

Statement of ALITO, J.

SUPREME COURT OF THE UNITED STATES

MONTANA, ET AL. *v.* PLANNED PARENTHOOD OF
MONTANA, ET AL.

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

No. 24–745. Decided July 3, 2025

The petition for a writ of certiorari is denied.

Statement of JUSTICE ALITO, with whom JUSTICE THOMAS joins, respecting the denial of certiorari.

Montana’s Parental Consent for Abortion Act generally requires physicians to obtain consent from parents before performing an abortion on a minor. See Mont. Code Ann. §§50–20–501 to 50–20–511 (2023). Planned Parenthood of Montana filed a lawsuit in Montana state court, seeking to enjoin enforcement of the law. It asserted that the law was inconsistent with Montana’s State constitution. In the proceedings below, the State of Montana argued that the law satisfied state constitutional standards because, among other things, it promoted the right of parents to make decisions concerning the care, custody, and control of their children. See Appellants’ Opening Brief in No. DA 23–0272, pp. 36–37. The State cited a decision of this Court on the rights of parents as support for its argument based on state law, but it did not expressly argue that a holding against it on the state constitutional question would infringe the federal constitutional rights of parents. *Ibid.* Similarly, the Supreme Court of Montana, while citing our decision in *Troxel v. Granville*, 530 U. S. 57 (2000), did not expressly hold that the rights of minors under Montana law took precedence over the federal constitutional rights of parents. See 417 Mont. 457, 485–486, 554 P.3d 153, 171 (2024).

After the State Supreme Court struck down the parental consent requirement, the State filed a petition for certiorari

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in which it asked us to decide “[w]hether a parent’s fundamental right to direct the care and custody of his or her children includes a right to know and participate in decisions concerning their minor child’s medical care, including a minor’s decision to seek an abortion.” Pet. for Cert. i. But because of the way this case was litigated below, it provides a poor vehicle for deciding that question. It is therefore especially important that the denial of review is not read by interested parties or other courts as a rejection of the argument that the petition asks us to decide.