer coercion, guiding minors toward alternatives like adoption—options

15. Reardon et al., *Psychological Outcomes*, 10 *Med. Sci. Monitor* 105, 110 (2004).

16. *Guttmacher Inst., Induced Abortion in the United States*, 2019

17. *Parham*, 442 U.S. at 603

18. Rue et al., *Induced Abortion and Traumatic Stress*, 11 *Med. Hypotheses* 145, 150 (2004)

19. AAP Policy Statement, 147 *Pediatrics* 1, 5 (2021)

70% of Montana voters endorsed.²⁰ This preserves the unborn child’s potential life, consistent with *Dobbs*,²¹ and shields the minor from regret. Pregnancy centers bolster this with free counseling and ultrasounds—486,000 in 2022—often prompting family discussions that affirm life.²² Without informed consent and the support of their families, minors are “subject to the whims of abortion providers,” endangering their “health and safety.”²³

III. Montana’s Democratic Will and Federal Context Demand Review

Montana’s citizens have affirmed parental rights for over a decade, a commitment the Montana Supreme Court’s ruling nullifies. In 2012, over 70% approved LR-120, banning coercion and mandating notification.²⁴ HB 391, enacted in 2013 under Governor Steve Bullock, extended this with consent requirements, reflecting a bipartisan consensus on parents’ role in abortion decisions.²⁵ Pregnancy centers support this will, providing \$358 million in free services in 2022, including

20. Petition for Certiorari, at 5.

21. 142 S. Ct. at 2257

22. Charlotte Lozier Institute; Pregnancy Center 2024 Update, *Hope for a New Generation (2024)* available at <https://lozierinstitute.org/wp-content/uploads/2024/05/Pregnancy-Center-2024-Update-full-1.pdf> at 10-11

23. Petition for Certiorari, at 15

24. Petition for Certiorari

25. *Id.*

counseling and material aid, to strengthen Montana families.²⁶

Post-*Dobbs*, states may protect “prenatal life” and “maternal health,”²⁷ yet Montana’s ruling, lacking a judicial bypass, undermines this authority and federal parental rights.²⁸ It invites “open season” on similar laws in thirty-seven states, risking national confusion over parental and provider duties.²⁹ This Court has cautioned against judicial overreach supplanting democratic will.³⁰ Montana, through its Attorney General, rightfully deems this Court’s intervention “sorely needed” to protect Montana’s choices and federal uniformity (Petition for Certiorari, at 15 (MDJ)).³¹

CONCLUSION

Amicus urges this Court to grant certiorari, reverse the Montana Supreme Court’s decision, and uphold House Bill 391. The judicial split, erosion of parental rights, and national implications demand resolution.

For the reasons stated above and in the briefing of Petitioners, the Court should grant cert and resolve

26. *Charlotte Lozier Institute* 2024, at 7 (\$358 million in services).

27. 142 S. Ct. at 2257

28. *Troxel*, 530 U.S. at 65; Petition for Certiorari, at 11

29. Petition for Certiorari, at 2, 13

30. *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997)

31. Petition for Certiorari, at 15.

the circuit split, ensuring that it correctly answers the important question presented by this case.

Respectfully submitted,

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