

Nos. 25-8056, 26-2337

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ELIZABETH MIRABELLI, an individual, on behalf of herself and all others similarly situated; LORI ANN WEST, an individual, on behalf of herself and all others similarly situated, et al., Plaintiffs-Appellees,

v.

ROB BONTA, in his official capacity as the Attorney General of California, et al., Defendants-Appellants.

Appeal from the United States District Court for the Southern District
of California

Honorable Roger T. Benitez (3:23-cv-768-BEN)

Brief of Amici Curiae Child & Parental Rights Campaign &
Our Duty USA

In Support of Plaintiffs-Appellees Seeking Affirmance

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INTRODUCTION AND INTEREST OF AMICI CURIAE¹

Child & Parental Rights Campaign, Inc. (CPRC) is a nonprofit, public-interest law firm that represents parents like parent Petitioners across the country in challenging governmental actions that threaten parental rights, including, as is true here, legislation and administrative regulations that intentionally withhold from parents vital information regarding their children's upbringing and well-being. In particular, CPRC represents parents who have challenged school district policies, which like the policy and statute at issue here, conceal from parents that their children are being treated as something other than their sex at school, including the use of alternate names and pronouns and permitted use of opposite sex privacy facilities.

Our Duty-USA ("Our Duty") is a nonprofit whose members across the United States have varied political backgrounds (although it skews left), ethnicities, and sexual orientations, but share the experience of raising children who formerly rejected or currently reject their sex. Members have had schools secretly socially transition their children,

¹ Pursuant to FRAP 29(a)(2), this brief is filed with the consent of all parties.

deceive them when they inquire about their children’s identities, refuse to comply with their demands to cease affirming their child’s rejection of their sex, and report them to child welfare agencies for refusing to endorse their child’s sex rejection.

SUMMARY OF ARGUMENT

Until recently, the facts that sex is biological and immutable were considered universal truths. *See Mahmoud v. Taylor*, 606 U.S. 522, 583 (2025) (Thomas J., concurring) (stating that the concept of “gender identity” is a recent phenomenon”). No parental right is more essential than the authority to raise one’s child as his/her sex – a fundamental characteristic of human existence. Because of Defendants’ Parental Secrecy Policies, parents in California, including Our Duty members, must contend with state and school district policies that mandate deception regarding children’s identity confusion. Under Defendants’ policies, when children say they “identify” as something other than their sex, that information is withheld from parents unless the children consent to its release. California schools refuse to honor parental directives to treat children according to their sex, contrary to long-standing constitutional principles. *See Troxel v. Granville*, 530 U.S. 57,

65 (2000) (“[T]he interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court.”).

California has flouted over 100 years of precedent protecting parental rights to direct the upbringing of their children by permitting schools to exclude parents from decisions about their child’s sex identity based solely on speculation of potential harm or parental disagreement with the government’s chosen approach for their confused child. The Supreme Court has already determined that Defendants’ policies likely violate parents’ fundamental rights to direct the upbringing and education of their children and to direct the religious upbringing of their children. *Mirabelli v. Bonta*, 607 U.S. 492, 497 (2026) (per curiam). The policies also violate longstanding constitutional precedent regarding the proper balance of rights between parents and school officials. *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S. 180, 187 (2021). Touted as prophylactic measures to protect children, the policies in fact jeopardize children’s futures by excluding their parents from critical decision-making.

Defendants’ policies have significant, real world consequences as illustrated by the experiences of Our Duty California parents. These

consequences and the constitutional infirmities of the policies require that this Court affirm the district court's judgment.

ARGUMENT

I. Defendants have upended decades of Supreme Court jurisprudence to unilaterally grant children who claim a discordant “gender identity” a right of self-determination that exceeds constitutional boundaries, supersedes fundamental parental rights, and endangers vulnerable children.

Rather than, as Defendants claim, advancing student safety, their Parental Secrecy Policies “cut out the primary protectors of children’s best interests: their parents.” *Mirabelli*, 607 U.S. at 496. Defendants have eschewed decades of Supreme Court precedent establishing the primacy of parental rights, subverted the longstanding constitutional balance between parental rights and children’s rights of self-determination, and jeopardized children’s futures. Defendants claim that their parental secrecy policies are prophylactic shields to protect gender-confused children from discrimination by “non-affirming” parents. In fact, they are destructive swords that rip families apart and leave vulnerable children without the guidance and support they need to make consequential life-altering decisions. Defendants’ parental secrecy policies purport to “empower” children with decision-making authority

free from parental interference. As Amici parents' stories, *infra*, attest, they instead deprive children of "chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding." *Bellotti v. Baird*, 443 U.S. 622, 639 (1979) (plurality).

A. Defendants' Parental Secrecy Policies represent an impermissible usurpation of parents' fundamental constitutional rights.

Parents' fundamental constitutional rights "not to be shut out of participation in decisions regarding their children's mental health," *Mirabelli*, 607 U.S. at 497, and to direct the religious development of their children, *Mahmoud*, 606 U.S. at 559, is at its apex in the context of questionable, experimental sex-rejecting interventions, including the social transitioning that Defendants are facilitating through their Parental Secrecy Policies. Children who reject their sex and undergo social transitioning, medical and surgical interventions will be affected physically, mentally, and emotionally for life. Their parents, who will be there to bear these consequences long after the children have exited public schools, must be the primary decision-makers in these weighty decisions. Defendants' Parental Secrecy Policies strip parents of their decision-making rights to the detriment of children and their parents.

Defendants have violated the Supreme Court’s cardinal rule that “the 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.” *Troxel*, 530 U.S. at 65-66 (citing *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944)).

[O]ur constitutional system long ago rejected any notion that a child is the mere creature of the State and, on the contrary, asserted that parents generally have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations. ... The law’s concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life’s difficult decisions. More importantly, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children.

Id. at 68–69 (citing *Parham v. J. R.*, 442 U.S. 584, 602 (1979)).

“Accordingly, so long as a parent adequately cares for his or her children (*i.e.*, is fit), there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent’s children. *Id.* at 68-69. Respondents have turned that long-standing precedent on the primacy of parental rights on its head by enacting a presumption that parents who do not adhere to the state’s viewpoint on

“gender-affirming treatment” are unfit and their children the mere creatures of the state.

As the Supreme Court confirmed in *Mirabelli*, “the doctrine of substantive due process has long embraced a parent's right to raise her child, which includes the right to participate in significant decisions about her child’s mental health.” 607 U.S. at 499 (Barrett, J., concurring). Similarly, the Free Exercise Clause includes the “right of parents to guide the religious development of their children,” which includes the right not to have the school facilitate a child’s gender transition without parental consent as Defendants’ Parental Secrecy Policies permit. *Id.* at 496 (citing *Mahmoud*, 606 U.S. at 563). As the Supreme Court concluded, Defendants’ Parental Secrecy Policies likely violate both of those rights. *Id.* at 497.

1. *Defendants’ Parental Secrecy Policy likely violates parents’ fundamental right to direct the upbringing of their children.*

Parents’ fundamental right to direct the upbringing and education of their children includes the right to receive information necessary for parents to exercise their rights when their children exhibit signs of gender dysphoria at school. *Id.*

Under long-established precedent, parents—not the State—have primary authority with respect to “the upbringing and education of children.” *Pierce v. Society of Sisters*, 268 U.S. 510, 534–535, 45 S.Ct. 571, 69 L.Ed. 1070 (1925); accord, *Meyer v. Nebraska*, 262 U.S. 390, 399–400, 43 S.Ct. 625, 67 L.Ed. 1042 (1923). The right protected by these precedents includes the right not to be shut out of participation in decisions regarding their children’s mental health. *Parham v. J. R.*, 442 U.S. 584, 602, 99 S.Ct. 2493, 61 L.Ed.2d 101 (1979). Gender dysphoria is a condition that has an important bearing on a child’s mental health, but when a child exhibits symptoms of gender dysphoria at school, California’s policies conceal that information from parents and facilitate a degree of gender transitioning during school hours. These policies likely violate parents’ rights to direct the upbringing and education of their children.

Id. “California prohibits its public schools from informing parents of their child’s gender transition at school unless the child consents. The record in this case indicates that the State’s non-disclosure policy applies even if parents expressly ask for information about their child’s gender identification.” *Id.* at 499. (Barrett, J., concurring). Depriving parents of the information regarding their child’s identity at school “quite obviously excludes parents from highly important decisions about their child’s mental health.” *Id.* *Ipsso facto*, parents are unable to exercise their fundamental right to make decisions about their child’s upbringing, including their mental health, as established by this Court for more than 100 years. *Pierce*, 268 U.S. at 534–35; *Parham*, 442 U.S. at 602.

The state's Parental Secrecy Policy is contrary to this Court's long-standing presumption that "fit parents act in the best interests of their children." *Troxel*, 530 U.S. at 68. This presumption can be overcome only by a judicial finding that the parents are not acting in their child's best interest, *Santosky v. Kramer*, 455 U.S. 745, 768-69 (1982), or "[i]n an emergency situation." *Mueller v. Aufer*, 700 F.3d 1180, 1187 (9th Cir. 2012). Parental unfitness cannot be presumed categorically as the State does with its Parental Secrecy Policy. *Stanley v. Illinois*, 405 U.S. 645, 657 (1972). Presumed parental fitness is not overcome simply because a child disagrees with her parents' decision. *Parham*, 442 U.S. at 603.

Contradicting *Parham*, the state is unilaterally overcoming the presumption because of child disagreement. Its Parental Secrecy Policy empowers children to supersede their parents' authority if the parents do not agree with the children's assertion of a discordant identity. The state presumes that parents who might disagree with their children are "unsafe" and incapable of making appropriate decisions—medical or otherwise—for their children. State officials assume that only parents who believe in and approve of the concept of "gender identity" are capable of effectively helping their children cope with gender dysphoria or any

other mental distress that may be causing them to want to be perceived as something other than their sex. Parents are prevented from exploring the causes of their children's sex rejection and helping them accept their natural bodies. Instead, parents are secretly presumed abusive *in absentia* without due process while the school cements with their children the harmful notion that they are born in the wrong body.

Depriving parents of their right to make decisions regarding the fiercely debated risks and adverse effects of sex-rejecting interventions, including social transitioning, has profound consequences for the parents and their children. Children should not be burdened with making such consequential decisions without parental input. The district court rightly enjoined implementation of the policy, and that decision should be upheld.

2. Defendants' Parental Secrecy Policy likely violates parents' Free Exercise rights.

As well as likely violating parents' right to direct mental health decision-making, Defendants' policies also likely violate the parents' Free Exercise right to guide the religious development of their children under *Mahmoud*, 606 U.S. at 559. *Mirabelli*, 607 U.S. at 496.

The parents who assert a free exercise claim have sincere religious beliefs about sex and gender, and they feel a religious obligation to raise their children in accordance with those beliefs. California's policies violate those beliefs and “impos[e] the kind of burden on religious exercise that [*Wisconsin v.] Yoder* [406 U.S. 205 (1972)] found unacceptable.” [*Mahmoud*,] 606 U.S., at 550, 145 S. Ct. 2332. Indeed, the intrusion on parents’ free exercise rights here—unconsented facilitation of a child's gender transition—is greater than the introduction of LGBTQ storybooks we considered sufficient to trigger strict scrutiny in *Mahmoud*. See *id.*, at 563, 145 S. Ct. 2332.

Id. The Parental Secrecy Policy, “cut[s] out the primary protectors of children’s best interests: their parents.” *Id.* In addition, as the Court said in *Mirabelli*, the policy provides for an unconsented facilitation of a child’s “gender transition” that is even more intrusive of parents’ Free Exercise rights than was the “LGBTQ-inclusive” book policy analyzed in *Mahmoud*. *Id.* Consequently, the Parental Secrecy Policy likely unconstitutionally burdens parents’ Free Exercise rights. *Id.* at 497.

The Parental Secrecy Policy’s ban on sharing information regarding a child’s assertion of a discordant identity with parents (unless the child consents) “carries with it precisely the kind of objective danger to the free exercise of religion that the First Amendment was designed to prevent.” *Mahmoud*, 606 U.S. at 546. “At its heart, the Free Exercise Clause of the First Amendment protects ‘the ability of those who hold religious beliefs

of all kinds to live out their faiths in daily life through the performance of religious acts. And for many people of faith across the country, there are few religious acts more important than the religious education of their children.” *Id.* (citing *Kennedy v. Bremerton School Dist.* 597 U.S. 507, 524 (2022)). “Indeed, for many Christians, Jews, Muslims, and others, the religious education of children is not merely a preferred practice but rather a religious obligation.” *Id.* at 547 (citing *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732, 754-56 (2020)).

Parents’ right to direct their children’s religious upbringing encompasses not just teaching religion at home, but “extends to the choices that parents wish to make for their children outside the home,” including educational choices. *See, id.* “The right of parents to direct the religious upbringing of their children would be an empty promise if it did not follow those children into the public school classroom. We have thus recognized limits on the government’s ability to interfere with a student’s religious upbringing in a public school setting.” *Id.* Those limits include not mandating that children be exposed to books that conflict with their parents’ religious beliefs, *id.*, and not compelling secrecy when children assert a discordant identity, *Mirabelli*, 607 U.S. at 496.

B. The Parental Secrecy Policies subvert the longstanding constitutional balance between parental rights and children’s rights of self-determination.

“Traditionally at common law, and still today, unemancipated minors lack some of the most fundamental rights of self-determination—including even the right of liberty in its narrow sense, *i.e.*, the right to come and go at will. They are subject, even as to their physical freedom, to the control of their parents or guardians.” *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 654 (1995). “Minors are entitled to a significant measure of First Amendment protection. But we have also made clear that courts must apply the First Amendment ‘in light of the special characteristics of the school environment.’” *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S. 180, 187 (2021). (citing *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988)). The nature of children’s rights at school are not unlimited or, as Defendants believe, self-defining, but are cabined by “what is appropriate for children in school.” *Id.* at 656 (citing *Goss v. Lopez*, 419 U.S. 565, 581–582, (1975)).

In *Vernonia*, the Supreme Court described the appropriate balance between children’s rights and parental rights in school in the context of random drug testing for student athletes. In rejecting a challenge to the

policy by a couple of parents and students, the Court noted that the “primary guardians of Vernonia's schoolchildren,” *i.e.*, their parents, approved the policy. *Id.* at 665. It was the parents’ judgment, not the children’s preferences, that mattered in determining whether the policy was constitutionally valid.

The *Vernonia* Court’s description of the relative role of parents vis-a-vis school officials reflects a proper application of the modern meaning of the doctrine of *in loco parentis*. Traditionally, parents “delegated to school officials their own control of [their child]” under the doctrine of *in loco parentis* “under circumstances where the children’s actual parents cannot protect, guide, and discipline them.” *Mahanoy*, 594 U.S. at 192.

Under the common law, as Blackstone explained, “[a father could] delegate part of his parental authority ... to the tutor or schoolmaster of his child; who is then in loco parentis, and has such a portion of the power of the parent committed to his charge, [namely,] that of restraint and correction, as may be necessary to answer the purposes for which he is employed.”

1 W. Blackstone, COMMENTARIES ON THE LAWS OF ENGLAND 441 (1765).

Id. at 198 (Alito, J., concurring).

If *in loco parentis* is transplanted from Blackstone's England to the 21st century United States, what it amounts to is simply a doctrine of inferred parental consent to a public school's exercise of a degree of authority that is commensurate with the task that the parents ask the school to perform.

Because public school students attend school for only part of the day and continue to live at home, the degree of authority conferred is obviously less than that delegated to the head of a late-18th century boarding school, but because public school students are taught outside the home, the authority conferred may be greater in at least some respects than that enjoyed by a tutor of Blackstone's time.

Id. at 200. So how much authority do parents implicitly delegate when they enroll a child in public school? Not enough to justify Defendants' Parental Secrecy Policy. According to Justice Alito:

The answer must be that parents are treated as having relinquished the measure of authority that the schools must be able to exercise in order to carry out their state-mandated educational mission, as well as the authority to perform any other functions to which parents expressly or implicitly agree—for example, by giving permission for a child to participate in an extracurricular activity or to go on a school trip.

Id. at 200-201. It does not include delegating their authority to make medical or mental health decisions to their children or school staff as Defendants have done with their Parental Secrecy Policies. “[S]tate officials acting in loco parentis cannot be equated with parents.” *Parham*, 442 U.S. at 638 (Brennan, J, concurring in part and dissenting in part).

That is particularly true with regard to decisions related to a child's assertion of a discordant identity which is the subject of “fierce scientific

and policy debates about safety, efficacy, and propriety” of social and medical interventions associated with children who claim a discordant identity. *United States v. Skrmetti*, 605 U.S. 495, 525 (2025). “There is no dispute...that the ‘decision-making capacity’ of adolescents ‘is developing, but not yet complete. This Court has recognized as much in other contexts, explaining that children’s ‘lack of maturity’ and ‘underdeveloped sense of responsibility’ often lead to ‘impetuous and ill-considered actions and decisions.’” *Id.* at 540 (Thomas, J. concurring). Consequently, it is particularly critical that parents be involved in, not excluded from, decisions regarding their children’s assertion of a discordant identity.

Parental control is not a limit on the child’s liberty but a fulfillment of it:

The tradition of parental authority is not inconsistent with our tradition of individual liberty [for a child]; rather, the former is one of the basic presuppositions of the latter. Legal restrictions on minors, especially those supportive of the parental role, may be important to the child’s chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding.

Bellotti, 443 U.S. at 638-39. Defendants’ policies deprive children of that liberty to enjoy full growth and maturity as well as depriving parents of their fundamental right to make the decision.

C. Defendants’ Parental Secrecy Policies deprive children of their right to an open future.

. Defendants’ policies also prevent parents from protecting children’s right to an “open future” that includes the ability to make decisions regarding family creation and intimate relationships when they are mature enough to understand and appreciate the ramifications of those decisions and experience their benefits.² By denying parents information regarding their children’s desires to socially transition and modify their bodies, Defendants emphasize an immature child’s immediate self-fulfillment and self-determination to the detriment of their long-term future.³

Although proponents of gender affirmation recognize that gender identity development is dynamic and can undergo multiple shifts throughout childhood and into adulthood, they contend that the role of adults is not to question the child’s gender identity nor explore causative factors for their dysphoria, but instead to affirm their gendered self-image and facilitate achievement of their “gender embodiment goals,” through medical intervention, if desired.⁴

² Sarah C. J. Jorgensen, et al., *Puberty Suppression for Pediatric Gender Dysphoria and the Child’s Right to an Open Future*, 53 ARCHIVES SEXUAL BEHAV. 1941, 1941 (2024) (citing J. FEINBERG, FREEDOM AND FULFILLMENT: PHILOSOPHICAL ESSAYS 76 (1980)), <https://doi.org/10.1007/s10508-024-02850-4>.

³ *Id.* at 1943-1947.

⁴ *Id.* at 1943.

By emphasizing a child's immediate self-fulfillment and re-orienting parents away from their protective instinct to restrict children's freedom of choice, Defendants' policies overlook important aspects of child development, particularly the child's right to an "open future."⁵ The "open future" principle refers to rights that children do not have the capacity to exercise as minors but must be protected so children can exercise them when they reach maturity.⁶ Examples include the right to decide whether to have children, get married or enter into other intimate sexual relations. Before children are mature enough to make these decisions the rights are held "in trust," *i.e.* "saved for the child until he is an adult."⁷ If not properly protected, these rights can be violated "in advance" before the child is in a position to maturely appreciate or exercise them.⁸ Violating the rights in advance "[g]uarantees now that when the child is an autonomous adult, certain options will already be closed to him. His right while still a child is to have these future options

⁵ *Id.* at 1943.

⁶ *Id.* at 1943.

⁷ *Id.* at 1943.

⁸ *Id.*

kept open until he is a fully formed self-determining adult capable of deciding among them.”⁹

Parents are presumed to act in the best interest of their children, *Parham*, 442 U.S. at 603, and therefore to protect their children’s right to an open future. However, when they are denied the information necessary to make the decisions that would protect their child’s future, as is the case with Defendants’ policies, parents cannot act in their child’s best interest. Far from protecting gender confused children, Defendants’ policies jeopardize them by depriving their parents of the “right to receive information necessary for parents to exercise their rights when their children exhibit signs of gender dysphoria at school.” *Id.* Parents cannot protect their children’s right to an open future if they are denied the ability to make informed choices regarding their children’s best interests.

If Defendants are truly seeking to protect the health, welfare and safety of gender confused children, they would ensure that parents receive information related to their children’s assertion of a discordant gender identity, not mandate secrecy. Amici parents’ stories illustrate the consequences of keeping secrets from parents.

⁹ *Id.*

II. California parents’ stories illustrate the destructive consequences of the state’s policies that facilitate the social transition of children without parental consent.¹⁰

Through these vignettes of parents from different school districts, the pattern of California schools’ active indoctrination, participation and deception in promoting the adoption of “transgender identities” is evident, as is the destructive effect on a child. Fortunately, each of the children presented below avoided a life on synthetic hormones and sterilization.¹¹

A. Erin Friday, President of Our Duty

Erin’s daughter, P., was eleven when, following sex-ed class, she and her entire friend group each chose a new identity. P. shifted through a myriad of identities, ultimately choosing “transgender” at thirteen. Her friends’ identities likewise morphed.

During P.’s online freshman year, Erin overheard teachers using a male name and pronouns. Erin was told by the school that per AB1266, the school was required to follow her daughter’s request while not informing the parents. The school stated that it was a “safe space” for P.

¹⁰ Some pseudonyms are used to protect families from the animus often directed at those who resist sex-rejecting transitions.

¹¹ The effect of the puberty blockers on Sue Y. ’s daughter’s fertility is unknown.

while indicating Erin was “unsafe” by calling Child Protective Services (“CPS”).

Erin removed P. from school and requested records pursuant to FERPA¹² to test whether the school would produce the social transition plan or evidence that it was socially transitioning her daughter; it did not.

After getting needed support, P. ceased rejecting her sex and now accepts her body as an adult.

Erin has been contacted by hundreds of parents whose children suddenly adopt sex-rejecting identities and who battle schools to stop social transitions. Many parents fear objecting or even asking if their child is being transitioned, due to the risk of having CPS called against them. Parents report school counselors are convincing students they are “transgender” and that schools relentlessly push transgenderism in the classroom.

Erin advises parents to unenroll from public schools if possible and homeschool. She suggests families move to other states, though secrecy

¹² Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g.

policies are nearly ubiquitous. Teachers and school board members who disapprove of indoctrinating students and deceiving parents also contact Erin seeking advice on combating secrecy policies. The teachers voice confusion as to what the law requires—whether they can be honest with parents or must lie, so most stay silent for fear of retaliation.

Erin’s experience with nearly 500 parents shows they do not reject their gender-confused children. Rather, children run away, with some schools, LGBTQ centers, and laws encouraging them to seek “chosen families.” *See, e.g.,* Cal. Family Code §3427; Wash. Rev. Code §13.32A.082; *Blair v. Appomattox Cnty. Sch. Bd.*, 147 F.4th 484 (4th Cir. 2025).

B. Abigail Martinez¹³

The avoidable tragic story of Abigail and her daughter, Yaeli, began in earnest as Yaeli began high school after a difficult middle school experience riddled with bullying. Yaeli, looking for a place to fit in, found friendship with a sex-rejecting older female student, who directed her to the school’s LGBTQ club. Yaeli joined without Abigail’s knowledge.

¹³ See also Brief of Amicus Curiae Abigail Martinez in Support of Respondents in *United States v. Skrametti*, 605 U.S. 495 (2025) (No. 23-477).

Through the club, Yaeli was readily persuaded that her growing severe depression could be resolved if she “transitioned.” Yaeli shed her feminine appearance and the public high school, in keeping with its policy, treated Yaeli as a boy without consulting Abigail.^[4] Abigail sought help for her suffering daughter from the school’s psychologist, unaware that the psychologist was actually working to solidify Yaeli’s sex-rejecting identity, and against Abigail.

When Yaeli attempted suicide, the school’s principal met Abigail at the hospital demanding that she call Yaeli her chosen male name, asking “why can’t she just capitulate?” But Abigail knew that Yaeli’s mental health issues were not because Abigail was not affirming her confusion, but that the adoption of a male identity was a symptom of her depression. The school and a “trans” friend’s parent continued their coercive tactics against Abigail, even temporarily “kidnapping” Yaeli as Abigail searched frantically for her missing daughter. Lead by the school psychologist into using CPS to get sex-rejecting interventions, Yaeli filed false claims of physical and mental abuse, and she was removed from her mother and three siblings’ home.

While CPS quickly cleared Abigail of physical abuse, the emotional abuse claims lingered. While in state custody, Yaeli was placed on testosterone and cycled through foster homes and facilities, sleeping on couches and living in abject poverty. Abigail was granted limited supervised visits with Yaeli but she was forbidden to discuss the harms of sex-rejecting interventions or her faith. After Yaeli spent approximately three years in state custody because Abigail chose to raise her daughter as her sex, Abigail was absolved of all abuse claims. But it was too late. Yaeli's physical suffering from the effects of testosterone in her tiny female body was too much, and she stood in front of an on-coming train. The State Defendants and school set Yaeli's death in motion.

C. Lydia McLaughlin

After Lydia's daughter T. adopted a "transgender" identity despite having no prior body discomfort, she started self-harming. T.'s public high school solidified her sex-rejecting identity with lessons about "transgenderism" while repeatedly using T.'s desired male name and pronouns. By happenstance, Lydia discovered the school was socially transitioning T.

Lydia demanded teachers stop referring to her daughter as male. The teachers assured her they would, but they lied. Afterwards, the

principal told T. that her transgender identity would be their secret, colluding against Lydia. Lydia made a FERPA request to determine if the school was continuing to defy her instruction, but the school refused to provide T's records. After engaging counsel, the school provided the records evidencing that indeed the school was continuing to socially transition T.

As T. fell deeper into the identity, she wore a breast binder and developed an explosive temper. T. accused her parents of abuse and developed an eating disorder. Despite T.'s vitriol, Lydia refused to "affirm" her "trans-identity", knowing the danger of surrendering to her daughter's maladaptive identity. T., now a college student, has completely dropped her trans identity.

D. Sue Y.

When Sue Y.'s daughter G. turned 12, her demeanor changed. G. dressed in dark, oversized clothes, became agitated, and suicidal. Amidst these changes, G. announced she was "transgender".

Sue promptly took G. to a Kaiser gender clinic. Outside her mother's presence, a clinician told G. about hormonal treatments and surgeries "to make her authentic." The clinic then told Sue she had to

choose between “a dead daughter or a live son.” Terrified, Sue followed the clinic’s advice and placed G. on puberty blockers and directed G.’s school to cooperate with the social transition, which it did. Sue committed to G.’s “transition” for years, but G.’s mental health deteriorated. G. was self-harming, suicidal, borderline anorexic, and in and out of psychiatric hospitals.

After an out-of-state psychiatrist advised that G.’s distress stemmed from mental illness, Sue stopped the blockers and stopped affirming the male identity. The school counselor was furious when Sue instructed her to stop referring to G. as a boy and called CPS, asserting that raising G. as her sex was abuse. Sue removed G. from public school. G. is now a well-adjusted adult woman who embraces her female sex.

E. Jessica E.

At age 13, Jessica E.’s daughter M. was subjected to California’s mandated sex education curriculum, exposing her to a wide range of sexual and so-called gender identities. Following class, her friends each selected non-straight labels. M. chose “bisexual” and shortly thereafter began cutting herself. The next year, because M. dressed in “Anime-themed” clothes—sometimes a sign of identity crisis—the school

counselor invited her to meet trans-identifying older students. Through these meetings and private counseling without parental consent, M.'s identity shifted to "transgender."

M. informed her mother about her new identity and her mental health plummeted. Jessica discovered M. had been obsessively consuming "transgender" content on social media while being affirmed in her newly adopted identity by the school without parental consent.

Jessica removed her phone access and unenrolled her from school. The school counselor, however, refused to cease indoctrinating M. and even tried contacting M. through her brother. Jessica then unenrolled her son and moved to Arizona. M., now a high school graduate, shed her "transgender" identity and her mental health improved. M. is both angry and embarrassed that she rejected biological reality as she embarks on a career as a firefighter.

F. Lisa Mullins

Lisa's daughter, M., struggled in middle school as she gained significant weight due to a medical condition. M. was artsy and disliked sports, pushing her out of the "cool" group. When she started high school during COVID-19 lockdowns, she lost all peer interactions.

M. turned to the internet, falling into the transgender world, consuming Anime with transgender themes, YouTube, and TikTok. She changed markedly, wearing cartoon-like makeup, shaving her eyebrows, and changing her bedroom décor to witchcraft imagery. She also started cutting. Worried, Lisa listened to online classes and became alarmed by overt sexual themes with no educational value. She heard the teacher asking whether M. would be comfortable masturbating in a room with another person or engaging in anal sex. Lisa also heard classes espousing transgenderism.

M. began decompensating and cut herself so deeply it required an emergency room visit. A psychiatrist diagnosed M. with depression and anxiety and prescribed medication.

Lisa then discovered M. had changed her name and pronouns at school, using “they/them” and flipping her name regularly between male and female. The school adopted every change without question as M. circulated through myriad sex-rejecting identities.

Lisa met with school officials demanding they stop treating M. as a boy. The school refused, informing Lisa that M. controlled her name and pronouns. But when M. asked teachers to use her real name, they still

used M.'s "trans" names, as did the school counselor. Lisa believes the school's goal was exerting power over "bigots and transphobes" like her.

Lisa toured the school, photographing how the Wellness Center enticed students with an "Explore Me" box filled with "trans" tape for binding breasts or penises or creating a fake penis "bulge." It also provided free breast binders.

In college, M. shed her transgender identities, her mental health issues subsided, and her feminine appearance returned. Lisa's family ultimately fled California to safeguard her other child from school systems that deceive parents.

G. Beth Bourne

Beth is the mother of S., a 20-year-old female who began identifying as a transgender boy at age 13 after a series of other LGBTQ identities. Beth surmises that S. wanted to present as a boy to shield herself from the type of terrible sexual assault suffered by her best friend in sixth grade. S. also has long-standing mental health issues that worsened as her identity crisis emerged. A significant contributing factor to S.'s adoption of a transgender identity was her school - Davis Joint Unified High School, that has one in twenty-five students identifying as

transgender, 2.8 times the national average.¹⁴ The school was encouraging and counseling Beth that S.'s cutting and anxiety would resolve if she would treat S. as a boy. At first Beth listened to the "experts" in her desperation to help her child, but over time was alarmed to that her daughter's medical team suggested that her mentally unstable daughter undergo life-changing sex-rejecting interventions before she could even drive a car. The school counselor habitually pressured Beth to move forward in S.'s "transition" creating a wedge between mother and child, while at the same time providing a basis for S.'s affirming father to obtain complete control over the rearing of S. In an extraordinary act of selflessness, Beth gave up visitation with S. to her ex-husband in exchange for a prohibition of sex-rejecting interventions while S. was still a minor, giving her time to mature.

Now, an adult, S. has not medicalized and is showing signs of desistence, moving from trans to non-binary, wearing normal bras

¹⁴ Colin Wright, *BREAKING: New Documents Reveal Shocking Surge in Trans-Identified Students in Davis, CA Schools*, Reality's Last Stand (Jan. 17, 2023), <https://www.realityslaststand.com/p/breaking-new-documents-reveal-shocking>.

instead of breast binders, wearing dresses and typical female make up, and changing her name from a clearly male name to a typical feminine one. Tragically, the chasm created by the systematic encouragement of school and medical providers that S. was “trans” has not been bridged, and S. has no direct contact with Beth.

H. Aurora Regino¹⁵

When Aurora’s daughter was 12 years old, she experienced some traumatic events in her life. Her father was in a debilitating car accident that rendered him brain damaged. In 5th grade, her beloved grandfather passed away, Aurora was battling breast cancer, and A.S. started puberty early.

A.S., feeling distressed at the changes to both her home life and body, turned to her school counselor for solace. The school counselor had encouraged students in A.S.’s class to explore their identities and consider whether they felt like they were not the “gender” associated with their sex. The school counselor had told students that this feeling was normal, and they should embrace the feeling if they had it.

¹⁵ See also *Regino v. Staley*, 133 F.4th 951, 958 (9th Cir. 2025).

The counselor invited A.S. to an “arts and crafts” group. After one of the meetings, A.S. told the school counselor she felt like a boy. The counselor sprang into action. She asked A.S. if she had a boy’s name she wanted the teachers to use. A.S. felt pressured by the school counselor and said she did.

A.S.’s teachers clandestinely started to refer to her as a boy, with a boy’s name and male pronouns. The “arts-and-crafts club” became a club for indoctrination. The school counselor began discussing gender and sexuality in depth with the 12-year-old girls. Without her mother’s permission, A.S. was meeting with the school counselor and being further coached into her transgender belief. The counselor also told A.S. about binding her breasts and “top surgery.”

A.S. told the counselor that she wanted her mom to know about what was going on. The counselor encouraged her to keep it a secret. Finally, A.S. told her grandmother, and she in turn told Aurora.

The school evaded Aurora’s subsequent inquiries, telling her—falsely—that it was required by law to keep its actions secret from her. A.S.’s belief that she was really a boy subsided after leaving the offending school.

I. Jessica Konen

Jessica is the mother of M., a female. When M. was 11, in 2019, a friend invited her to a Gender Sexuality Club (“GSA”). She quit but rejoined when a teacher personally invited her back. When the Club teachers asked her for her sexuality, to conform, M. said she was bisexual, even though she did not understand the meaning of the term. The teachers convinced her that she was actually a transgender boy and instructed her to choose a male name. The school then called her the male name and created a secret gender support plan that noted that M.’s parent should not be told. M.’s mental health declined.

M.’s club teachers were then caught on tape at a California Teachers Association meeting admitting how they circumvent parents and look at student’s Google searches to find members for their club. Jessica discovered that the teachers counseled other teachers to use creative names to mask the true purpose of the GSA clubs, as they had done.

Jessica disenrolled M. from the offending school, and M.’s mental health steadily improved. M. then ceased identifying as “transgender.”

CONCLUSION

Defendants' Parental Secrecy Policies likely violate parents' fundamental right to make mental health decisions for their children and Free Exercise right to direct the religious upbringing of their children. *Mirabelli*, 607 U.S. at 497. The policies also violate longstanding precedent describing the proper constitutional balance between parental rights and children's rights of self-determination. Finally, the policies deprive children of their right to an open future.

For these reasons, the district court properly entered judgment in favor of Plaintiffs and issued a permanent injunction prohibiting implementation of the policies. This Court should affirm the district court.

Dated: September 2, 2026.

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Dated: September 2, 2026

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