

In the Supreme Court of the United States

**INTERNATIONAL PARTNERS FOR
ETHICAL CARE, INC., *et al.*,**

Petitioners,

v.

**BOB FERGUSON,
GOVERNOR OF WASHINGTON, *et al.*,**

Respondents

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

**BRIEF *AMICI CURIAE* OF THE NATIONAL LEGAL
FOUNDATION, PACIFIC JUSTICE INSTITUTE,
HAWAII FAMILY FORUM, ILLINOIS FAMILY
INSTITUTE, WISCONSIN FAMILY ACTION, THE
FAMILY FOUNDATION, ETHICS AND RELIGIOUS
LIBERTY COMMISSION OF THE SOUTHERN
BAPTIST CONVENTION, CONCERNED WOMEN
FOR AMERICA, and PROTECT OUR KIDS
*in Support of the Petitioners***

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Statements of Interests¹

The National Legal Foundation (NLF) is a public interest law firm dedicated to the defense of First Amendment liberties (including the freedoms of speech, assembly, and religion) and parental rights. The NLF and its donors and supporters, in particular those from Washington, are vitally concerned with the outcome of this case because of its effect on religion-based parental rights.

The Pacific Justice Institute (PJI) is a non-profit legal organization established under section 501(c)(3) of the Internal Revenue Code. Since its founding in 1997, PJI has advised and represented in court and administrative proceedings thousands of individuals, businesses, and religious institutions, particularly in the realm of First Amendment rights. As such, PJI has a strong interest in the development of the law in this area. PJI often represents teachers, parents, and their children to vindicate their constitutional rights in the public schools. PJI operates in Washington.

Hawaii Family Forum (HFF) was established in 1998 to protect, preserve, and strengthen Hawaii's ohana (family). HFF is a non-profit, pro-family research and education organization that provides resources that equip citizens to make their voices heard on critical social policy issues involving the sanctity of human life, the preservation

¹ No counsel for any party authored this brief in whole or in part. No person or entity other than *amici* and their counsel made a monetary contribution intended to fund the preparation or submission of this brief. *Amici* gave timely notice to all parties.

of religious liberties, and the well-being of the ohana as the building block of society.

Illinois Family Institute (IFI) is a non-profit educational and lobbying organization based in Tinley Park, Illinois, that exists to advance life, faith, family, and religious freedom in public policy and culture from a Christian worldview. IFI's core values include upholding parental rights and championing religious freedom and conscience rights for all individuals and organizations.

Wisconsin Family Action (WFA) is a Wisconsin not-for-profit organization dedicated to strengthening, preserving, and promoting marriage, family, life, and religious freedom. WFA has a unique and significant statewide presence with its educational and advocacy work in public policy and the culture. WFA's interest in this case stems directly from its core issues, in particular its long-sustained efforts to protect and promote the family.

The Family Foundation (TFF) is a Virginia non-partisan, non-profit organization committed to promoting strong family values and defending the sanctity of human life in Virginia through its citizen advocacy and education. TFF serves as the largest pro-family advocacy organization in Virginia. Its interest in this case is derived directly from its concern to preserve religious freedom for all.

The **Ethics and Religious Liberty Commission (ERLC)** is the moral concerns and public policy entity of the Southern Baptist Convention (SBC), the nation's largest Protestant denomination, with nearly 13 million members in

more than 45,000 churches and congregations. The ERLC is charged by the SBC with addressing public policy affecting such issues as religious liberty, marriage and family, the sanctity of human life, and ethics. The ERLC affirms that God has established the family as the first and most foundational institution of society and has an interest in ensuring that parents have the freedom to make decisions regarding the upbringing, education, and healthcare of their children.

Concerned Women for America (CWA) is the largest public policy organization for women in the United States, with approximately half a million supporters from all 50 States. Through its grassroots organization, CWA encourages policies that strengthen women and families and advocates for the traditional virtues that are central to America's cultural health and welfare, including religious and familial liberties. CWA actively promotes legislation, education, and policymaking consistent with its philosophy. Its members are people whose voices are often overlooked—everyday, middle-class American women whose views are not represented by the powerful elite.

Protect Our Kids (POK) is a statewide coalition of California parents, community leaders, attorneys, pastors, teachers and concerned citizens who acknowledge that public schools have a role in educating children on matters of basic biology, anatomy, and human reproduction, but not the promotion of controversial sexual ideas and other ideologies far exceeding the rightful boundaries of the public-school charter. POK exists to inform parents about the scope of these threats, their rights as

parents, and to protect children from the harms of public-school indoctrination. POK adheres to Biblical truth, which teaches that God created mankind in His image, male and female, and that parents are the rightful guardians of their minor children's worldview.

Summary of the Argument

The fundamental right of parents to direct the care and education of their minor children is under attack. Public schools and other state agencies believe they know better than many parents when it comes to sexual matters, and so, pursuant to express policies, they keep secret from the parents what they are doing with the parents' own children, facilitating sexual transformations on minors that will undoubtedly have profound, life-changing effects, all without notice to, or consent of, the parents. Yet, some courts have held that parents have no standing to complain unless they know for certain that the State has already directly applied such "Parental Preclusion Policies" to them and their children. The Ninth Circuit in this case joined those courts that have ruled that parents may not obtain preemptive relief.

This problem has gone on more than long enough, and it calls out for immediate correction by this Court, before more parents and children are damaged by the arrogation of parental prerogatives by government officials. While the plaintiffs in this case can point to specific allegations of current damage sufficient to sustain standing, *all* parents who are in the targeted class have standing, whether they know their children have been "treated" by the government without their knowledge or not. This Court should

grant the writ in this case and either summarily reverse or set the case for argument.

Argument

I. This Court Should Grant the Writ to Confirm That *All* Targeted Parents Have Standing to Complain of Parental Preclusion Policies

Contrary to the ruling of those courts that have found that parents do not have standing to prospectively challenge Parental Preclusion Policies, this Court has long held that *all* members of a targeted group usually have standing to prevent a challenged policy's application. This Court in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), ruled as follows:

When the suit is one challenging the legality of government action or inaction, standing depends considerably upon whether the plaintiff is himself an object of the action (or forgone action) at issue. If he is, there is ordinarily little question that the action or inaction has caused him injury, and that a judgment preventing or requiring the action will redress it.

Id. at 561-62. This Court recently emphasized that the *Lujan* principle remains vibrant. In *Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100 (2025), this Court quoted much of the above language of *Lujan* with the introduction of "Importantly." *Id.* at 111. Indeed, it is important, and all the more so in Parental Preclusion Policy cases, because *fundamental* interests protected by the Fourteenth

Amendment are at stake. *See Troxel v. Granville*, 530 U.S. 57 (2000); *Parham v. J. R.*, 442 U.S. 584 (1979).

The Fifth Circuit provided a proper application of the *Lujan/Diamond* standing rule for targeted individuals in a Parental Preclusion Policy case. In *Deanda v. Becerra*, 96 F.4th 750 (5th Cir. 2024), a father challenged the federal government’s regulatory guidance under Title X that grantee clinics were not allowed to inform parents that they were providing contraceptives to their minor children. The father complained that this violated his statutory and constitutional rights to provide consent for any such distribution to his minor daughters. The Fifth Circuit appropriately brushed aside the standing objection for several reasons.

First, the Fifth Circuit noted that the father had alleged a sufficient injury because the federal guidance deprived him of a statutory right that was more than a “bare procedural violation.” *Id.* at 757 (citing *Spokeo, Inc. v. Robins*, 578 U.S. 330, 341 (2016); *Warth v. Seldin*, 422 U.S. 490, 500 (1975)). In making that analysis, the Fifth Circuit applied this Court’s instruction to determine whether the claimed injuries bore “a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts.” 96 F.4th at 757-58 (quoting *TransUnion L.L.C. v. Ramirez*, 594 U.S. 413, 425 (2021)). It noted this Court’s instruction that “intangible” harms are also “concrete” for standing purposes and that parental rights such as those advanced by the father (and by the plaintiff parents here) “have perennially been honored by American courts.” *Id.* at 758 (citing *Espinoza v. Mont. Dep’t of Rev.*, 591 U.S. 464, 486 (2020); *Troxel*, 530 U.S. at 66

(plurality op.); *Wash. v. Glucksberg*, 521 U.S. 702, 720 (1997)). Whether grounded in a statute or the Constitution, the notice and consent rights of parents with respect to sexual treatment of their minor children are of a substantial and concrete nature.²

Second, the Fifth Circuit batted away the government’s objection that the father had not alleged that his minor daughters had obtained or tried to obtain (or were likely to obtain) contraceptives from a Title X provider. The court remarked, “That is a puzzling argument. A key goal of the Secretary’s policy is to get contraceptives into children’s hands *without their parents knowing* Parents’ standing to sue should not depend on whether the Secretary has successfully kept them in the dark about their children’s sex lives.” *Id.* at 759 (italics in original).

The Fifth Circuit then continued to explain that a parent’s immediate injury of the deprivation of his notice and consent rights alone confers standing:

In any event, the Secretary misunderstands the claimed injury. Deanda asserts injury to his state-secured parental rights to notice and consent. Contrary to the Secretary’s argument, that injury is not “premised on [his] minor children’s receiving family-planning services.” It is premised on the Secretary’s express goal of

² The Fifth Circuit also noted that the Texas statute providing for parental notice and consent allowed parents to sue to vindicate those rights. 96 F.4th at 756. The federal counterpart here is 42 U.S.C. § 1983. *See also Warth*, 422 U.S. at 501 (citing *Pierce v. Soc’y of Sisters*, 268 U.S. 510 (1928), for the proposition that parental rights protected by the Constitution imply a right of action).

overriding Deanda’s parental rights under Texas law. The attempted erasure of those rights is “sufficient . . . to constitute [an] injury in fact,” without Deanda’s needing to “allege any additional harm beyond the one [he] has identified.” *Spokeo*, 578 U.S. at 342 (citations omitted); *see also Warth*, 422 U.S. at 500 (“The actual or threatened injury required by Art[icle] III may exist solely by virtue of ‘statutes creating legal rights, the invasion of which creates standing[.]’”) (emphasis added) (citations omitted)). To be sure, if one of Deanda’s daughters did get contraceptives from a Title X provider without his knowing, that would also injure Deanda. But it would mean Deanda had been injured not once but *twice*—once by the Secretary’s nullifying his parental rights and a second time by the Secretary’s succeeding in delivering birth control to Deanda’s daughter behind his back.

Id. The application here is four-square: Parents are injured immediately by their parental notice and approval rights being eliminated by the Parental Preclusion Policy. They do not have to allege an additional injury to obtain standing. *Cf. Mahoud v. Taylor*, 145 S. Ct. 2332, 2358-59 (2025) (finding parents could obtain prospective injunctive relief to require notice and consent by school based on potential violation of their free exercise rights to direct the religious upbringing of their children).

Third, the Fifth Circuit rejected the government’s argument that the father’s complaint was too generalized because, if he had standing, a host of other parents did as well. After quoting *Spokeo* for

the “fact that an injury may be suffered by a large number of people does not of itself make that injury a nonjusticiable generalized grievance,” the circuit court remarked, “The Secretary’s policy is to spend millions to get contraceptives to minors without telling their parents. It should not come as a shock that there could be a correspondingly large number of parents who can challenge it in court.” *Id.* at 759-60 (quoting *Spokeo*, 578 U.S. at 339 n.7). The same reasoning applies in this and other Parental Preclusion Policy cases. The fact that a Parental Preclusion Policy targets all parents of the covered minors does not mean that the only parents who have standing are those few who can prove the policy has been applied against them in a specific case or that they are more likely than most to experience such additional injury.

The Fifth Circuit’s ruling and reasoning in *Deanda* are in harmony with this Court’s precedent; the Ninth Circuit’s is not. This Court should grant the petition to provide appropriate guidance in these important and burgeoning cases based on a simple principle: people targeted by government policies have standing to complain about them, even before they are harmed by direct application of the policy.

II. This Court Should Grant the Writ to Confirm That Parents Have Standing Based on Their Fundamental Relationship with Their Children

Parents also have standing to ward off threats posed by Parental Preclusion Policies to their fundamental relationship with their minor children. This Court made this clear in its recent decision in

Bost v. Illinois State Board of Elections, 2026 WL 96707 (U.S., Jan. 14, 2026).

In *Bost*, a congressman challenged the counting of mail-in ballots received after election day. Because he could not show that the ballots he challenged would have made a difference in his winning or losing a future election, the lower courts held that he lacked standing. This Court reversed. At the outset, it noted that *Bost* “is a candidate for office. And a candidate has a personal stake in the rules that govern the counting of votes in his election.” *Id.* at *3. Similarly here, parents have a personal stake in the rules that govern how and when they can parent their minor children.

Second, this Court in *Bost* noted, “Candidates are not common competitors in the economic marketplace. They seek to represent the people. And their interest in that prize cannot be severed from their interest in the electoral process—a process ‘of the most fundamental significance under our constitutional structure.’ Win or lose, candidates suffer when the process departs from the law.” *Id.* (quoting *Ill. Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979)). Similarly here, the prize and pride of parents is to bring their children to maturity successfully. That fundamental interest cannot be severed from the parents’ general interest in any process that affects (and, in the case of a Parental Preclusion Policy, impairs) that goal. Whether or not the process is directly applied to their child specifically, parents suffer when the process departs from the law.

Third, this Court noted in *Bost* that a

congressman’s interest is much different than one common to the general public: “Those who spend untold time and resources seeking to claim the right to voice the will of the people have ‘an undeniably different—and more particularized—interest’ in knowing what that will is.” *Id.* (quoting *Hotze v. Hudspeth*, 16 F.4th 1121, 1126 (5th Cir. 2021) (Oldham, J., dissenting)). The same obviously can be said of parents: they spend untold time and resources bringing up their children, and they have a more than common interest in knowing what the government is doing with them. Indeed, the law from time immemorial has recognized that parents are best suited and best disposed to guide their minor children and that the relationship between parent and child is unique and foundational to our society. See *Glucksberg*, 521 U.S. at 720; *Parham*, 442 U.S. at 602-03.

Finally, this Court in *Bost* disposed of the argument that the congressman should have pleaded a substantial risk of damage in an upcoming election. Assessing that likelihood would require the judiciary to prognosticate in areas outside its ken and channel such suits until after elections, because challenging the fairness of elections close to or during a campaign is “not just awkward, but politically dangerous.” *Id.* at *4-*5. The same holds true for the parental-child relationship. Courts are not equipped to evaluate when a particular child might exhibit as transgender or might want to keep such a disposition secret from her parents. And just having a Parental Preclusion Policy in place tells a child that they should be wary of discussing sexual matters with their parents and makes it difficult for parents to know how and when they should approach

their children about whether they are keeping secrets from them with the help of government officials.

If a congressman has standing to protect the electoral process because of his special relationship with it, a parent has standing to protect the familial process because of the special relationship with that child. *Bost* also demonstrates that the Ninth Circuit was egregiously wrong in denying standing to parents targeted by a Parental Preclusion Policy.

III. This Case Is an Excellent Vehicle to Halt the Improper Standing Rulings of the Lower Courts Depriving Parents of Their Opportunity to Enforce and Protect Their Rights and Their Children

Would that this case were an isolated aberration. It is not. For several years now, as the petition outlines and as justices of this Court have observed, the circuit courts have been avoiding addressing the legality of Parental Preclusion Policies by various procedural rulings, including lack of standing by parents.

This case is an excellent vehicle to resolve the standing issue. Parents are being deprived of even the opportunity to protect their rights and their children by Parental Preclusion Policies that hide from them what government personnel are doing with their children. The fact that these policies all revolve around sexual matters does not give government actors more leeway, but less. Sexual matters are at the core of the parent-child relationship. They are the epitome of decisions concerning which children lack

the maturity to make wise decisions without the guiding hand of their parents, who are presumed as a matter of law to seek their children's best interests. *See Parham*, 442 U.S. at 602-03.

The record is uncluttered. The facts are not in dispute. An issue of law is presented. The decision below is egregiously wrong. The circuit courts are in conflict. Time is of the essence.

Conclusion

The error of the Ninth Circuit is so obvious and the harm so serious and pervasive that summary reversal would be appropriate. At a minimum, this Court should grant the petition and set the case for argument.

Respectfully submitted,
this 17th day of February 2026,

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