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.

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

REPLY BRIEF FOR PETITIONERS

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INTRODUCTION

Respondents' brief is mainly table-pounding. They offer no plausible defense of the lower courts' conclusion that Article III required dismissal of all Parent Petitioners' claims. Nor do they dispute that Petitioners' suit falls within Article III's original meaning and purpose—protecting minorities from local majorities—as Justice Scalia's 1983 standing article explained. Instead, they ask the Court to dismiss the petition because *some* claims may be moot and because they disagree with the complaint's allegations about the challenged laws' operation.

But these distractions cannot conceal Respondents' key concessions. They admit their new law requires shelters to notify the state, not the parents, of their runaway child's whereabouts. They offer no timeline for reunification—because there isn't one. They don't deny the challenged laws treat parents of children who want gender transitions like abusive parents. They concede the statutory scheme allows teenagers to get outpatient gender treatment without parental consent anytime. And their own "Know Your Rights" website *directly* advertises to gender-confused teens that homeless shelters are now legally "barred from contacting the parents or guardians of youth staying at the shelters when the youth is seeking gender affirming care."[1]

Nor do Respondents plausibly answer any of the three pathways this Court's precedents create for parental standing here: (a) the presumptive "object-of-

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[1] Wash. State Att'y Gen.'s Off., *Know Your Rights: Gender Affirming Care* 2 (2025), https://perma.cc/Y562-DYKT.

the-law" approach from *Mirabelli* and *Diamond;* (b) the "current harm" approach from *Lujan*; or (c) the "risk of future harm" approach. Instead, Respondents cling to *Clapper*, ignoring that it involved no change in legal status and that the plaintiffs there were not, either directly or indirectly, the law's objects.

Respondents also have no plausible answer to the United States' sensible suggestion (at 4) that this case can be resolved by adopting a narrow and neutral rule consistent with precedent: Whenever a government acts to restrict parental control over healthcare provided to a class of children, objecting parents of those children—including all Parent Petitioners here—have standing.

In short, pounding the table is no credible answer when a question of enormous importance to parents across the ideological spectrum is before the Court. Opposing teen gender transitions is not abuse or neglect, and parents may assert their federal rights in federal court when the State treats it that way.

ARGUMENT

I. Respondents' Mootness and Statutory-Operation Arguments Pose No Barrier to Resolving the Question Presented.

Desperate to avoid a ruling on standing, Respondents (at 1-2, 20-24) offer a grab bag of hurdles, asserting mootness (for some) and that Petitioners misunderstand the challenged laws' operation. But Respondents never claim either point prevents the Court from resolving the question presented, and settled principles foreclose Respondents' arguments.

1. As to mootness: although Respondents have always known that at least one of Parent Petitioners' children turns 18 this year, they never before raised mootness. Regardless, their argument fails.

First, jurisdiction over a single plaintiff's claim avoids dismissal for mootness. *Bost* v. *Illinois State Bd. of Elections*, 607 U.S. 71, 76 n.3 (2026). Respondents concede (at 22) that Petitioners 2A and 2B have a gender-confused minor daughter. Thus, "a live controversy remains," *Cutter* v. *Wilkinson*, 544 U.S. 709, 712 n.1 (2005), whatever the ages of the other children.[2]

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[2] Respondents also do not dispute that Petitioners 4A and 4B still have young children. Br.18 & n.13. Respondents claim (at 21) that "Petitioners abandoned" those claims, pointing to the panel's assertion that "Plaintiffs do not pursue the claims of 4A and 4B on appeal." Pet.App.10a n.5. Both are mistaken. Petitioners argued for *all* parent plaintiffs, including Petitioners 4A and 4B, in briefing and at argument. See CA9Br.44-66; CA9Reply.11-24; CA9OralArgument.7:26-7:56. These Petitioners' claims are properly before the Court. And on remand, the other Parent

Second, mootness and standing can be "address[ed] *** in any order." *Acheson Hotels, LLC* v. *Laufer*, 601 U.S. 1, 4 (2023). Thus, the Court has "authority to resolve the standing issue" for *all* Petitioners, based on the complaint's allegations, leaving any residual mootness issues for the lower courts. *Ibid.*

2. Respondents also alternate between claiming (at 6-11) that the laws do nothing and that Petitioners misunderstand the operation of Washington's scheme. But it is "an odd argument" to suggest the challenged laws "change nothing." *Diamond Alternative Energy, LLC* v. *EPA*, 606 U.S. 100, 118 (2025). It's especially odd here given (1) Respondents' own direct advertising to gender-confused teens; (2) real-world family dynamics and (3) the expressed intentions of the legislature and the governor to curtail parental influence over gender-confused kids and transfer that influence elsewhere. See Br.10-12, 15-18.

Respondents' suggestion that the challenged laws do nothing is also wrong.[3] The table below shows their six distinct effects on parents of gender-confused kids who run away:[4]

Petitioners will seek leave to amend to assert retrospective damage claims. See *Health Freedom Def. Fund, Inc.* v. *Carvalho*, 148 F.4th 1020, 1027 n.9 (9th Cir. 2025) (en banc).

[3] The Court obviously need not "accept the Attorney General's narrowing interpretation of the [state] statute." *Stenberg* v. *Carhart*, 530 U.S. 914, 940 (2000).

[4] Washington Revised Code is abbreviated "RCW."

		RCW §13.32A.082 Before 2023 Enactment	RCW §13.32A.082 After 2023 Enactment
1	Parents' Legal Status	Classified in general category of parents §(2)(c)	Classified with suspected abusive/neglectful parents §(2)(c), (d)
2	Whom shelter (or others) may contact	Parents §(1)(b)(i)	Department *only* §(1)(b)(i)
3	What information must be provided to parents	Location and condition of child §(1)(b)(i)	Only that a shelter has made a report §(3)(a)
4	Timing of parental contact	Within 72 hours, preferably 24 §(1)(b)(i)	"Good faith" effort after giving shelter 72 hours to contact Department (up to 90 days to remain) §§(1)(b)(i), (3)(a)
5	Reunification timing	Parents may pick up child after notice *Follows from* §(1)(b)(i)	No set time, and parents not entitled to notice of location §§(1)(b)(i), (3)(a)
6	Behavioral health service referrals	No provision	Agencies required to offer §(3)(b)

Respondents either admit to or do not dispute most of these effects. As to effect #2, Respondents admit (at 7) that "the Legislature revised parental notification requirements" such that now "the shelter must contact the Department *instead* of contacting the youth's parents directly." And while Respondents insist (at 13) "the amendments simply alter *who* notifies parents," they do much more.

For one, they place parents of children seeking "gender-affirming" care into the "compelling interest" category alongside abusive or neglectful parents (effect #1). This change in status leads directly to effect #4: replacing the prior 72-hour direct-notice-to-parents requirement with a mere "good faith attempt" by the Department, potentially days after the shelter contacts it. See RCW §§13.32A.082(1)(b)(i), (3)(a); Br.5-8, 14 (discussing changes). The amendments thus slow notice, limit what parents learn (effect #3), and make it impossible to retrieve a child whose location is unknown (effect #5). Respondents' claim (at 9-10) that notice will still occur within 24-72 hours ignores that this clock starts only after the shelter has *already* had 72 hours to notify the Department.

Respondents' reassurance (at 9) that their *policy memo* requires caseworkers to "[c]ontact the family within twenty-four hours of being assigned the case *** to schedule an interview and assessment" is cold comfort. But there is no set timetable for "assigning" caseworkers. See generally RCW §13.32A.082; BIO.App.6a. And attempting the specified steps does not guarantee—or even require—reunification. For actual reunification (effect #5), the statute sets no

timeline or conditions. See RCW §§13.32A.082(1)(b)(i), (3)(a).

Nor do Respondents dispute they can satisfy the "good faith" requirement by merely asking a child for their parents' contact information. If the child refuses or gives a false name—or if contact otherwise fails—the child may stay in a shelter as long as 90 days (effect #4 again). Br.15; RCW §13.32A.082(1)(b)(i). And all without parental consent.

Equally unpersuasive is Respondents' argument that the Department may only withhold location-and-condition information if it determines "that release of this information is likely to cause severe psychological or physical harm to the juvenile[.]" Resp.Br.10 (quoting RCW §13.50.100(7)(a)). That misreads the statutory text: Subsection (7) provides a list of exceptions to disclosure. And it *prohibits* disclosure to parents "[i]f the information or record has been obtained by" the Department "in connection with the provision of counseling, psychological, psychiatric, or medical services" that "the juvenile has a legal right to receive *** without the consent of any person or agency." RCW §13.50.100(7)(b). As explained, that category includes gender-related treatment. And in that case, "the information or record may *not* be disclosed to the juvenile's parents without the informed consent of the juvenile." *Ibid.*

Thus, when Respondents claim (at 10-11) that, by virtue of Washington Revised Code §13.50.100(7), "[a]busive and neglectful parents," but not "parents whose kids are seeking protected health care," "can be temporarily denied information about their children's

whereabouts," they are incorrect: The statutes deny *both* groups this crucial information.[5]

3. Respondents further claim (at 23) "the *State* provides no [gender-affirming] care, instead simply providing contact information for mental health providers that is readily available online." This is at best misleading. Their only support is a citation to a website that does not discuss these laws. Resp.Br.12.[6] But even if Respondents are correct that *they* do not provide this "care," private conduct—like that of licensed homeless shelters—is attributable to the State "when it has exercised coercive power or has provided *** significant encouragement, either overt or covert." *Blum* v. *Yaretsky*, 457 U.S. 991, 1004 (1982). Because Respondents do not dispute that State entities and laws at least "provide significant encouragement" for gender-affirming care by homeless shelters, they have effectively admitted effect #6.[7]

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[5] Respondents also claim (at 10) that Washington law "does not block parents from accessing records about their children's care." But RCW §13.50.100(7)(b) prevents disclosure of a behavioral health record to parents without the juvenile's consent. This non-disclosure rule applies to "gender-affirming treatment." Other statutes also allow medical records to be withheld from parents. RCW §70.02.265(1)(a)-(b), (3).

[6] Just as voluntary cessation cannot manufacture mootness, *FBI* v. *Fikre*, 601 U.S. 234, 242 (2024), affirmative defenses cannot defeat standing, *Tyler* v. *Hennepin County*, 598 U.S. 631, 637 (2023).

[7] Respondents also misleadingly argue they can only provide or pay for healthcare if a court orders a child's removal. Resp.Br.12. But Respondents *refer* children for "behavioral health services,"

Respondents further claim (at 12-13) that the "behavioral health services" provided to runaway kids treat only mental health. Even if true, that is at least as significant as the problematic treatment in *Mirabelli* v. *Bonta*, 607 U.S. 492, 493-494 (2026) (per curiam), where public schools were "gender transitioning" children by using preferred names and pronouns. Respondents do not dispute the challenged statutes facilitate this kind of treatment, at least. Br.6 n.1, 8-9.

Respondents are also wrong that other, unchallenged laws "regulate parental access to medical records" and that Petitioners "cannot base a concrete harm on laws not at issue." Resp.Br.36. But Respondents do not dispute the challenged laws *facilitate* children's receipt of various outpatient treatments in a way that their parents cannot effectively prevent. The challenged laws are thus at least *a* cause of Petitioners' harm, even if some of their impacts stem from the laws' interaction with other statutes.

II. Petitioners Presumptively Have Standing as "Objects-of-the-Law" Under *Diamond* and *Mirabelli*.

Turning to specific bases for standing, Respondents assert (at 3) that Petitioners' object-of-the-law approach is "novel" and wasn't properly preserved. Both assertions are wrong.

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making them easier to obtain. And RCW §7.70.065(3) allows unaccompanied homeless minors in a homeless shelter to consent to care "for illnesses and conditions," including gender dysphoria.

1. *Lujan* v. *Defenders of Wildlife* recognized that when a plaintiff is the object of the law, "there is ordinarily little question" that injury-in-fact, causation, and redressability are satisfied. 504 U.S. 555, 561-562 (1992). *Diamond* later clarified that *Lujan*'s object-of-the-law approach also applies to *indirectly* regulated objects, pointing to precedent over a century old. See 606 U.S. at 114-116 (citing *Pierce* v. *Society of Sisters*, 268 U.S. 510, 535-536 (1925); *Columbia Broad. Sys., Inc.* v. *United States*, 316 U.S. 407, 422 (1942)).

Mirabelli then applied *Diamond*'s clarification of *Lujan* to a parental rights context materially indistinguishable from this case. 607 U.S. at 498 (citing *Diamond*, 606 U.S. at 114). The object-of-the-law approach is thus hardly "novel," especially when viewed as a presumption built on the commonsense inference that, when a State *tries* to affect someone, it likely succeeds.

2. Respondents also misread *Mirabelli*'s facts. The relevant subclass included all parents with children in public schools who merely objected to the policies or sought religious exemptions—a group that, by virtue of the named plaintiffs, included both those who had the injuries Respondents now claim are necessary and those who did not. 607 U.S. at 494-495, 498. Despite that, *Mirabelli* observed that all class members "very likely" had been injured and had standing. *Id.* at 498. Like those parents, Petitioners here do not know if or when the challenged laws will be applied directly to their children. And that uncertainty is a major source of their current injuries. See *infra* Part III.

Mirabelli thus shows that *parents* who are the law's objects—directly or indirectly—"ordinarily" or presumptively satisfy *Lujan*. That presumption is especially appropriate here given the unique nature of parental rights, the predictable effects of government actions over third parties (children), and the covert nature of these policies, under which parents may not know of the injury until it is too late. *Cf. Mahmoud* v. *Taylor*, 606 U.S. 522, 550-551 (2025).

3. *Contra* Respondents (at 23-24), this point was preserved. Petitioners below repeatedly argued they had standing *because* they were targeted by the challenged laws—they were the laws' objects. See*, e.g.,* CA9Br.66 ("Plaintiff parents *** are the very people targeted"); CA9Reply.1-2 ("Plaintiffs are the very types of parents the State Legislature targeted."); CA9OralArgument.16:09-16:17 ("[T]hese are the very kids and the very parents that are targeted by the amended statute."). Moreover, Petitioners raised *Diamond* in a Rule 28(j) letter (on June 28, 2025). But the panel ignored it. Pet.App.58a (Tung, J.) (criticizing panel for "failing to properly analyze *** whether the parents are the objects of the challenged law").

4. Finally, Respondents dispute (at 29-30) that parents like Petitioners were the object of these laws—by rejecting legislative history showing that very intention. That attempt also fails.

First, the challenged statutes' text confirms what the legislative history shows: Parents like Petitioners were the targets. Br.24-25; *supra* Part I (chart). Respondents fail to even address, much less refute, this textual point.

Second, this Court interprets state law the way the state supreme court would interpret it. *Cf. Meredith* v. *Winter Haven*, 320 U.S. 228, 233-234 (1943). Thus, "the weight to be given to the legislative history" of a state "statute is a matter of [state] law." *Exxon Corp.* v. *Eagerton*, 462 U.S. 176, 181-182 n.3 (1983). In Washington, legislative history *is* relevant for interpreting statutes. *In re Marriage of Kovacs*, 854 P.2d 629, 634, 636 (Wash. 1993). And the legislative history here clearly shows an intention to curtail parents' influence over healthcare provided to gender-confused kids. Br.10-12.

In short, whatever the exact contours of the standing presumption employed in *Mirabelli*, Petitioners easily fall within it.

III. Petitioners' Current Injuries—Including the Injury Emphasized by the United States—Are Each Sufficient to Show Injury-In-Fact.

Apart from *Mirabelli* and *Diamond*, Petitioners (at 38-46) raised three current injuries that all Parent Petitioners are suffering and additional injuries specific to certain Petitioners. All these injuries flow from and reinforce Washington's "displace[ment] of parents' authority to direct and manage" their children's healthcare. U.S.Br.2.

A. Injuries common to all Parent Petitioners

As to common current injuries, Petitioners first alleged that "[t]he amendments degraded Petitioners' legal status and deprived them of legal protections they once had." Br.38; Pet.App.83a-84a, ¶¶84-86.

Respondents wrongly downplay this as mere "stigma[]," but immediately admit that Petitioners "never alleged [stigma] in their complaint" or otherwise made stigma-based standing arguments. Resp.Br.39. Deprivation of favorable *legal* status—including constitutionally protected parental rights—is itself a concrete harm. If deprivation of a right would entitle someone to notice and a hearing under procedural due process, *Carey* v. *Piphus*, 435 U.S. 247, 266 (1978), logically it must also meet Article III's standing requirement. Hence, when Respondents contend that "a change in law that a person perceives as less favorable to them is not enough to generate standing," Resp.Br.39, they miss the point. The change here is not mere perception—the actual deprivation appears on the statute's face.

Respondents also ignore multiple decisions of this Court cited in support of this concrete harm. Br.38-39. Instead, Respondents rely (at 38-39) on a case that merely recites general standing requirements, and on *Carney* v. *Adams*, 592 U.S. 53, 61 (2020), where a citizen lacked standing because the alleged injury was shared with all other citizens. That is far afield from here, where the law singles out a specific class of parents for lost legal protections, reversing "the preexisting rule that parents decide *** questions of care" and "displac[ing] their authority." U.S.Br.12, 14.

Second, Respondents do not dispute that the laws act like a "sword of Damocles," warping the parent-child relationship and subverting parental authority and control. Br.41-42 (quoting *First Choice Women's Res. Ctrs., Inc.* v. *Davenport*, 608 U.S. 174, 192 (2026) and citing *Quilloin* v. *Walcott*, 434 U.S. 246, 255

(1978)); Pet.App. 71a-73a, ¶¶15-26. Respondents' silence is especially striking given the United States' strong and correct endorsement (at 17) of this harm as a sufficient basis for standing.[8]

Contrary to Respondents' mischaracterization (at 3), that approach to standing is limited. It simply recognizes that when governmental action changes the rules governing the traditional parent-child relationship, and shifts power from parents to children, it imposes a "here-and-now injury" on objecting parents. U.S.Br.4. And this Court has thus far recognized rights of parental control only in specific contexts. *Pierce*, 268 U.S. at 534-535 (education); *Wisconsin* v. *Yoder*, 406 U.S. 205, 214, 232 (1972) (religion); *Parham* v. *J.R.*, 442 U.S. 584, 602 (1979) (healthcare).[9]

At any rate, questions about the outer bounds of parental rights are merits questions, not standing ones. *Steel Co.* v. *Citizens for Better Env't*, 523 U.S. 83, 92-93 (1998). And the primary parental right at issue here—to direct a child's healthcare—has been settled at least since *Parham*.

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[8] Contrary to Respondents (at 19) this standing approach was preserved. See CA9Br.1, 49-50; CA9Reply.14-15. And Petitioners "can make any argument in support of [a] claim"; they are "not limited to the precise arguments they made below." *Yee* v. *City of Escondido*, 503 U.S. 519, 534 (1992).

[9] Respondents' challenge (at 49-50) to Petitioner IPEC's standing seems to acknowledge that it rises and falls with the claims of the Parent Petitioners. Regardless, for Petitioners IPEC and APC, this Court need only find standing for one Parent Petitioner to reverse the complaint's dismissal.

Respondents also have no credible answer to Petitioners' showing that the subversion of parental control over healthcare decisions here flows from the incentives Washington's laws create for Petitioners' children to run away and exploit the statutory scheme. Br.39-41; Pet.App.102a, ¶139. As *First Choice* teaches, commonsense inferences, "including inferences about 'third party behavior,'" may support standing. 608 U.S. at 190 (quoting *Diamond*, 606 U.S. at 116). Respondents blink past those cases and dismiss the injury, claiming it is "irrational" to think children would run away for information available online, especially when (they say) no child has yet done so. Resp.Br.39-40. But, in so doing, Respondents ignore the additional incentives—being away from their parents with no set timetable for reunification—and how that might influence a child's health-care decisions. It is entirely predictable that children would bypass their parents to get what they want if the government opens that door by "restrict[ing] a parent's control over their child's [health] care." U.S.Br.14. That is what Washington has done here—as confirmed by the advertising on Respondents' own website.

For that reason too, Respondents' reliance on *Murthy* and *Clapper* gives them no harbor. Children are not "independent decisionmakers" such that courts must engage in "guesswork" about how they will likely react to the challenged laws. *Murthy* v. *Missouri*, 603 U.S. 43, 57 (2024) (quoting *Clapper* v. *Amnesty Int'l USA*, 568 U.S. 398, 413 (2013)). In any event, the existence of those incentives is a factual matter on which Petitioners' allegations must be accepted at this stage. *Warth* v. *Seldin*, 422 U.S. 490, 501 (1975).

Third, Parent Petitioners all allege fear from the enforcement of the challenged laws, which "change[] a fundamental aspect of the parent-child relationship." U.S.Br.17. Fear can support standing, *TransUnion LLC* v. *Ramirez,* 594 U.S. 413, 436 & n.7, 437 (2021), and emotional distress has "stamped a plaintiff's ticket into court for centuries," *Gerber* v. *Herskovitz*, 14 F.4th 500, 506 (6th Cir. 2021) (Sutton, C.J.). Respondents ignore this authority, instead citing *Clapper*, 568 U.S. at 416, and worrying that recognizing parental fear as injury would "render standing meaningless." Resp.Br.40. But that disregards this Court's more recent pronouncements and the longstanding tradition they reflect.

It also ignores the reality that fear of harm to their children is a main reason Washington's statutory scheme curtails Petitioners' influence over their children's gender-related healthcare. See U.S.Br.2. That threat forces parents of gender-confused children to curtail their efforts to influence those decisions—for fear their child will run away or get treatment on her own if she disagrees with the parents' views.

Each of these three injuries is concrete and independently supports standing for all Parent Petitioners.

B. Injuries specific to certain Petitioners

Respondents also have no serious answer to the current injuries claimed by specific Petitioners.

1. Respondents don't dispute that Petitioners 2A and 2B have chilled their speech around their gender-confused daughter—refusing to use her given name and biologically accurate pronouns in most public

settings, and avoiding discussions of gender with or near her—to reduce the risk that she will run away to exploit the challenged laws. Br.43-44. Respondents dismiss this injury, arguing Petitioners "are currently modifying their speech *** for fear of how their children might react to their speech," and that, under *Clapper* and *Laird*, "modifying one's own speech to avoid an uncertain potential future harm fails to establish concrete harm." Resp.Br.33.

But that misunderstands both precedent and parent-child dynamics. In *Clapper*, the challenged law targeted third parties (foreign persons), not the plaintiffs (U.S. persons). 568 U.S. at 401. Here, the laws target the parents themselves.

And in *Laird* v. *Tatum*, the plaintiffs claimed the mere existence of an Army data-gathering system chilled their speech. 408 U.S. 1, 3 (1972). The Court rejected that claim because there was no evidence of surveillance—the Army simply gathered information from publicly available sources. See *id.* at 6, 13-14. This case is nothing like *Laird*, as it involves laws directed at parents like Petitioners. And Respondents ignore the more apt decisions Petitioners discussed. See Br.44 (quoting *Meese* v. *Keene*, 481 U.S. 465, 473-475 (1987); *Americans for Prosperity Found.* v. *Bonta*, 594 U.S. 595, 618-619 (2021)).

Furthermore, the fear Petitioners 2A and 2B feel in using their daughter's given name and pronouns, and in discussing gender-related issues around her, Br.43-44, flows from and reinforces the effect of the Washington statutory scheme in curtailing parental

control over healthcare treatment of gender-confused children, U.S.Br.2.

Respondents also improperly try to have it both ways. They justify the laws (at 4) because gender-confused children run away more frequently than their peers, yet fault parents for trying to reduce the heightened risk the laws create by making running away more attractive. But the conduct of 2A and 2B is reasonable given the increased risk the laws introduce and the facts they have alleged about their family dynamics. Br.43-44. At the pleading stage, that is enough.

2. Similarly, Petitioners 1A and 1B alleged they curtailed disciplining their gender-confused daughter to avoid the risk of her running away, given the drastic consequences of the challenged laws to parents of gender-confused children. Br.45. Respondents dismiss this injury, claiming there is no constitutional "right to a particular parenting style" and that "nothing in the challenged statutes regulates their parenting conduct." Resp.Br.35. But both contentions miss the point.

Especially as to healthcare, parents *do* have a constitutional right to not have their "parenting style" and parent-child relationship unduly hindered, even indirectly: "[T]he relationship between parent and child is constitutionally protected," *Quilloin*, 434 U.S. at 255, so parents suffer a "real harm" from "intentional interference with the parent-child relationship, be it direct or indirect," Pet.App.44a-45a (VanDyke, J.). And direct regulation is not necessary for standing. *Diamond*, 606 U.S. at 115. Thus, 1A and

1B's curtailed parenting is based on "actual and well-founded fear that the law would be enforced against them," *Virginia* v. *American Booksellers Ass'n,* 484 U.S. 383, 393 (1988), given the facts surrounding a friend's family and the threat of their daughter's running away. Br.45.[10]

Nor can courts dismiss avoidance-related harms, like altered speech or parenting, as "self-inflicted." Petitioners previously explained why, under *FEC* v. *Cruz*, 596 U.S. 289 (2022), and *Monsanto Co.* v. *Geertson Seed Farms*, 561 U.S. 139 (2010), such injuries can suffice for standing. Br.46-47. Respondents' efforts (at 40-41) to confine those decisions to their facts disregards how this Court reads precedent. In *Mahmoud*, the Court refused to "confine[] *Yoder* to its facts" and instead "treated it like any other precedent," sometimes "rel[ying] on it as a statement of general principles." 606 U.S. at 558. The same is true of *Cruz* and *Monsanto*: Avoidance harms and "self-inflicted" injuries—if concrete as they are here—"satisfy the injury-in-fact prong of constitutional standing analysis" even if the feared harms never materialize. *Monsanto*, 561 U.S. at 155.

3. As to Petitioners' free-exercise claims—asserted by 3A, 3B, 4A, and 4B—Respondents argue that none of the religious harms "have actually occurred," so there is no injury. Resp.Br.34. But this requires the Court to endorse the "wait and see" approach it rejected in *Mahmoud*, 606 U.S. at 560.

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[10] A child running away to "any person" when also seeking "gender-affirming treatment" also triggers the challenged amendments. RCW §13.32A.082(1)(a),(3).

There, the problem was that the government "will not notify parents" about the instruction, and it was "not realistic to expect parents to rely on after-the-fact reports by their young children to determine whether the parents' free exercise rights have been burdened." *Ibid.*

So too here: Respondents won't notify parents of their child's whereabouts or the healthcare they seek. That is sufficient to allege standing. And "[f]or standing purposes," the Court "accept[s] as valid the merits of [these] legal claims." *Cruz*, 596 U.S. at 298.

4. As for Petitioners 5A and 5B—who were excluded from their daughter's mental health treatment, Br.44-45—Respondents counter by claiming that "Petitioners do not connect this alleged injury to the challenged laws." Resp.Br.36. But Petitioners challenged the very law they said was causing this injury—RCW § 71.34.530—and explained the mechanism of injury. Br.44-45; Pet.App.136a. That too is enough.

C. Concreteness, particularity and actuality

Given this abundance of current injuries, Petitioners more than show concreteness, particularity, and actuality.

Concreteness. Respondents first ignore *TransUnion*'s determination that "with respect to the concrete-harm requirement *** courts should assess whether the alleged injury to the plaintiff has a close relationship to a harm traditionally recognized as providing a basis for a lawsuit in American courts." 594 U.S. at 424 (cleaned up). As objects of the laws

here, Petitioners currently suffer several harms with deep-seated analogues in American law. Those include altering of parenting and speech (tortious interference with parental rights), incentivizing their children to run away (enticement), fear (emotional distress), and an increased risk of other injuries with historical analogues like the loss of the ability to parent their child when they are in a shelter (harboring). Br.38-46, 54-55. Under *TransUnion*, Petitioners have thus shown sufficient concreteness at the pleading stage, where courts "must accept as true all material allegations *** and *** construe the complaint in favor of the complaining party." *Warth*, 422 U.S. at 501.

Particularity. To attack particularity, Respondents overread Petitioners' arguments, contending that under Petitioners' approach "every parent of school-age kids has standing." Resp.Br.29. Not so. As Petitioners stated, standing to challenge the laws here is limited to "parents unwilling to affirm gender confusion who have minors capable of understanding gender and running away." Br.29. Petitioners are thus like the "parents who object[ed] to the challenged policies or s[ought] religious exemptions" in *Mirabelli*, 607 U.S. at 498. This Court found they presumptively had standing, rejecting California's claim that the plaintiffs sought "relief for all the parents of California public school students." *Ibid.* So too here for the challenged amendments.

Still, if the government injures broadly, 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." *Spokeo, Inc.* v. *Robins*, 578 U.S. 330, 339 n.7 (2016). Thus,

Respondents' claim (at 36) that 43% of Washingtonians would have standing under Petitioners' approach is both wrong and irrelevant.[11]

Parents who oppose the laws challenged here and who have children capable of understanding gender and running away more closely resemble the candidates in *Bost*, who had standing, than the voters who lacked it because theirs was only a generalized grievance. 607 U.S. at 78. And the specific injuries the Parent Petitioners allege are specific to them, as opposed to injuries "common to all members of the public." *Ibid.* (cleaned up).

Actuality. Respondents further contend (at 38-39) that actual or imminent injury requires "a credible threat of government action based on conduct that is arguably forbidden by law." Not so under this Court's precedents.

Indirect objects, like the plaintiffs in *Diamond* and *Mirabelli*, never face that threat themselves—the threat to others injures them. In *Mirabelli*, all but one set of parents had no idea if or when the challenged policies would be applied to their children. See 607 U.S. at 493-494. And in *Diamond*, the fuel producers faced no enforcement threat, and their alleged harms would not fully materialize for years. 606 U.S. at 106-108. Parties have standing to challenge laws even if

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[11] Contrary to Respondents, Petitioners *disclaimed Mirabelli*-type, object-of-the-law (presumptive) standing for parents who welcome gender transitioning. Br.30. But if they have minor children, even though they are not the law's objects, those parents could still ultimately have standing "for being shut out of this important aspect of parenting"—but only if they object, which many parents will not. *Ibid.*

they "do not *** compel action" or "impose penalties," *Columbia Broad.*, 316 U.S. at 422, and often even before the law has been applied to them, *Bost*, 607 U.S. at 82. The plaintiffs in those cases all had standing. Petitioners do too.

Additionally, the current injuries suffered by all Parent Petitioners (degraded legal status, interference with parental authority and the parent-child relationship, incentives for their child to run away and fear), as well as those specific to certain Parent Petitioners (chilled speech, altered parenting, lost ability to approve and participate in their child's healthcare), are more than imminent—they are occurring now and have been for years. They are, by definition, "present injur[ies]." *First Choice*, 608 U.S. at 188.

D. Causation and redressability

Respondents (at 47-49) also challenge causation and redressability—neither of which the Ninth Circuit reached. To do so, Respondents ignore Petitioners other than 2A and 2B, gambling that the Court will reach mootness before standing and then accept their waiver argument as to 4A and 4B.

As to 2A and 2B, Respondents allege without support that their injuries predate the laws. They quote the complaint as stating that a "primary reason" the runaway threat existed was because the parents would not "affirm" their gender-confused child with preferred names and pronouns. Resp.Br. 48-49. They ignore that their laws provide incentives in exactly this circumstance. Because the complaint does not state when this occurred, Pet.App.72a, ¶24, all

inferences regarding timing must be read in Petitioners' favor. Nor does the complaint suggest that a primary reason was the *sole* reason. And even if some threat occurred before the laws went into effect, a "commonsense inference" is that the laws either exacerbate the consequences of that threat or incentivize children to make such threats. See *First Choice*, 608 U.S. at 190.

Elsewhere, the complaint adds that because of the amendments, 2A and 2B avoid using pronouns and their child's preferred name in most public places and avoid discussing gender with or around her. Pet.App.73a, ¶¶28-29. They also "live in fear that 2D will see SB 5599 as providing a way for her to get what she wants without parental consent and run away to get the 'treatment' she desires." Pet.App.73a, ¶26. That is a direct causal link.

Respondents also attack causation and redressability because 2A and 2B did not allege their minor daughter had expressed interest in running away to a licensed homeless shelter specifically. But Respondents cite no precedent requiring that desires be expressed when incentives are provided. And fear of that result—not to mention altered parenting resulting from that fear—is also a sufficient current injury for standing, one that will be redressed by a decision in Petitioners' favor.

Regardless, on all these issues, Respondents' reading (again) violates the command that courts "must accept as true all material allegations *** *and* *** construe the complaint in favor of the complaining party." *Warth*, 422 U.S. at 501 (emphasis added).

IV. Petitioners Have Standing Under the Risk-of-Future-Harm Approach.

Respondents also have no serious answer to the increased risk of *future* harm Petitioners alleged (at 48-53). The laws make shelters more attractive and treatment more accessible, so a "predictable effect" is that Petitioners' children are more likely to run away to shelters to get treatment. *Department of Com.* v. *New York*, 588 U.S. 752, 768 (2019).

Nor are *Clapper* and *Lujan* any obstacle to standing. *Clapper* turned on speculation about an attenuated chain of *governmental* decisions. 568 U.S. at 410-414. And the *Lujan* plaintiffs lacked concrete intentions that would expose them to the challenged regulations. 504 U.S. at 564.

Additionally, Respondents' claim that their invented series of steps (at 42) must occur before Petitioners are harmed ignores that a law designed to encourage runaway children to flee to shelters creates a "probability," *Pennell* v. *City of San Jose*, 485 U.S. 1, 8 (1988), if not a "substantial risk," *Susan B. Anthony List* v. *Driehaus*, 573 U.S. 149, 158 (2014), of that harm.

Respondents also twice invoke (at 44, 46) *Trump* v. *California*, 609 U.S. 1032, 1036 (2026) (per curiam). But that case involved an internal Executive Order that "neither requires nor forbids anything of anyone outside the Executive Branch." *Id.* at 1033-1036. Here, the incentives for Petitioners' children to run away already exist. And standing does not require the threatened harm to have already materialized. Br.50-51.

Respondents also ignore Petitioners' showing (at 52) that the more "drastic" the potential harm, the less likely the future harm need be to create injury. *Massachusetts* v. *EPA*, 549 U.S. 497, 525 n.23 (2007). Respondents instead (at 46) try to cabin *Massachusetts* v. *EPA*, claiming its principles apply only to "redressability." But Respondents cannot avoid Petitioners' showing (at 51) that *Massachusetts* v. *EPA* found *injury* where the full severity of the harm was decades away. 549 U.S. at 521-523.

In short, Petitioners adequately alleged a substantial, government-created risk of future injury that is concrete and particularized because of the intended, predictable effects of these laws on their children.[12]

CONCLUSION

Article III does not require parents—of any ideological or political stripe—to wait until a child has run away to obtain healthcare treatment the parents oppose before challenging a law already damaging their families. The Court should reverse.

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[12] Respondents also ignore the historical evidence on Article III's original understanding in the parental-rights context. See Br.53-55; LegalScholars.Br.4-17. Contrary to Respondents (at 50), Petitioners' purpose in that analysis was not to propose a replacement "test," but to show that finding standing here would align with Article III's original meaning—a conclusion Respondents do not and cannot dispute.

Respectfully submitted,

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