

No. 25-840

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 WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

**BRIEF OF *AMICA CURIAE* ERIN LEE IN
SUPPORT OF PETITIONERS**

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INTEREST OF THE *AMICA CURIAE*¹

Like the parents in this case, *Amica Curiae* Erin Lee is a victim of state-sponsored interference with her parental rights. Mrs. Lee's minor daughter was indoctrinated into radical gender ideology after being lured to an after-school meeting by one of her teachers. There, she was introduced to issues of gender and sexuality without the knowledge or consent of her parents and was encouraged to keep what she had learned a secret from her parents. At the meeting, Mrs. Lee's daughter, who had never before exhibited symptoms of gender confusion, suddenly announced that she was transitioning her gender. Mrs. Lee sued the school district for their actions and pursued her case vigorously despite dismissal of her action on grounds of a lack of municipal liability. *Lee v. Poudre Sch. Dist. R-1*, 135 F.4th 924, 934 (10th Cir. 2025); *Lee v. Poudre Sch. Dist. R-1*, 146 S. Ct. 26 (2025) (Alito, J., concurring in denial of *certiorari*, joined by Thomas, J., and Gorsuch, J.). Since then, Mrs. Lee has become a fierce parental rights advocate through her work with Protect Kids Colorado, fighting to protect children from being victimized by state-sponsored gender ideology. She has a strong personal interest in this case to protect as many children as possible from the harmful influences of radical gender ideology and to strengthen the rights and standing of parents to challenge the harm being done to their children without their knowledge or consent.

1. No counsel for a party authored this brief, in whole or in part, and no person or entity other than counsel for *amica curiae* made a monetary contribution to the preparation or submission of the brief. Sup. Ct. R. 37.6.

SUMMARY OF THE ARGUMENT

In *Amica Curiae* Erin Lee’s case and in another before this Court, *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 145 S. Ct. 14 (2024) (Alito, J., dissenting from denial of *certiorari*, joined by Thomas, J.), four justices recognized the growing threat of state policies that facilitate gender transitions for minors without the consent of their parents. In *Parents Protecting Our Children*, 145 S. Ct. at 14, Justice Alito correctly predicted that courts will continue to dismiss these cases for lack of standing instead of reaching the merits on the important constitutional question of parental rights.

Lower courts have split on how to address parental standing in the context of secret gender transitions. Courts in at least three cases found that parents lacked standing. *John & Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 78 F.4th 622, 626, 629-31 (4th Cir. 2023), *cert. denied*, 144 S. Ct. 2560 (2024); *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 95 F.4th 501, 506 (7th Cir. 2024), *cert. denied*, 145 S. Ct. 14 (2024); *Chino Valley Unified Sch. Dist. v. Newsom*, No. 2:24-cv-01941, 2025 WL 1131199, *3-5 (E.D. Cal. Apr. 18, 2025). But courts in at least four other cases held or presumed that the parents had standing. *Doe v. Bethel Loc. Sch. Dist. Bd. of Educ.*, No. 3:22-cv-00337-MJN-PBS, 2023 WL 5018511, at *11 (S.D. Ohio Aug. 7, 2023) (holding parents have standing to assert a Fourteenth Amendment claim); *Littlejohn v. Sch. Bd. of Leon Cnty.*, 132 F.4th 1232 (11th Cir. 2025) (assumes parental standing); *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336 (1st Cir. 2025), *cert. denied*, No. 25-77.

This Court should resolve the split among the lower courts in favor of parental standing. Doing so will avoid more horror stories like Mrs. Lee's.

Mrs. Lee's daughter was lured to an after-school activity under false pretenses by her schoolteacher, who introduced and encouraged her to adopt transgender and queer identities. Shockingly, Mrs. Lee's daughter was encouraged to keep what was discussed a secret from her parents. Although Mrs. Lee's daughter did in fact divulge details of the meeting to her parents, the meeting resulted in Mrs. Lee's daughter declaring to her parents she would be transitioning despite having never expressed such sentiments before. Complaint ¶¶ 66-67, *Lee v. Poudre Sch. Dist.*, No. 1:23-cv-01117-NYW-STV (D. Colo., filed May 3, 2023). This pronouncement placed significant strain on her relationship with her father and caused a months-long emotional decline resulting in suicidal thoughts and ultimately requiring counseling. *Id.* at ¶¶ 71, 75. In short, the story of Mrs. Lee and her daughter demonstrates why state officials should not have the right to introduce or encourage children to undertake gender transitioning without parental consent.

The Washington law at issue before the Court requires state officials to facilitate gender transitioning of runaway children without parental notice or consent. Wash. Rev. Code § 13.32A.082. And just as in Mrs. Lee's case, the Washington law presents a serious risk of harm to children's mental and physical health.

The plaintiff association representing parents in this case includes four sets of parents who have gender

confused children. The parents all wish to raise their children in accordance with their sex at birth. One set of these parents has a child who has run away once, and if she does so again, would be subjected to the Washington law requiring gender confused children to receive gender affirming treatment without parental consent. This case therefore is critical not only to resolve the legal question of parental standing, but also for parents whose vulnerable children presently are at risk of irreversible physical and mental harm at the hands of state officials in Washington. Accordingly, the Court should find that the Petitioner association's parents have standing in this case, protecting their role as the ultimate decision-maker in the lives of their children.

ARGUMENT

I. The Court should clarify that parents have standing to challenge states' promotion of gender transitions without parental consent.

The underlying issue of this case—whether a state may facilitate a child's gender transition without parental consent—is one of “great and growing national importance,” *Lee*, 146 S. Ct. at 26 (2025) (quoting *Parents Protecting Our Children*) (Kavanaugh, J., also “would grant the petition for a writ of *certiorari*”). The underlying issue is also one on which lower courts disagree. *Compare Foote*, 128 F.4th at 336 and *Littlejohn*, 132 F.4th at 1232 with *Mirabelli v. Olson*, No. 3:23-cv-768-BEN-WVG, 2025 WL 3713588 (S.D. Cal. Dec. 22, 2025).

But a majority of courts, including the Ninth Circuit in this case, fail to reach the merits of this important issue

because they are incorrectly applying standing doctrine. They are fulfilling Justice Alito's prophetic words in *Parents Protecting Our Children*: "I am concerned that some federal courts are succumbing to the temptation to use the doctrine of Article III standing as a way of avoiding some particularly contentious constitutional questions." 145 S. Ct. at 14. The Court should use this case as a vehicle to provide much-needed clarity on parental standing in gender transition cases and reach the important underlying issue of state's facilitating child gender transitions without parental consent.

Several courts have evaded the merits of cases in which gender transitions were hidden from parents by denying standing. In *John & Jane Parents 1*, parents of public-school students sued alleging that the school board's guidelines for developing gender transition plans violated parents' rights by permitting implementation without parental knowledge or consent. 78 F.4th at 626. But the Fourth Circuit failed to rule on the merits, instead dismissing the case for lack of standing. *Id.*

In *Parents Protecting Our Children*, the Seventh Circuit, likewise, upheld a district court's dismissal for lack of standing. 95 F.4th at 506. There, the court denied the organizational plaintiffs associational standing on behalf of parent-members who were challenging a similar public-school policy for gender transitioning children without parental knowledge or consent. *Id.*

Amica Erin Lee, herself, was originally denied standing to challenge her school district's promotion of gender transition practices to her children without her knowledge or consent. *Lee v. Poudre Sch. Dist. R-1*, No. 23-cv-01117-NYW-STV, 2023 WL 8780860, at *7 (D. Colo.

Dec. 19, 2023). Ultimately, the Tenth Circuit dismissed Mrs. Lee’s case on alternative procedural grounds that the municipality did not bear liability for causing her harm. *Lee v. Poudre Sch. Dist. R-1*, 135 F.4th 924, 927 (10th Cir. 2025), *cert. denied*, 146 S. Ct. 26 (2025).

On the other hand, several courts have either assumed parental standing or explicitly recognized standing for parents in cases involving gender transitioning without parental consent. For example, in *Foote v. Ludlow School Committee*, 128 F.4th at 336, defendants did not even raise the issue that parents lacked standing to bring their claim. There, the First Circuit assumed parental standing and reached the merits of the question of whether schools can hide gender transitions from parents. However, the court in *Foote* incorrectly held that the school protocol was a matter of curriculum and therefore not subject to parental control. *Id.* at 351-52.

Similarly, in *Littlejohn v. School Board of Leon County, Florida*, 132 F.4th at 1232, the Eleventh Circuit assumed that parents had standing to bring their claim. Once again, the circuit court ruled against the parents, this time imposing the overly burdensome “shocks the conscience” test to deny parents the right to know about their children’s gender transitions. *Id.* at 1245.

More recently, the Southern District of California reached the merits of a claim for parents’ rights to know about, and consent to, gender transitions, recognizing that policies barring or preventing parental notice or consent are a blatant usurpation of parental authority.²

2. Additionally, the United States Department of Education Student Privacy Policy Office recently found that such policies

In *Mirabelli v. Olson*, the court ruled explicitly that the parents in the lawsuit had standing to challenge the harmful school policies. *Mirabelli v. Olson*, 761 F. Supp. 3d 1317, 1325-26 (S.D. Cal. 2025) (Jan. 7, 2025 Order Denying Defendants’ Motions to Dismiss). After reaching the merits, the district court then ruled in favor of parents challenging “parental exclusion policies” that required public school officials to withhold information from parents concerning their child’s “gender expression” unless the child provides their consent. *Mirabelli*, 2025 WL 3713588, at *3-4. The court correctly held that such policies not only harm both children and teachers but also violate parents’ rights to care, guide, and make medical decisions for their children as well as their right to train their children in their religious beliefs. *Id.* at *27. Importantly, while the Ninth Circuit would later stay the lower court’s injunction citing concerns about parental standing, in a *per curiam* opinion this Court vacated the stay, holding that the parents likely had standing and were likely to succeed on the merits. *Mirabelli v. Bonta*, No. 25-8056, 2026 WL 44874, at *2 (9th Cir. Jan. 5, 2026) (Order Staying District Court’s Injunction); *Mirabelli v. Bonta*, 607 U.S. ___, 4-6 (2026) (*per curiam*).

This case presents a well-timed opportunity for this Court to build on its *per curiam* ruling in *Mirabelli* and

violate the Family Educational Rights and Privacy Act. U.S. Department of Education Finds California Department of Education Violated Federal Law by Hiding Students’ “Gender Transitions” from Parents, U.S. Department of Education (Jan. 28, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-education-finds-california-department-of-education-violated-federal-law-hiding-students-gender-transitions-parents>.

resolve the lower courts’ disagreement over parental standing once and for all. Absent the Court’s affirmance of parents’ rights to both be notified of and consent to the gender transitioning of their children, the tragedy of *Amica* Erin Lee will become more commonplace.

II. Mrs. Lee, like the Petitioners in this case, is a victim of state-sponsored gender ideology in violation of her parental rights, demonstrating the need for this Court to affirm parental standing.

The story of Mrs. Lee is truly “troubling—and tragic.” *Lee v. Poudre Sch. Dist. R-1*, 146 S. Ct. 26 (2025) (Alito, J., concurring in denial of *certiorari*). Mrs. Lee’s two minor children – aged 12 and 7 – attended public school in the Poudre School District (PSD) in Colorado and were exposed to radical gender ideology by their school without their parents’ knowledge or consent.

When Mrs. Lee’s daughter was 12 years old, her homeroom teacher, Jenna Riep, who was also the staff sponsor of the GSA club, personally invited her to a GSA club meeting. Complaint ¶ 42. She described the GSA club to Mrs. Lee’s daughter as a “GSA Art Club,” which was a lie. *Id.* at ¶ 40-43. As part of her effort to conceal the true nature of this organization from Mrs. Lee, Ms. Riep failed to explain the meaning of the acronym “GSA” to Mrs. Lee’s daughter. *Id.* at ¶ 44. Therefore, Mrs. Lee only knew that her daughter had been invited to attend an after-school art club but did not know the true purpose of the meeting. *Id.* Based on this information, Mrs. Lee permitted and even encouraged her daughter to attend the meeting, seeing it as a way for her daughter to cultivate her artistic talents, make friends, and become involved in the school. *Id.* at ¶¶ 48-49.

Unbeknownst to Mrs. Lee, however, the GSA meeting hosted a guest speaker, Kimberly Chambers, who was a part-time teacher with PSD and ran an organization called Supporting Pride Learning and Social Happenings (SPLASH). SPLASH educates school aged children on topics of sexuality and gender identity. *Id.* at ¶¶ 49-50. Like all guest speakers at school-sponsored clubs at WMS, PSD approved Ms. Chambers to speak. *Id.* at ¶ 51.

At the GSA meeting, Ms. Chambers told Mrs. Lee's daughter and the other children present that if they were not completely comfortable in their bodies, that means they are transgender. *Id.* at ¶ 54. Ms. Chambers then proceeded to discuss with the children what sex or gender they were attracted to. *Id.* at ¶ 55. As a prize, any child who identified as transgender was rewarded with LGBT paraphernalia, including toys, flags, and other swag. *Id.* at ¶ 56. Thanks to a mixture of peer-pressure and a desire to earn Ms. Chambers' praise and the prizes, several students declared themselves to be transgender, including Mrs. Lee's daughter. *Id.* at ¶ 57.

Throughout the meeting, Ms. Chambers repeatedly told the children that it may not be safe for them to divulge the discussions had during the GSA meeting to their parents, but that they would be safe to discuss any of the subjects with Ms. Chambers or Ms. Riep. *Id.* at ¶ 58. Ms. Chambers even went so far as to hand out her personal phone number to the children and invited them to connect with her on Discord. *Id.* at ¶¶ 59, 61. During the GSA meeting, and despite the fact that their parents had been informed they were attending an "art" club, Mrs. Lee's daughter and the other children were "educated" on polyamory, suicide, puberty blockers, sexualities,

gender identities, transgenderism, and changing names and pronouns. *Id.* at ¶ 60. No art-related activities were undertaken at any point during the GSA meeting. *Id.* at ¶ 64.

To Mrs. Lee's utter shock, her daughter returned home from the GSA meeting and announced that she would be transitioning to a boy. *Id.* at ¶ 66. This was the first time that her daughter ever had expressed thoughts about transgenderism or any form of gender confusion to her parents. *Id.* Mrs. Lee's daughter then informed her parents that she had been advised to keep secret from them the subjects discussed at the GSA meeting. *Id.* at ¶ 69.

Following these shocking disclosures, the Lees took action to protect their daughter. Mrs. Lee and her husband immediately disenrolled their daughter from WMS and moved her to a private school. *Id.* Despite the Lee's swift response, the damage to their daughter and entire family had been done. In fact, their daughter's shocking announcement was so devastating to her relationship with her parents, especially her father, that for several weeks they found it difficult to communicate with one another. *Id.* at ¶ 70.

After disenrolling their daughter from WMS, Mrs. Lee and her husband made a concerted effort to speak with WMS principal Kelby Benedict. *Id.* at ¶ 71. Mr. Benedict eventually acquiesced but insisted on meeting the Lees at their home. *Id.* at ¶ 72. Mrs. Lee and her husband would later learn that Mr. Benedict's visit to their home was, in fact, a *de facto* wellness check. *Id.* at ¶ 73. WMS staffers initially had considered seeking an

official wellness check from child protective services for Mrs. Lee's daughter after she was disenrolled from WMS; instead, they used Mr. Benedict's visit for that purpose. *Id.*

During the Lees' meeting with Mr. Benedict, he confirmed that GSA clubs promote secrecy to create a "safe space" for students. *Id.* at ¶ 74. Far from making their daughter feel safe, however, the GSA meeting led her to experience a months-long, downward spiral, including emotional decline, gender and sexual confusion, and suicidal thoughts. Mrs. Lee's daughter would eventually require mental health counseling. *Id.* at ¶ 75.

Mrs. Lee's traumatic experiences with PSD demonstrate how intrusive and destructive radical gender ideology policies and laws are to parents and children, and the extent to which they use secrecy to wrongfully interfere with parental rights. Not only was PSD content to drive a wedge between Mrs. Lee and her daughter, but it also second-guessed Mrs. Lee's decision to act in accordance with what she thought was best for her daughter by removing her from WMS. Mrs. Lee's story, which is just one example among many of schools seeking to usurp parental authority, demonstrates the urgent need for this Court's intervention. Parents' right to challenge state-sponsored gender transitions of their children without either notice or consent must be affirmed. Gender transitions are not harmless, they wreak havoc on the mental, physical, and social well-being of children and, especially when undertaken against the parents' wishes (or without their knowledge), can erode the sacred bond between parent and child.

CONCLUSION

For the foregoing reasons, *amica curiae* respectfully requests that this Court rule parents have standing to challenge state-sponsored gender transitions of children without parental consent.

Respectfully submitted,

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