No. 25-77

In the Supreme Court of the United States

STEPHEN FOOTE, INDIVIDUALLY AND AS GUARDIAN AND NEXT FRIEND OF B.F. AND G.F. MINORS, et al.,
Petitioners,

v.

LUDLOW SCHOOL COMMITTEE, et al.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

BRIEF OF *AMICI CURIAE* OUR DUTY–USA AND COLORADO PRINCIPLED PHYSICIANS SUPPORTING PETITIONERS

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QUESTION PRESENTED

Whether a public school violates parents' fundamental rights when it participates in the social transition of a student without the knowledge and consent of the student's parents or in direct contravention of the parents' directives.

INTRODUCTION AND INTEREST OF *AMICI CURIAE*[1]

Our Duty–USA is a secular nonprofit whose members from all fifty states have varied political backgrounds, ethnicities, and sexual orientations but share the experience of raising former and current trans-identified children. Our Duty members have had schools secretly socially transition their children, deceive the members when they inquire about their children's identities and activities, refuse to comply with members' demands to cease socially transitioning their children, and report members to child welfare agencies for refusing to support their child's rejection of their sex. Our Duty members also have children who have desisted from identifying as "transgender," and now accept their sexed bodies.

Colorado Principled Physicians is a related nonprofit organization whose members have varied political backgrounds, including religious and non-religious members. Its membership includes physicians in the

[1] This brief was not authored in whole or in part by counsel for any party and no person or entity other than *amici curiae* or their counsel has made a monetary contribution toward the brief's preparation or submission.

state of Colorado who offer services to their patients as mandated by the Hippocratic Oath: First, do no harm. This Oath requires rejecting medical interventions that damage their patients' health. Colorado Principled Physicians has a direct interest in this case; its members believe that many schools are not only creating gender dysphoric children through instruction that contravenes biological reality, but are also paving a pathway towards the medicalization of perfectly healthy young bodies.

Our Duty and Colorado Principled Physicians approach this subject with personal knowledge that very often children's distress about their sex is genuine. The adoption of transgender identities is a maladaptive coping mechanism often stemming from, *inter alia*, trauma, sexual abuse, other mental health ailments, exposure to pornography, and social contagion.

Amici have significant interests in the preservation of parental rights and in ending the promotion of—and indoctrination of children into—a belief system that reflexively affirms any wrong-sex identification and encourages them to believe there can be a mismatch between their brains and bodies. Amici's goals, that children grow up accepting their immutable sex regardless of whether they conform to rigid stereotypes of that sex, is thwarted when schools engage in psycho-social interventions that "affirm" or encourage a child's rejection of his or her sex.

SUMMARY OF ARGUMENT

Until recently, the facts that sex is biological and immutable were considered universal truths. See *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2375 (2025) (Thomas, J., concurring) (implying that the concept of "gender identity" is a recent phenomenon).

It is hard to imagine anything more central to parental rights than the decision to raise one's child as his or her sex, an aspect of the self that goes to the core of human existence. Many courts, however, have begun rejecting the axiomatic truth that sex is real and immutable. They have instead erroneously determined that parents seeking to raise children to accept their sex is somehow beyond the bounds of their parental rights. In furtherance of this insidious position, courts are holding that schools that socially transition children in secret and ignore parents' demands to treat their children as their sex do not usurp parental rights.

Schools are not innocent bystanders in the advancement of the transgender agenda.[2] They are exuberant

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[2] See, e.g., *Konen v. Caldeira*, No. 22-cv-1813 (Cal. Super. Ct. Monterey Cnty., June 27, 2022) *removed* (N.D. Cal., removed Sept. 12, 2022) (involving a case in which an eleven-year-old female was socially transitioned without parental knowledge at school and in which two teachers, who encouraged students to adopt the transgender identity, were recorded revealing how they "stalked" students' communications on their school-provided tablets to recruit members for their transgender club); Teny Sahakian, *Abigail Shrier: Audio Exposes California Teacher's Efforts to Subvert Parents and Recruit Kids to LGBTQ+ Clubs*, Fox News (Nov. 19, 2021), https://www.foxnews.com/us/abigail-shrier-audio-exposes-california-teachers-efforts-to-subvert-parents-and-recruit-kids-to-lgbtq-clubs.

foot soldiers, running roughshod over parents' decision-making roles. Never before have we seen schools intruding into parental rights at this level, expressing obvious disdain for parents' wishes and a willingness to deceive parents and making life-altering decisions for their children. From the far reaches of Alaska[3] to the shores of New Jersey,[4] schools are indoctrinating kids into transgenderism, shoring up these new "identities," and then concealing children's newfound rejection of their sex from parents.

School officials justify usurping parental rights on the alarming presumption that parents are "unsafe" if they believe in biological reality. The schools, in consultation with the child, decide whether parents are "safe" enough—that is, will affirm the child's rejection of sex—to be included in the secret. The parent is thereby prevented from trying to explore why his or her child might be rejecting his sex and help him come to accept his natural body.[5] Instead, the parent is

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[3] Joel Davison, *Numerous Alaska School Districts Hide Students' Sexual ID from Parents*, Alaska Watchman, (Aug. 31, 2023), https://alaskawatchman.com/2023/08/31/at-least-six-alaska-school-districts-hide-students-sexual-id-from-parents/.

[4] The New Jersey Department of Education provides that schools "shall accept a student's asserted gender identity; parental consent is not required . . . . There is no affirmative duty for any school district personnel to notify a student's parent or guardian of the student's gender identity or expression." N.J. Dep't of Educ., Transgender Student Guidance for School Districts (n.d.) https://www.nj.gov/education/safety/sandp/climate/docs/Guidance.pdf.

[5] See, e.g., *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.*, 680 F. Supp. 3d 1250, 1266–67 (D. Wyo. 2023) (relaying a school's secrecy policy which stated: "*When a student indicates that their family is not supportive of their gender identity and/or*

adjudicated abusive in stealth and afforded no due process against such a heinous label. Permitting schools to conspire with the child to exclude the parent from their child's life-altering decision flips the parent-child relationship on its head.

The knives are out for parents who wish to help their children distressed with their sex.

- Many states have implemented "Anti-conversion" laws which prevent parents from engaging any counselor who might help the child come to terms with their sex, rather than setting them up to be medicalized.[6]
- Child welfare services investigate parents for trying to protect their children from destructive sex-rejecting interventions.[7]

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the District is concerned for the student's safety, the District will honor a student's request for confidentiality until the student consents to the disclosure and/or the District completes an individualized assessment and rules out any particularized and substantiated concern of real harm.") (emphasis in original).

[6] Only 18 states do not have anti-conversion laws. *Conversion "Therapy Laws,"* Movement Advancement Project, (last visited Aug. 18, 2025), https://www.lgbtmap.org/equality-maps/conversion_therapy.

[7] See, e.g., *Kolstad v. Baillargeon*, No. 1:24-cv-00055-SPW (D. Mont. May 20, 2024) (transferring a non-affirming parents' child to state where sex rejecting interventions are legal); *Blair v. Appomattox Cnty. Sch. Bd.*, No. 6:23-cv-47 (W.D. Va. Jun. 25, 2024), appeal No. 24-1682, 2025 WL 2249351 (4th Cir. Aug. 7, 2025) (involving a district attorney who refused to return sex-trafficked child to parents who did not refer to daughter as male); *Doe v. Children's Nat'l Hosp.*, No. 8:24-cv-00754 (D. Md. Mar. 14, 2024) (revoking parents' custody of their autistic son for refusing to transition him); see also, Our Duty-USA's Brief Supporting

- Schools have added gender ideology to their curriculum and conspire to skirt parental detection.[8]
- Schools hide that children need help with their mental health and undermine parents' ability to make decisions regarding treatment.
- States are suing school boards that pass parental notification policies.[9]
- California has enacted a law to prohibit school boards from requiring school officials to inform parents that their child is rejecting their sex—

Respondents and Affirmance at 17–19 *United States v. Skrmetti*, 145 S. Ct. 1816 (2025) (No. 23-477) [hereinafter Our Duty's *Skrmetti* Brief].

[8] *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2375 (2025) (Thomas, J., concurring); Teny Sahakian, *Abigail Shrier: Audio Exposes California Teachers' Effort to Subvert Parents and Recruit Kids to LGBTQ+ Clubs*, Fox News (Nov. 19, 2021), https://www.foxnews.com/us/abigail-shrier-audio-exposes-california-teachers-efforts-to-subvert-parents-and-recruit-kids-to-lgbtq-clubs.

[9] See *People ex. Rel. Bonta v. Chino Valley Unified Sch. Dist.*, No. CIV SB 2317301 (Cal. Super. Ct., San Bernardino Cnty., Aug. 28, 2023) (entailing California suing Chino Valley for its parental notification policy that alerts parents that their child is requesting the school to participate in his social transition. The court ruled against California on the privacy claim and for California on the discrimination claim); *Cal. Dep't of Educ. v. Rocklin Unified Sch. Dist.*, No. S-CV-0052605 (Cal. Super. Ct. Placer Cnty., Apr. 10, 2024) (concerning the California Department of Education filing an injunction action against school that passed a Parental Notification Policy); *Mae M. v. Komrosky*, No. CVSW 23060224 (Cal. Super Ct., Riverside Cnty., Aug 2, 2023), *appeal filed*, *then transferred to* No. G06433234 (Cal. App.Ct. 4th Dist., Div. 3 June 24, 2024); *Platkin v. Middletown Twp. Bd of Educ.* No, A-0037-23, A-0046-23, A-0118-23 (N.J. Super Ct. App. Div, Feb. 10, 2025) (per curiam) (consolidating three of these suits for one opinion); *Platkin v. Hanover Twp. Bd. of Educ.*, A-0371-23 (N.J. Super Ct. App. Div, Feb. 10, 2025).

three suits have been filed challenging the law.[10]

A decision from this Court is badly needed to right the ship and restore the fundamental principle: that parents—not schools—are primarily empowered with the care, custody, and control of their children.

ARGUMENT

I. Secret Social Transition Plans Are Based on the Unconstitutional Presumption that Parents are Abusive.[11]

The country is roiling over schools teaching children to believe that they are born in the wrong body and that they need unproven medical interventions to fix that (irrational) belief. Parents have been labeled domestic terrorists for opposing schools' trampling of their rights in advancing this ideology.[12]

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[10] See Cal. Educ. Code §§ 220.5, 220.6; *Mirabelli v. Olson*, 691 F. Supp. 3d 1197 (S.D. Cal. 2023); *City of Huntington Beach v. Newsom*, No. 8:24-cv-2017 (C.D. Cal. Sep. 17, 2024), *appeal filed*, No. 25-3826 (9th Cir. June 17, 2025); *Chino Valley Unified Sch. Dist. v. Newsom*, No. 8:24-cv-2017 (C.D. Cal. Sep. 17, 2024), appeal filed, No. 25-3926 (9th Cir. June 17, 2025).

[11] "Secret Social Transition Plans" refer to any plan created by a school facilitating a student's sex-rejecting identity not assented to by the parent.

[12] See Press Release, U.S. House Comm. on the Judiciary, US House Judiciary Republicans: DOJ Labeled Dozens of Parents Terrorist Threats (May 20, 2022), https://judiciary.house.gov/media/press-releases/us-house-judiciary-republicans-doj-labeled-dozens-of-parents-as-terrorist. Pursuant to U.S. Attorney General Merrick Garland's October 21, 2021, Memorandum, the FBI and Department of Justice began investigations into parents

Every one of the school policies (and the related secret social transition plans (SSTPs)) that have the option of excluding parents from knowledge of the transition have, at their core, the presumption that parents are "unsafe" and are not capable of making the "correct" medical decisions for their children. Such policies assume parents are engaging in "wrong-think" if they believe in biological reality.[13]

The overarching reason for SSTPs is to create a "safe" environment for the students—safe from their own parents. For example, in *Doe v. Pine-Richland Sch. Dist.,* one SSTP policy stated that:

> informing parents/guardians about [their child's gender status] carries risks for the student, such as physical and/or emotional abuse, abandonment,

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protesting at school board meetings around the country. See Merrick Garland, Memorandum for Director, Federal Bureau of Investigation, Director Executive Office for U.S. Attorneys, Assistant Attorney General, Criminal Division, United States Attorneys (October 4, 2021), https://www.justice.gov/archives/ag/file/1170061-0/dl?inline=.

[13] The basis of the policies is also to prevent discrimination. See,e.g., *Foote v. Ludlow Sch. Comm.,* 128 F.4th 336, 342 (1st Cir. 2025); *Lavigne v. Great Salt Bay Cmty. Sch. Bd.,* No. 24-1509, 2025 WL 2103993, at *2 (1st Cir. July 28, 2025); *Parents Protecting Our Child., UA v. Eau Claire Area Sch. Dist., Wisconsin*, 95 F.4th 501, 503 (7th Cir. 2024), *cert. denied*, 145 S. Ct. 14 (2024); *Doe v. Madison Metro. Sch. Dist.*, No. 20-cv-454 (Dane Cnty., Wis., Cir. Ct. filed Feb. 18, 2020), *appeals dismissed* No. 22AP2042, 23AP305, 23AP306; *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.*, 680 F.Supp.3d 1250, 1263, (D. Wyo. 2023). Discrimination is between government and protected persons, not parent and child.

> **and/or removal from the home. . . . Prior to notification of any parent/guardian regarding the transition process**, District staff must work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process and **must consider the health, well[-]being, and safety of the transitioning student**.

No. 2:24-CV-51, 2024 WL 2058437, at *2–3 (W.D. Pa. May 7, 2024), *appeal dismissed*, No. 24-1898, 2024 WL 4764262 (3d Cir. Aug. 16, 2024) (emphasis in original).[14]

The lower court in this case found that the school policy "plausibly creates a space for students to express their identity **without worrying about the parental backlash**." *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336, 357 (1st Cir. 2025) (emphasis added).

The presumption that parents are abusive unless proven otherwise is completely at odds with well-established jurisprudence regarding parental rights,

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[14] See also *Littlejohn v. Sch. Bd. of Leon Cnty.*, 132 F.4th 1232 (11th Cir. 2025), *pet. for reh'g en banc pending*; *Doe v. Delaware Valley Reg'l High Sch. Bd. of Educ.*, No. CV 24-00107 (GC)(JBD) 2024 WL 5006711 at *2–3 (D.N.J. Nov. 27, 2024), *appeal docketed*, No. 24-3278; *Vitsaxaki v. Skaneateles Cent. Sch. Dist.*, 771 F. Supp. 3d 106, 112 (N.D.N.Y. 2025), *appeal docketed*, No. 25-952 (2d Cir. Apr. 18, 2025); *Landerer v. Dover Area Sch. Dist.*, No. 1:24-CV-00566, 2025 WL 492002 at *8 (M.D. Pa. Feb. 13, 2025).

which "historically . . . has recognized that natural bonds of affection lead parents to act in the best interests of their children." *Parham v. J.R.*, 442 U.S. 584, 602 (1979). Moreover, "[t]he statist notion that governmental power should supersede parental authority in *all* cases because *some* parents abuse and neglect children is repugnant to American tradition." *Id.* at 603 (emphasis in original). "The child is not the mere creature of the state[;]" rather, parents "nurture him and direct his destiny." *Pierce v. Soc'y of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 535 (1925).

Government cannot "standardize its children." *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2377 (2025) (Thomas, J, concurring) (quoting *Pierce*, 68 U.S. at 535). Schools cannot unilaterally create a one-size-fits-all approach for the treatment of children who seek to reject their sex. Nor can they force parents, by threat of deception as to their child's wellbeing, to accept that their children are born transgender and affirm that adoption of transgender identity is natural, normal, and something that must be affirmed. Schools cannot unilaterally decide that it is in the best interest of the child to reject their sex. "[T]he custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); see also *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

Moreover, as this Court recognized in *U.S. v. Skrmetti*, ___ U.S. ___, 145 S. Ct. 1816, 1825 (2025), the appropriate treatment for children who reject their sex is hotly contested. This fact alone highlights the

importance of parental involvement in decision-making about this fundamental aspect of their child's being.

As the district court stated in *Ricard v. USD 475 Geary Cnty., KS Sch. Bd.*,

> It is difficult to envision why a school would even claim—much less how a school could establish—a generalized interest in withholding or concealing from the parents of minor children, information fundamental to a child's identity, personhood, and mental and emotional well-being such as their preferred name and pronouns.
> Presumably, the District may be concerned that some parents are unsupportive of their child's desire to be referred to by a name other than their legal name. Or the District may be concerned that some parents will be unsupportive, if not contest, the use of pronouns for their child that the parent views as discordant with a child's biological sex. But this merely proves the point that the District's claimed interest is an impermissible one because it is intended to interfere with the parents' exercise of a constitutional right to raise their children as they see fit. And whether the District likes it or not, that constitutional right includes the right of a parent to have an opinion and to have a say in what a minor child

> is called and by what pronouns they are referred [to].

No. 522CV04015 HLT-GEB, 2022 WL 1471372, at *8–9 (D. Kan. May 9, 2022).

II. All Parents Have An Interest in Protecting Their Children from Transgender Ideology.

Both secular and religious parents are opposed to the influx of gender ideology and secret social transition plans into their schools. That was made clear in *Mahmoud v. Taylor*, 145 S. Ct. 2332, 246 (2025), in which one thousand parents with kids in the Montgomery County school system requested opt-outs and hundreds of them appeared at school board meetings to object to the schools exposing their children to curriculum with storybooks espousing transgender themes.

Parents' desire to protect their children from adopting transgender identities is far from irrational. Transgenderism involves a set of beliefs that are antithetical to science and basic reality. Human sex is determined at conception and never changes.[15]

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[15] See Colin Wright, *Citations for the Gamete-Based Definition of Male and Female*, Reality's Last Stand, (Apr. 1, 2025), https://www.realityslaststand.com/p/citations-for-the-gamete-based-definition ("[T]he definition of male and female has never been arbitrary or culturally relative. It is grounded in the concept of **anisogamy**: the existence of two distinct types of gametes—**sperm** and **ova**. This fundamental reproductive asymmetry defines the two sexes across all sexually reproducing anisogamous species. An individual that has the function to produce small, motile gametes (sperm) is male; one that has the function to produce

Transgenderism, a quasi-religious concept, is premised on the idea that humans have an internal "gendered" soul, which only the individual can feel or see, that is both detached from the body and can change throughout life (sometimes even daily or minute-to-minute).[16] This ideology is incoherent, going so far as to suppose that there are an infinite number of possible gender identities.[17] The exploding number of children and young adults adopting this manufactured ideology and rejecting their natural sex stems in large part from a social contagion.[18]

Absent social transition, the vast majority of young people who experience gender dysphoria or claim trans identities will "desist" from identifying as "trans," and come to accept their sexed bodies over

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large, immobile gametes (ova) is female. This is not a social construct or a philosophical preference—it is a basic principle of evolutionary biology, established long before today's cultural debates.") (emphasis in original).

[16] See Logan Lancing & James Lindsay, *The Queering of the American Child* 16, 36-37, 188 (2024).

[17] See *An Interview with Diane Ehrensaft, Author of Gender Born, Gender Made*, The Experiment (Jan. 11, 2012), https://theexperimentpublishing.com/2012/01/an-interview-with-diane-ehrensaft-author-of-gender-born-gender-made/ (arguing that no two gender identities are the same).

[18] Our Duty's *Skrmetti* Brief 8-15. Additionally, in the vast majority of cases in which parents filed actions against their school for SSTPs, after the child is removed from the school and receives the correct mental health treatment, they desist from adopting a trans identity and return to accepting their sex. See e.g., *Doe v. Delaware Valley Reg'l High Sch. Bd. of Educ.*, No. CV 24-00107 (GC)(JBD) 2024 WL 5006711 at *4 (D.N.J. Nov. 27, 2024), *appeal docketed*, No. 24-3278; *Vitsaxaki v. Skaneateles Cent. Sch. Dist.*, 771 F. Supp. 3d 106, 114 (N.D.N.Y. 2025), *appeal docketed*, No. 25-952 (2d Cir. Apr. 18, 2025).

time.[19] If allowed to socially transition, however, the opposite is true. Most go on to undergo irreversible medical interventions that carry severe lifelong burdens.[20] The dire consequences of medicalization include shortened life expectancies,[21]

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[19] See Annelou L.C de Vries & Peggy T. Cohen-Kettenis, *Clinical Management of Gender Dysphoria in Children and Adolescents: The Dutch Approach*, 59 J. Homosexuality 301, 320 (2012) doi: 10.1080/00918369.2012.653300; Peggy T. Cohen-Kettenis et. al., *The Treatment of Adolescent Transsexuals: Changing Insights*, 5 J. Sex. Med. 1892, 1893 (May 2008) doi: 10.1111/j.1743-6109.2008.00870.x.; P. Rawee I. *Development of Gender Non-Contentedness During Adolescent and Early Adulthood*, 53 Arch. Sex Behav. 5:1813-1825 (May 2024) doi:10.1007/s1050802402817-5.

[20] See *Early Social Gender Transition in Children is Associated with High Rates of Transgender Identity in Early Adolescence*, Soc'y for Evid.-Based Gender Med. (May 6, 2022), https://segm.org/early-social-gender-transition-persistence; Hilary Cass, *Independent Review of Gender Identity Services for Children and Young People: Final Report* 32 (Apr. 2024), https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143933/https://cass.independent-review.uk/home/publications/final-report/ (social transition may affect the trajectory of sex rejection); Hilary Cass, *Independent Review of Gender Identity Services for Children and Young People: Interim Report* 62–63 (Feb. 2022), https://webarchive.nationalarchives.gov.uk/ukgwa/20250310143846/https://cass.independent-review.uk/home/publications/interim-report/ (explaining social transition is an active invention with significant effects on psychological functioning and it is not neutral).

[21] See Robert Hart, *Transgender People Twice as Likely to Die as Cisgender People, Study Finds*, Forbes (May 16, 2022) https://www.forbes.com/sites/roberthart/2021/09/02/transgender-people-twice-as-likely-to-die-as-cisgender-people-study-finds/.

sterilization/infertility,[22] sexual dysfunction,[23] missing body parts,[24] increased prevalence of suicides post transition,[25] lowering of IQ and brain development issues,[26] heart attacks and stroke,[27] and osteoporosis.[28] These severe side effects highlight why excluding parents from a role in, let alone knowledge of, their child's

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[22] See generally Philip J. Cheng et al., *Fertility Concerns of the Transgender Patient,* 8 Translational Andrology and Urology 209 (2019); Varshini Murugesh et al., *Puberty Blocker and Aging Impact on Testicular Cell States and Function*, bioRxiv, (Mar. 27, 2024) (preprint), https://www.biorxiv.org/content/10.1101/2024.03.23.586441v1.

[23] Mauro E. Kerckhof, et al., *Prevalence of Sexual Dysfunctions in Transgender Persons: Results from the ENIGI Follow-Up Study*, 16 J. Sexual Med 2018 (2019).

[24] Robin Respaut & Chad Terhune, *Putting Numbers on the Rise in Children Seeking Gender Care*, REUTERS (Oct. 6, 2022, 11:00 AM), https://www.reuters.com/investigates/special-report/usa-transyouth-data/.

[25] Gabrielle M. Etzel, *New Study Finds 12-fold Higher Risk of Suicide Attempt for Adult Transgender Patients*, Washington Examiner (May 17, 2024 1:57 PM), https://www.washingtonexaminer.com/policy/healthcare/3007980/new-study-finds-12-fold-higher-risk-of-suicide-attempt-for-adult-transgender-patients/; Cecilia Dhejne et al., *Long-Term Follow-Up of Transexual Persons Undergoing Sex Reassignment Surgery: Cohort Student in Sweden*, 6 PLOS One 1 (2011) (finding, after a 30 year study, rates of suicide of those who surgically transitioned to be 19 times higher than normal, and 40 times higher for females).

[26] Sallie Baxendale, *The Impact of Suppressing Puberty on Neuropsychological Function: A Review*, 113 Acta Paediatricia 1156 (2024).

[27] See generally Darios Getahun et al., *Cross-sex Hormones and Acute Cardiovascular Events in Transgender Persons: A Cohort Study*, 169 Annals Internal Medicine 205 (2018).

[28] See generally Michael Biggs, *Revisiting the Effect of GnRH Analogue Treatment on Bone Mineral Density in Young Adolescents with Gender Dysphoria*, 34 J. Pediatric Endocrinology and Metabolism 937 (2021).

exploration of this ideology is dangerous and unconstitutional.

III. Lower Courts Across the Country Are Avoiding Reaching the Merits on This Critical Issue: Can Schools Usurp Parents' Decision-Making Authority by Hiding Gender Transitions of Students?

Challenges to secret social transition cases are proliferating across the country—there have now been about thirty lawsuits challenging SSTPs.[29] Courts have been sharply divided in how they rule on these cases. While some parents have obtained preliminary injunctions,[30] the vast majority of courts have erroneously rejected parents' claims at the pleading stage. The courts' reasoning include: (1) lack of standing; (2) (mis)application of the "shocks the conscience" standard; (3) qualified immunity; and (4) application of rational basis review despite a recognition that there is a fundamental right at stake.

A. Standing.

A good portion of these secret social transition cases have been dismissed for lack of standing.[31] When

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[29] See Petition for Writ of Certiorari at 13, *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, *Wisconsin*, 95 F.4th 501 (7th Cir. 2024) (No. 23-1280).

[30] *Mirabelli v. Olson*, 691 F. Supp. 3d 1197 (2023)*; Ricard v. USD 475 Geary Cnty., KS Sch. Bd.*, No. 5:22-cv-4015, 2022 WL 1471372 (D. Kan. May 9, 2022); *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.,* 680 F. Supp. 3d 1250 (D. Wyo. 2023).

[31] See *John & Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 78 F.4th 622, 626 (4th Cir. 2023) (denying parents

parents have prospectively challenged these policies to ensure they are not excluded from this important decision-making in their child's life, courts have dismissed those cases for lack of standing because the parents are unable to allege that their children are currently or likely to identify as transgender. However, the nature of the policies that the parents are challenging—which actively seek to hide the transition status of the children from their parents—make it impossible for parents to know this fact in order to allege it.

As Justice Alito noted in his dissent from the denial of certiorari in *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, the Seventh Circuit in that case

> [S]uggested that a parent could not challenge the district's policy unless the parent could show that his or her child is transitioning or considering a transition. But the challenged policy and associated equity training specifically encourage school personnel to keep parents in the dark about the "identities" of their children, especially if the school believes that the parents

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standing despite their allegation of 300 SSTPs at the school); *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist., Wisconsin*, 95 F.4th 501, 503 (7th Cir. 2024), *cert. denied* 145 S. Ct. 14 (2025); *Short v. New Jersey Dep't. of Educ.*¸ No. 23-cv-21105-ESK-EAP, 2025 WL 984730 (D.N.J. March 28, 2025); *Doe v. Pine-Richland Sch. Dist.*, No. 2:24-cv-51, 2024 WL 2058437, at *4–5 (W.D. Pa. May 7, 2024).

> would not support what the school thinks is appropriate. Thus, the parents' fear that the school district might make decisions for their children without their knowledge and consent is not "speculative." They are merely taking the school district at its word.

145 S. Ct. 14, 15 (2024) (Alito, J., dissenting from denial of certiorari).

Other parents' cases have been dismissed for lack of standing because the parent discovers the child is being transitioned and immediately withdraws his/her child from the school.[32]

This Court needs to clarify that any school promulgating a policy designed to circumvent parental involvement in the consequential decision as to whether their child will be raised as his or her sex is, in itself, a sufficiently imminent future injury to confer standing under *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013).

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[32] See *Parents Defending Educ. v. Linn-Mar Cmty. Sch. Dist.*, 629 F. Supp. 3d 891, 907 (N.D. Iowa 2022), *opinion vacated*, *appeal partially dismissed as moot due to new state law prohibiting such policies*, 83 F.4th 658 (8th Cir. 2023); cf. *Doe v. Delaware Valley Reg'l High Sch/ Bd of Educ.*, No. CV 24-00107 (GC)(JBD) 2024 WL 5006711 (D.N.J. Nov. 27, 2024) *appeal docketed*; *Doe v. Madison Metropolitan Sch. Dist.*, No. 20-cv-454 (Dane Cnty., Wis., Cir. Ct. filed Feb. 18, 2020), *appeals dismissed* No. 22AP2042, 23AP305, 23 AP306.

B. Shocks the Conscience.

The "shocks the conscience" test is a substantive due process standard used by courts to determine when government conduct violates the Fourteenth Amendment's Due Process Clause. Originating from *Rochin v. California*, 342 U.S. 165 (1952), the test asks whether official conduct is so egregious that it "shocks the conscience" of a civilized society. The test is fact-specific, requiring courts to assess whether government action crosses the line from merely unreasonable to fundamentally unfair or barbaric. See *County of Sacramento v. Lewis,* 523 U.S. 833, 846 (1998). Importantly, the test only applies to "executive acts." *Id.* This is crucial as SSTPs, as legislative policies, should not be subject to the "shocks the conscience" test.

Here, the lower court agreed, holding that the secrecy policy was legislative in nature (as opposed to executive), and therefore, the "shocks the conscience" inquiry was inapt.[33] *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336, 346–47 (1st Cir. 2025). But see *Littlejohn v. School Bd. of Leon Cnty., Fla.,* 132 F.4th 1232, 1242–43 (11th Cir. 2025) (petition for rehearing en banc pending) (finding that the school policy was an action of the executive branch).

In another case, the 9th Circuit held that the "shocks the conscience" test was inapposite. *Regino v. Staley*, 133 F.4th 951, 960, n.5 (9th Cir. 2025). The *Regino*

[33] In finding that the policy was a legislative act, the *Foote* court found that the policy was broadly applied to all students and administered by multiple government actors in addition to the teachers who were actively implementing the policy for the students. *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336, 346–47 (1st Cir. 2025).

court noted that "[b]ecause Regino asserts a violation of her substantive due process rights solely under a fundamental rights theory, [it did] not address the shocks-the-conscience standard and express no opinion on its applicability." *Id.*

In *Willey*, however, the Wyoming District Court applied the "shocks the conscience" test, and split the baby, holding that school employees using a student's chosen name and pronouns did not meet the high bar of reckless and intentional behavior needed to "shock the conscience," but keeping the secret from the parent and not obtaining consent did. *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.*, 680 F. Supp. 3d 1250, 1279–80 (D. Wyo. 2023). The *Littlejohn* court held contrawise that keeping parents in the dark about their daughter's adoption of an identity that did not align with her sex and refusing to follow the parents' decision to raise her as her sex did not "shock the conscience." *Littlejohn v. Sch. Bd. of Leon Cnty., Fla.*, 132 F.4th 1232, 1245–46 (11th Cir. 2025).

The concurring opinion by Judge Newsom in *Littlejohn* pointed out that uncertainty exists with both 11th Circuit and Supreme Court cases on the applicability of the "shocks the conscience" test where there is a claim of an infringement of a fundamental right—specifically, does the "shock the conscience" test apply to *all* substantive due process claims or is it inapposite in cases in which a fundamental right is asserted? *Id.* at 1281–1286 (Newsom, J., concurring). The opinion also noted that in all state executive action cases, the government will win, "because, as the case law bears out, pretty much *nothing* shocks the conscience. That makes *no* sense. There's certainly no textual warrant

for such a radical disjunction in the Fifth or Fourteenth Amendments' Due Process Clauses, both of which address the government generally, not a particular branch." *Id*. at 1286 (emphasis in original).

Judge Tjolflat, in his lengthy dissent, opined that actions in which fundamental rights are at issue do not require a showing that the government activity "shocks the conscience" and requiring such a herculean burden of proof eviscerates parental rights. *Id*. at 1308–09 (Tjolflat, J., dissenting). The dissent sagaciously stated:

> Does the Constitution still protect parents' fundamental right to direct the upbringing of their children when government actors intrude without their knowledge or consent?
>
> The Majority says it does not. It reaches this conclusion by applying an illogical, unauthorized, and atextual "shocks-the-conscience" standard that denies the Littlejohns the ability to vindicate their fundamental right to raise their child. Binding precedent in *Arnold* requires a different approach. The question is whether the Littlejohns alleged a violation of a fundamental right, not whether the conduct also "shocked the conscience."
>
> . . .
>
> Today's decision ignores bedrock separation of powers principles, waters

> down fundamental rights, and flies in the face of our prior panel precedent rule. It is as wrong as it is ominous for the future of fundamental rights in the Eleventh Circuit.

Id. (footnote omitted).

C. Qualified Immunity.

Courts have been inconsistently applying the doctrine of qualified immunity when parents assert their fundamental rights to raise their child as their sex without government interference. In *Regino v. Staley*, the Ninth Circuit ruled that qualified immunity is not an appropriate defense in matters in which a fundamental right is asserted:

> The qualified immunity framework does not govern the merits of substantive due process claims, where the critical inquiry is whether an asserted fundamental right is 'objectively, deeply rooted in this Nation's history and tradition, and implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if [it was] sacrificed.'

133 F.4th 951, 962 (9th Cir. 2025).

Other courts have applied the qualified immunity framework of *Monell v. Dep't of Soc. Servs. of City of*

N.Y., 436 U.S. 658 (1978).[34] See *Lavigne v. Great Salt*, No. 2:23-cv-00158-JDL, 2024 WL 1975596 (D. Me May. 3, 2024), *aff'd* No. 24-1509, 2025 WL 2103993 (1st Cir. July 28, 2025); *Blair v. Appomattox Cnty. Sch. Bd.*, No. 24-1682, 2025 WL 2249351 at *6 (4th Cir. Aug. 7, 2025). By finding that defendants have qualified immunity, courts are dismissing parental rights cases prematurely, before any discovery can be conducted. This makes it nearly impossible to prove the necessary elements to overcome qualified immunity. See, e.g., *Sabir v. Williams*, 52 F.4th 51, 64 (2d Cir. 2022) (stating a qualified immunity defense "faces a formidable hurdle . . . and is usually not successful" and "as a general rule, the defense of qualified immunity cannot support the grant of a [Rule] 12(b)(6) motion") (internal quotation marks omitted).

For example, in *Lavigne,* the court dismissed the case without the plaintiff having the opportunity to obtain the discovery necessary to meet her burden of "show[ing] either the existence of a municipal policy or custom directing or requiring the allegedly unconstitutional actions or that the municipality ratified the alleged actions of a subordinate after the fact." *Lavigne v. Great Salt Bay Cmty. Sch. Bd.*, No. 24-1509, 2025 WL 2103993 at *5 (1st Cir. July 28, 2025).

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[34] That framework requires courts to consider two questions: whether the government official violated a statutory or constitutional right, and if so, whether that right was clearly established at the time of the alleged conduct, where a qualified immunity defense is asserted. See *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011).

In that case, the school not only hid its use of the child's chosen name and opposite sex pronouns but also provided the child with a chest compression binder, which carries with it known physical harms.[35] The school also ignored the parent's directive to treat her child as her sex, and—outrageously—was alleged to have contacted child protective services when the parent unenrolled her from the school.[36] *Lavigne,* 2024 WL 1975596, at *2.

Likewise, in *Blair*, the court dismissed the parents' 42 U.S.C. § 1983 claim based upon qualified immunity. In that case, a young girl was socially transitioned at school surreptitiously. The *Blair* court held that the plaintiffs failed to establish that the secrecy policy was the "custom and practice" of the school, despite that fact having been asserted in the complaint, holding the plaintiffs' to an evidentiary standard that they could not possibly meet pre-discovery. *Blair v. Appomattox Cnty. Sch. Bd.*, No. 24-1682, 2025 WL 2249351 at *6 (4th Cir. Aug. 7, 2025).

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[35] See generally Peitzmeier, S. et al., *Health Impact of Chest Binding Among Transgender Adults: A Community-engaged, Cross-sectional Study*, 19 Culture, Health & Sexuality, 64 (2016).

[36] See also *Lee v. Poudre Sch. Dist. R-1*, 135 F.4th 924, 935 (10th Cir. 2025), *cert. petition docketed* No. 25-89 (July 23, 2025) (holding that the parents did not plausibly allege that the school district's official policy was the moving force behind the alleged injuries to their female children who were secretly transitioned by the school, even though one of them attempted suicide during the period of the secret social transition, and therefore failed to meet the "rigorous standards of culpability and causation" for municipal liability).

D. Fundamental Rights.

Courts that have not disposed of the "secret social transition" cases at the pleading stages are inconsistent in the review afforded these cases and characterize social transition in disparate and unpredictable ways. Several courts apply strict scrutiny where schools have adopted SSTPs, concluding that the policies violate parental rights under the 14th Amendment. Others apply a rational basis review in cases with nearly indistinguishable fact patterns. The decisions mainly hinge upon whether the court views the deceptive policies as tantamount to curriculum, whether it considers the school's action in adopting the child's chosen name and pronoun as passive or active participation in the transition, or whether it characterizes the facilitation of social transition as a medical or mental health treatment.

By way of example, in granting a preliminary injunction in favor of teachers challenging an SSTP as violating their religious liberty under the First Amendment, the court in *Mirabelli v. Olson*, 691 F. Supp. 3d 1197 (S.D. Cal. 2023), stated:

> The school's policy is a trifecta of harm: it harms the child who needs parental guidance and possibly mental health intervention to determine if the incongruence is organic or whether it is the result of bullying, peer pressure, or a fleeting impulse. It harms the parents by depriving them of the long recognized Fourteenth Amendment right to care, guide, and make health care decisions for their children. And finally, it

> harms plaintiffs who are compelled to violate the parent's rights by forcing plaintiffs to conceal information they feel is critical for the welfare of their students -- violating plaintiffs' religious beliefs.

Id. at 1222.[37]

This matter was expanded from including only teachers as plaintiffs to adding two sets of parents whose children were secretly socially transitioned at two other schools in different school districts with similar secrecy policies. One of these sets of parents was not brought in on the secret until their child attempted suicide, and the other parents were routinely lied to when those parents asked about their daughter's intermittent adoption of a transgender identity.[38]

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[37] The California Attorney General and California Department of Education ("CDE") were added as defendants based upon the guidance that they drafted rules for all of California that indicated involving parents in the SSTP violates the student's privacy and is discriminatory. During the pendency of the case, the CDE removed that guidance but refused to commit to a binding consent judgment that it would not punish teachers who inform parents of the child's suffering. *Mirabelli v. Olson*, No. 23-CV-0768-BEN-VET, 2025 WL 1095375, at *3 (S.D. Cal. Apr. 10, 2025). This case was further expanded to challenge Cal. Ed. Code sections 220.5 and 220.6. See *Id.* note 9. Class certification is being sought since almost every public school in California adopted a secrecy policy. *See* Second Amended Class Action Complaint, *Mirabelli v. Olson*, No. 23-CV-0768-BEN-VET (S.D. Cal. second amended complaint filed Aug, 13, 2024).

[38] *Mirabelli v. Olson*, 761 F. Supp. 3d 1317, 1326 (S.D. Cal. 2025).

The *Mirabelli* court ruled for the plaintiffs on a motion to dismiss, relying on *Parham*, that "parents *do* have a constitutional right to be accurately informed by public school teachers about their student's gender incongruity that could progress to gender dysphoria, depression, or suicidal ideation, because it is a matter of health." *Mirabelli v. Olson*, 761 F. Supp. 3d 1317, 1332 (S.D. Cal. 2025) (citations omitted) (emphasis in original). When the school's interest in the child's health and the parents' collide, "the [government's] policies promote the ascendancy of a child's rights over the child's parents" and it is the parent who retains the decision-making power in most instances. *Id.*

Likewise, in *Landerer v. Dover Area School Dist.*, the district court denied the schools' motion to dismiss, finding that the school's actions in hiding the child's social transition at school and having her see a counselor behind her parents' backs who discussed and affirmed her "gender identity" demonstrated coercion, interference and a reckless disregard of her parents' rights. No. 1:24-CV-00566, 2025 WL 492002 at *9–11, 17 (M.D. Pa. Feb. 13, 2025). The *Landerer* court rejected the schools" assertion that they were merely honoring the child's requests. *Id.* Therefore, the substantive and procedural due process claims for interference in parents' right to direct their child's medical care survived. *Id.* at *12. See also *Willey v. Sweetwater Cnty. Sch. Dist. No. 1 Bd. of Trs.*, No. 23-cv-0069-SWS, 2023 WL 9597101 (D. Wyo. 2023) (denying motion to dismiss as to the substantive due process parental

rights' claims to raise one's child);[39] *T.F. v. Kettle Moraine Sch. Dist.,* No. 2021 CV 1650 (Wis. Cir. Ct. Oct. 3, 2023).[40]

In contrast to the decisions above, other courts have ruled that parents have no fundamental right to be informed of their child's adoption of an identity that does not align with his or her sex, thus determining that defendant schools only need to show a rational basis for the policy. Courts that find these SSTPs only give rise to rational basis review have determined that such policies are tantamount to "curriculum," or a civility code[41] over which a parent has no expectation of

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[39] In *Willey*, the school staff assented to the request of a female student who had a history of sexual trauma, depression, ADHD and gender dysphoria to be treated as male in secret. The principal not only refused the parent's request for the school to stop socially transitioning her child, but informed her that he would *lie* to her about it should she ask how the school is referring to her child. *Id.* at *1-2.

[40] *T.F.* involved parents of a female child who adopted a trans-identity in middle school who filed suit against the school's child-led secret social transition policy. *T.F. v. Kettle Moraine Sch. Dist.,* No. 2021 CV 1650 (Wis. Cir. Ct. Oct. 3, 2023). The school refused to follow the parents' request to use their daughter's legal name and sex-based pronouns. *Id.* In a motion for summary judgment, the Court found that social transition is a "'powerful psychotherapeutic intervention' that likely reduces the number of children desisting from their transgender identity" which moves them towards medicalization, and was therefore a medical decision subject to strict scrutiny. Decision and Order at 3, *T.F. v. Kettle Moraine Sch. Dist.,* No. 2021 CV 1650 (Wis. Cir. Ct. Oct. 3, 2023) (available at https://adflegal.org/wp-content/uploads/2023/10/TF-and-BF-v-Kettle-Moraine-School-District-2023-10-03-Decision.pdf).

[41] Amici believe the civility argument is the antithesis of "kindness." School officials agreeing with a child that he is born in the

control. See, e.g., *City of Huntington Beach v. Newsom*, ___ F. Supp. 3 ___, 2025 WL 1720210 (Dist. Court C.D. of Cal. June 16, 2025);[42] *Vitsaxaki,* 771 F. Supp. 3d 106, 112 (N.D.N.Y. 2025), *appeal docketed*, No. 25-952 (2d Cir. Apr. 18, 2025); *Vesely v. Illinois Sch. Dist. 45*, 669 F. Supp. 3d 706, 714 (N.D. Ill. 2023), *appeal dismissed*, No. 23-2190, 2023 WL 8809305 (7th Cir. July 14, 2023); *Doe v. Manchester Sch. Dist*., No 216-2022-cv-117 (N.H. Sup. Ct, filed Mar. 3, 2022). However, these cases stretch the definition of curriculum beyond all rationality in an apparent effort to defend the practice of keeping parents from knowing that their children are struggling with "gender identity" issues and helping the children come to terms with the immutability of their sex.[43]

Courts are also erroneously ruling that schools' affirmation of a child's sex-rejecting identification is merely a passive or reactive undertaking. These courts hold that unless there is some form of coercion or interference on the part of the school, the school is

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wrong body is affirming that the child's sexed body is defective and a mistake. This is a disgusting, destructive lie.

[42] The *Huntington Beach* court held—disingenuously, in our view—that parents' rights to direct the upbringing of their children do not grant them the right to direct school administration, or "choose 'what takes place inside the school.' . . . '[T]he Meyer-Pierce right does not extend beyond the threshold of the school door.'" *Id*. (citations omitted). While parents may not have the right to direct school administration, that cannot possibly mean that they have no right to object to anything the school does that affects the long-term mental and physical well-being of their children.

[43] Amici do not wish to insult these lower courts, but unfortunately some judges believe that there is such a thing as a child who has been born in the "wrong body." This entire concept is one to which Amici is diametrically opposed.

merely a spectator; they are simply following the child's lead, even if it requires the school to deceive the parents. Asserting that there is an affirmative obligation for the school to inform a parent of their child's gender identity, such courts claim, would unreasonably expand parental substantive due process rights. See e.g., *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336, 353–354 (1st Cir. 2025).[44]

These cases neglect to account for all the affirmative actions taken by school officials to ensure that parents do not discover their child's mental health issues that are causing him to adopt a different gender identity or reject his sex. Such affirmative actions include (1) the creation of a policy that encourages secrecy based on the false premise that parents who want to encourage their children to accept their bodies are harmful; (2) engaging in active deceit by altering the manner in which they refer to children depending on the person to whom they are communicating; (3) scrubbing records or reports to hide facts from parents; (4) providing chest binders to girls (which are known to cause permanent physical damage to girls' bodies); (5) lying to parents when they ask for information; (6) ignoring parents' treatment requests; (7) instructing all staff to keep the secret and to treat the child as an identity

[44] See also *Huntington* Beach, 2025 WL 1720210 at *14–15. *Short v. New Jersey Dep't of Educ.*, 2025 WL 984730 at *18 (D.N.J. Mar. 28, 2025); *Regino v. Staley*, 2023 WL 4464845 at *4 (E.D. Cal. July 11, 2023), *vacated and remanded*, 133 F.4th 951 (9th Cir. 2025); *Doe v. Delaware Valley Reg'l High Sch. Bd of Educ.*, No. CV 24-00107 (GC)(JBD) 2024 WL 5006711 at *12 (D.N.J. Nov. 27, 2024) *appeal docketed* (holding that a policy that respects a student's preferred name and pronouns infringes upon parental rights would expand the scope of recognized parental rights).

that does not align with his sex; and (8) holding counseling sessions in which the child's gender identity is discussed in secret.[45] Schools are hardly neutral parties or innocent bystanders when they implement these policies.[46]

The courts ruling for schools are framing the inquiry incorrectly. The question is not whether "a policy directing a school district to respect a student's preferred name and pronouns" violates a parental rights, but rather do parents have the fundamental right to raise their child as his or her sex? By misframing the issue, courts are unsurprisingly arriving at the wrong result.

Last, courts are reasoning that rational basis review applies to these cases because SSTPs are not infringing parents' rights to direct the medical treatment of their children. First, there are many actions schools can take that infringe parents' rights without infringing on their rights to control medical treatment of their kids. See *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025). Second, there is good reason to characterize the actions of schools that implement SSTPs as infringing on parents' rights to control the medical treatment of their children.

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[45] See, e.g., *Lavigne v. Great Salt Bay Cmty. Sch. Bd.*, No. 24-1509, 2025 WL 2103993, at *5 (1st Cir. July 28, 2025); *Mead v. Rockford Pub. Sch.*, 1:23-cv-01313 (W.D. Mich.) (2023) (involving a school that switched out names and pronouns in sex-rejecting child's school psychological evaluation before providing it to her parents).

[46] School officials could be seen as neutral if they are made aware of the child's adoption of a "transgender" identity but are not participating in the social transition of the child.

Whenever a school counselor meets with children to discuss that child's "gender identity," the school is providing mental health treatment—obviously a form of medical treatment—to the child without the parents' permission. Moreover, there is clear evidence that socially transitioning a child, while not medical in and of itself, most often results in the medicalization of that child in the long run, first with the administration of hormones and then, often, surgery. Thus, such policies most certainly do impinge on a parent's ability to control the medical treatment of his or her child. These court are therefore mistakenly determining that social transition is not a medical treatment.[47]

This Court needs to resolve the split in the lower courts deciding these cases. Moreover, there is an urgent need for the Court to address the issue because of the egregious and irreversible harm being done to

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[47] See *supra* Section II; *Whitaker v. Kenosha Unified Sch. Dist.*, 858 F.3d 1034, 1050 (7th Cir. 2017); *Grimm v. Gloucester County School Board*, 822 F.3d 709 (4th Cir. 2016) (involving the ACLU pleading of behalf of its trans-identified client to use the opposite sex bathrooms that "[a] critical element of that treatment [for gender dysphoria] is a 'social transition' in which [the female student who identifies as a male] lives in accordance with his [sic] gender identity as a boy in all aspects of his [sic] life"), *vacated and remanded by* 580 U.S. 1168 (2017). Additionally, the ACLU's expert, Dr. Randi Ettner opined that social transition is a crucial component of the child's treatment plan and living as one gender in one situation and another in a separate situation is "detrimental to the health and well-being of the child . . . it is critical that social transition is complete and unqualified." *Id.* at 728 (Davis, S.J, concurring (citing expert report at 9.). Whether social transition is a medical treatment seems to be dependent upon the desired result —in sports and bathroom cases, it is a crucial treatment, and in parental rights cases, it is not.

children across the country under these policies without their parents' consent. Allowing this issue to continue unresolved will result in more and more children sustaining lifelong damage. Finally, because the lower court in this case reached the merits of the fundamental rights argument, albeit wrongly, this is an ideal vehicle for this Court to decide if parents have a fundamental right to raise their child as their sex, the most primal and essential aspect of human existence, without government interference.

CONCLUSION

For the foregoing reasons, this Court should grant the Petition.

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation in Rule 33.1(h) because it contains 5205/6000 words, excluding those parts of the brief exempted by Rule 33.1(h).

This brief also complies with the typeface requirements under Rule 33.1(b) because it has been prepared in proportional 12-point sans-serif Century Schoolbook font using Microsoft Word.

s/*Daniel J. Cragg*___
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CERTIFICATE OF SERVICE

I certify that on August 21, 2025, I electronically filed the foregoing with the Clerk of Court for the United States Supreme Court using the CM/ECF system. I also certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/*Daniel J. Cragg*___
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