

No. 25-840

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**In the Supreme Court of the United States**

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INTERNATIONAL PARTNERS FOR ETHICAL  
CARE, INC., ET AL.,  
*Petitioners,*

*v.*

BOB FERGUSON, GOVERNOR OF WASHINGTON, ET AL.

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

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**BRIEF FOR THE PETITIONERS**

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## **QUESTION PRESENTED**

Whether parents have standing to challenge a law or policy that deliberately displaces their decision-making role as to gender transitions of their children, and in so doing creates present and likely future impediments to their ability to parent their children as they deem best for them.

Specifically: Have some or all Petitioner Parents sufficiently alleged injury in fact (and traceability and redressability) because:

- (a) they are members of the class of parents who are objects of the laws at issue and adequately allege a violation of their federal constitutional rights as a result;
- (b) they are currently suffering additional concrete, actual injuries from those laws in the form of, for example, government-created incentives for their children to run away, which in turn have interfered with the parent-child relationship and forced them to change their parenting strategies; and/or
- (c) because of those laws, they face an increased risk of future injuries, for example, to their children's health and to the parent-child relationship?

**PARTIES TO THE PROCEEDING AND  
CORPORATE DISCLOSURE STATEMENT**

Petitioners are International Partners for Ethical Care, Inc., Advocates Protecting Children, and Parents 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B (proceeding pseudonymously as allowed in the district court).

Respondents are Robert Ferguson, Governor of Washington; Nick Brown, Attorney General of Washington; and Tana Senn, Secretary of the Washington Department of Children, Youth, and Families, having been substituted according to Federal Rule of Appellate Procedure 43 for Jay Inslee, Governor of Washington; Robert Ferguson, Attorney General of Washington; and Ross Hunter, Secretary of the Washington Department of Children, Youth, and Families.

Petitioner International Partners for Ethical Care, Inc. (IPEC) is a corporation formed and in good standing in the State of Illinois under Section 501(c)(3) of the Internal Revenue Code. IPEC is not publicly traded, has no parent corporation, and no publicly held corporation owns ten percent or more of its stock.

Petitioner Advocates Protecting Children is a non-stock corporation formed and in good standing in the Commonwealth of Virginia under Section 501(c)(3) of the Internal Revenue Code. Advocates Protecting Children is not publicly traded, has no parent corporation, and no publicly held corporation owns ten percent or more of its stock.

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## INTRODUCTION

Four decades ago, Justice Scalia identified a category of federal cases in which standing should not be controversial: those in which a majority has used a law or regulation to target a minority in a way that infringes their legal right. See Antonin Scalia, *The Doctrine of Standing as an Essential Element of the Separation of Powers*, 17 Suffolk U. L. Rev. 881, 894 (1983). In that scenario, a plaintiff “always has standing” since this “is the classic case of the law bearing down upon the individual himself.” *Ibid.* And exercising jurisdiction there is appropriate because it flows from federal courts’ “traditional undemocratic role of protecting individuals and minorities against impositions of the majority.” *Ibid.*

This is that “classic case.” Like *Mirabelli v. Bonta*, 607 U.S. 492 (2026) (per curiam), and *Mahmoud v. Taylor*, 606 U.S. 522 (2025), this case involves an attempt by a political majority to curtail the exercise of legal rights by a political minority—parents whose beliefs about gender differ from those of the majority. And the rights at issue include the Petitioner Parents’ federal constitutional right to direct and control the upbringing of their children, which is “perhaps the oldest of the fundamental liberty interests recognized by this Court,” *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality op.). Under the brief analysis in *Mirabelli*, parents—of any religious or philosophical stripe—have federal standing when they properly plead a government has targeted them in a way that infringes their Constitution-based parental rights.

The parents here also properly pleaded several concrete harms arising from Washington laws that deliberately lure children to run away when they disagree with their parents on gender identity. Those harms include not only the parents' loss of prior legal protections. The harms also include a state-created Sword of Damocles in Petitioners' homes that forces them to avoid discussing gender-related issues with their children, using their children's given names and biologically accurate pronouns, and implementing ordinary discipline.

Yet the Ninth Circuit held Petitioners lack federal standing to assert their federal parental rights. It reasoned that Petitioners failed to adequately allege injury-in-fact because their current injuries were "self-inflicted," and any future harms were not sufficiently immediate or certain. Pet.App.14a-25a. In so holding, the panel purported to apply the standing framework in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). But that case dealt, not with the "classic case" of a majority seeking to impose its will on a minority, but with litigants who seek to "prescrib[e]" how government "should \*\*\* serve the interest of the majority itself." Scalia at 894 (emphasis omitted).

This Court's recent decisions clarify *Lujan* and, like Justice Scalia's article, offer a compelling and straightforward resolution of the standing issue here: Whenever a group of citizens is the target or object of a law that infringes an individual legal right, each member of the group has standing to vindicate that right in federal court. And this is especially true where, as in *Mirabelli* and here, the state undercuts

parents’ rights to raise their children and direct their healthcare.

*Mirabelli* and the decision on which it relied—*Diamond Alternative Energy, LLC v. EPA*, 606 U.S. 100 (2025)—show that being the object of the law meets standing’s requirements even if one is not directly regulated. Accord Scalia at 894 (one “who is the very *object* of a law[] \*\*\* always has standing”). These cases also show that being the law’s object ordinarily satisfies *Lujan*’s three specific requirements. And here, all Petitioner Parents are suffering concrete current injuries in the form of changed legal status; lost legal protections; incentives for their children to run away; interference with the parent-child relationship; and fear.

Most Petitioners also claim additional concrete harms based on having children who suffer from gender dysphoria and who have been encouraged to run away by Washington’s laws:

- Parent 2A “does not use [her daughter’s] given name in public or use any pronouns when referring to her.” Pet.App.73a, ¶¶26-28.
- Parents 2A and 2B avoid any discussion of gender with or around their daughter. Pet.App.73a, ¶29.
- Parent 1A hesitates to discipline her child for fear it will cause a rift that a youth shelter (perhaps in league with others) might seize upon to facilitate a gender transition. Pet.App.71a, ¶16.
- One of the challenged laws shuts Parents 5A and 5B out of decisions on mental health counseling

their daughter received for gender-related issues.  
See Pet.App.77a.

All these harms are “concrete,” “actual,” and “particular” to these Petitioners, and would therefore entitle them to standing even without the *Mirabelli/Diamond* “object-of-the-law” principle.

Under *FEC v. Cruz*, 596 U.S. 289 (2022), this chilling of speech and other commonsense responses to the laws here cannot be dismissed, as the Ninth Circuit did, as “self-inflicted.” And Petitioners’ well-pleaded allegations of increased risk of *future* injuries—to their parent-child relationships and their children—provide yet another basis for standing.

### **OPINIONS BELOW**

The opinion of the U.S. Court of Appeals for the Ninth Circuit is published at 146 F.4th 841 and reproduced at Pet.App.1a-27a. The district court’s order granting the motion to dismiss is unreported but available at 2024 WL 2214707 and reproduced at Pet.App.28a-31a. The Ninth Circuit’s order denying rehearing and rehearing en banc is published at 161 F.4th 604 and reproduced at Pet.App.32a-65a.

### **JURISDICTION**

The Ninth Circuit issued its opinion on July 25, 2025, Pet.App.1a, and denied rehearing and rehearing en banc on December 5, 2025, Pet.App.32a. The petition for a writ of certiorari was timely filed on January 7, 2026, and granted on June 29, 2026. This Court has jurisdiction under 28 U.S.C. §1254(1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS

Article III, section 2 of the United States Constitution is reproduced in Appendix A. Washington’s Engrossed Substitute Senate Bill 5599, 68th Leg., Reg. Sess. (Wash. 2023), enacted as 2023 Wash. Sess. Laws, ch. 408 (effective July 23, 2023), is reproduced in Appendix B. Substitute House Bill 1406, 68th Leg., Reg. Sess. (Wash. 2023), enacted as 2023 Wash. Sess. Laws, ch. 151 (effective July 23, 2023), is reproduced in Appendix C. Washington Revised Code §13.32A.082 (2023) is reproduced in Appendix D. Washington Revised Code §71.34.530 (2019) is reproduced in Appendix E. Relevant portions of Washington Revised Code §74.09.675 (2021) are reproduced in Appendix F.

## STATEMENT

### A. Operation of Washington’s Laws

Previously in Washington, if a youth shelter received a runaway child, the shelter had to notify the parents within 72 hours—preferably within 24 hours. Wash.Rev.Code §13.32A.082(1)(b)(i) (2013). The notice had to “include the [youth’s] whereabouts” and “a description of the youth’s \*\*\* condition,” *ibid.*, enabling parents to quickly retrieve their child. One exception applied—“[i]f there [were] compelling reasons not to notify the parent,” specifically, circumstances where “notifying the parent or legal guardian [would] subject the minor to abuse or neglect.” *Id.* §13.32A.082(2)(c). In that case, the shelter reported to the Department of Children, Youth

and Families. *Id.* §13.32A.082(1)(b)(i). The Department then “ma[d]e a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.” *Id.* §13.32A.082(3).

But in 2023, the Washington Legislature enacted two statutes expanding the compelling-reasons exception and recasting the Department’s duties after a report.

1. ESSB5599 expanded “compelling reasons” to include “[w]hen a minor is seeking or receiving protected health care services,” Wash.Rev.Code §13.32A.082(2)(c)(ii) (2023), even when there is no abuse or neglect. It also expanded the definition of “protected health care services” to include “gender-affirming treatment[.]” *Id.* §13.32A.082(2)(d).<sup>1</sup> So whenever a runaway child seeking or receiving such treatment arrives at a shelter, it is now forbidden to notify parents and must notify the Department instead. *Id.* §13.32A.082(1)(b)(i). As Judge VanDyke observed, this “amendment now treats the parents of children suffering from gender dysphoria as per se neglectful or abusive and does not require the shelter to contact them.” Pet.App.38a.

ESSB5599 also requires that once the Department receives a report about a child “seeking or

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<sup>1</sup> Washington law defines “gender-affirming treatment” as “a service or product that a health care provider \*\*\* prescribes to an individual to support and affirm the individual’s gender identity.” Wash.Rev.Code §74.09.675(3). This includes mental or physical health services. *Ibid.* §70.02.010(15).

receiving protected health care services,” it must both (1) “[o]ffer to make referrals on behalf of the minor for appropriate behavioral health services”; and (2) “[o]ffer services designed to resolve the conflict and accomplish a reunification of the family.” Wash.Rev.Code §13.32A.082(3)(b) (2023). But it imposes no duty of parental notice or consent for the health services.

2. SHB1406 generally requires the Department to offer “family reconciliation services” with “the youth and the family,” within three days of a report. Wash.Rev.Code §13.32A.082(3)(a) (2023). “Family reconciliation services” are “services provided by culturally relevant, trauma-informed community-based entities \*\*\* designed to assess and stabilize the family[.]” *Id.* §13.32A.030(12) (2025). But SHB1406 also “recognize[d] a pathway for qualifying minors to stay in a licensed shelter for up to 90 days without parental permission.” Pet.App.9a (citing §13.32A.082(1)(b)(i) (2023)). That is available when the parent “does not request that the child return home” or when efforts to contact a parent fail—because, for example, the child refuses to provide her parents’ contact information. *Ibid.* (discussing Wash.Rev.Code §13.32A.082(1)(b)(i)(A),(B)).

3. Both changes now sit in “Paragraph 3” of §13.32A.082 of the “Family Reconciliation Act.” App.D. And these two amendments thus operate together. ESSB5599 treats a runaway child seeking gender-affirming treatment differently from other runaway children by requiring shelters to notify the Department, not the parents. And, although it still requires the Department to offer family-reconciliation

services, the provision imposes no effective deadline for contacting parents or returning the child.

Most important, it also imposes a separate duty to offer behavioral health service referrals. And these amendments apply regardless of the child's age—seven-year-old's and seventeen-year-old's trigger the same cascade of events.

Plus, Wash.Rev.Code §71.34.530 authorizes “[a]ny adolescent” over the age of thirteen to “request and receive outpatient treatment without [parental] consent.” App.E. Outpatient treatment includes at least psychological therapy to affirm gender confusion, if not more invasive “treatment.” See Wash.Rev.Code §71.34.020(46).

## **B. Harms to Parents**

These laws harm parents in several ways.

### **1. The laws strip parents of previous legal protections.**

Before the amendments, parents of children receiving or seeking “gender-affirming treatment” were treated like all other parents except those suspected of “abuse” or “neglect.” At the very least, then, the State lacked authority to refer these children for “behavioral health services.” Also the shelter (or other entity or individual) housing the runaway child had to contact the parents directly. So even if the amendments do not delay notice, they reduce the information provided to parents. And in the amendments’ wake, parents of children receiving or seeking “gender-affirming treatment” are now treated

less favorably under the law, losing previous protections.

Washington “law thus places \*\*\* parents[] who wish to raise their child in accordance with the child’s biological sex[] in the same category as parents who are abusive or neglectful.” Pet.App.52a (Tung, J., dissenting).

## **2. The laws shut out parents from decisions about their child’s treatment.**

These laws also deprive parents of the right to make important decisions about their child’s treatment. By their terms, the amendments require the Department to “[o]ffer to make referrals on behalf of the minor for appropriate behavioral health services,”<sup>2</sup> Wash.Rev.Code §13.32A.082(3)(b)(i) (2023), “which can include ‘gender-affirming’ treatment” of at least some kinds. Pet.App.53a (Tung, J., dissenting).<sup>3</sup> The amendments thus strip from parents a previously

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<sup>2</sup> “[B]ehavioral health services’ means mental health services, substance use disorder treatment services, and co-occurring disorder treatment services as described in this chapter and chapter 71.36 RCW.” Wash.Rev.Code. §71.24.025(11).

<sup>3</sup> Even if “behavioral health services” means only mental therapy, by referring minor children to counseling that affirms their gender confusion, the Department is likely cementing—perhaps for a lifetime—a confusion that most children would otherwise mature out of. See Riittakerttu Kaltiala-Heino et al., *Gender Dysphoria in Adolescence: Current Perspectives*, 9 *Adolesc. Health Med. Therapeutics* 31, 33 (2018) (approximately 4 of every 5 minor children with gender dysphoria experience resolution, ultimately accepting their biological sex, if not affirmed as the opposite sex), <https://tinyurl.com/ppyhuemr>.

held right to prevent the State from referring their runaway children for treatments the parents oppose.

Legislators said the amendments were designed to solve the supposed problem of “non-affirming” parents, like Petitioners, and that the amendments were *intended* to displace a child’s parents and to authorize “gender-affirming treatment” for runaway minors seeking it. For example, ESSB5599 sponsor Senator Marko Liias explained during the bill’s legislative hearing:

What this bill speaks to is when a young person is \*\*\* seeking gender-affirming care in the face of opposition and hostility from their family. In those cases where that reunification process would separate that vulnerable young person from the health care that they’re entitled to \*\*\*[,] [w]hen a family is standing between their young person and essential health care services \*\*\*[,] we need to focus on the essential needs of a young person—ensure they’re getting the care they deserve. And then focus on the important reunification process.<sup>4</sup>

So, first comes “gender-affirming treatment,” then (maybe) comes reunification.

And Representative Jamila Taylor described the bill’s purpose as saving kids from their parents by replacing parents with the State:

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<sup>4</sup> Senate Floor Debate on SB5599 (Mar. 1, 2023) (statement of Sen. Liias, Sponsor, at 1:24:48-1:26:00), <https://tinyurl.com/75jaep4t> (click “start video”) (“Liias Statement”).

[W]e’re talking about children who are not \*\*\* hearing really encouraging language from their parents. It’s the \*\*\* words that are constantly told—“you cannot be uniquely you. You cannot be something other than what I desire for you to be. And if you do not follow my rules \*\*\* I’m not even gonna give you the safety, the comfort that you so desire when you want to be uniquely you.” \*\*\* Home is not safe. \*\*\* *We must step in.* We must provide a place for this child.<sup>5</sup>

Senator Yasmin Trudeau similarly declared that the family (i.e., parents) is the problem the bill targets:

[W]e know \*\*\* when it comes to \*\*\* issues that disproportionately impact trans youth, it is a result of rejection by their family, by the lack of love and support that’s shown. And so I think that we all have, we would love to know that every family is a family that supports their children. But \*\*\* that just isn’t the case. \*\*\* Many families don’t. And for the kids that come from those families, they deserve the support and love as well[.]<sup>6</sup>

And Governor Inslee, who signed the amendments into law, confirmed that the

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<sup>5</sup> House Floor Debate on SB5599 (Apr. 12, 2023) (statement of Rep. Taylor, at 1:42:32-1:45:03 (emphasis added)), <https://tinyurl.com/4wdbhape> (click “start video”) (“Taylor Statement”).

<sup>6</sup> SB5599 Senate Floor Debate, *supra* note 4, at 1:55:08-1:56:46) (statement of Sen. Trudeau (“Trudeau Statement”).

amendments “support these youth as they access gender-affirming treatment[.]”<sup>7</sup>

The amendments’ plain language and purpose thus provide the state with authority—and additional time—to provide at least some form of “gender-affirming treatment” to the runaway child in the face of parental opposition. And with the amendments, parents of a child who runs away and seeks any of those “services” have now lost the right to be involved in that decision.<sup>8</sup> They cannot deny consent, counsel with their child about the decision, or even *provide* consent and assist their child during treatment. And all because the State makes the decision for them.

Plus, Wash.Rev.Code §71.34.530 cuts parents out from decision making on “outpatient treatment” for 13–17-year-olds—which (as noted above) can include some gender-transition treatments.

### **3. The laws delay or deny notice to parents.**

Now, when a minor seeks “gender-affirming treatment,” whoever is housing the child is forbidden to notify parents of a runaway gender-confused

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<sup>7</sup> Associated Press, *Trans minors protected from parents under Washington law*, KNKX Pub. Radio (May 9, 2023), <https://tinyurl.com/ynyfm7s6>.

<sup>8</sup> A child need not go to a shelter for the challenged amendments to be triggered as the notification to the Department is required for “any person, unlicensed youth shelter, or runaway and homeless youth program” housing a runaway child. Wash.Rev.Code §13.32A.082(3).

minor.<sup>9</sup> And once a shelter (or anyone with the child) notifies the Department, departmental policy asserts that, after receiving a report about a runaway youth seeking “gender-affirming treatment,” a caseworker need only “[a]sk the youth or shelter to provide contact information for the youth’s parents \*\*\*, if known,” and, “[c]ontact the parents \*\*\* *if* contact information is provided.”<sup>10</sup> Otherwise, the Department can contact parents only if a prior child-welfare report has their information. No additional effort to notify or even identify parents of runaway minors is required. And if the Department is able to contact the parents, the amendments still delay parental notice by three *additional* business days. Wash.Rev.Code §13.32A.082(1)(b)(i).

#### **4. The laws allow parents to be denied information about their child’s location and condition.**

With the amendments, parents also lost the detailed notice the Act previously required. Before, absent abuse or neglect, the shelter had to provide a child’s parents with information about the child’s location and condition. Wash.Rev.Code

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<sup>9</sup> The panel read “compelling reasons” to mean “the shelter *may* forego contacting the child’s parents and contact [the Department] instead.” Pet.App.7a (emphasis added). But the amendments clearly state that if “compelling reasons” exist, the shelter “must *instead* notify [the Department].” Pet.App.184a-185a (emphasis added).

<sup>10</sup> Policy Memo from Natalie Green, Asst. Sec’y & Steve Grilli, Asst. Sec’y of Partnership, Prevention & Servs., Wash. Dep’t of Child., Youth & Fams., *Changes to 3100, Family Reconciliation Services Policy 2* (July 21, 2023), <https://tinyurl.com/y42r6v63>.

§13.32A.082(1)(b)(i) (2013). But the amendments removed that requirement for minors seeking “protected health care services.” *Id.* §13.32A.082(3)(a) (2023).

All the Department must provide now is notice that it received a shelter’s report that it has a child. *Ibid.* The report no longer provides the child’s location or condition, so parents cannot reunite with their child even if they receive notice. See *ibid.* Parents of affected children thus “lose any entitlement to be notified of their runaway child’s location.” Pet.App.52a (Tung, J., dissenting). And there is no requirement that the Department notify parents that their child is seeking gender-affirming treatment.

#### **5. The laws allow significant delay in a child’s return.**

Worse, the amendments stall parent-child reunification—thereby entrenching any “gender-affirming treatment” the child receives.

First, the amendments set no required timeline for returning the child. At most, the amendments require the Department to “[o]ffer services designed to resolve the conflict and accomplish a reunification of the family.” Wash.Rev.Code §13.32A.082(3)(b)(ii) (2023). But the statute sets no timeline or conditions for actual reunification.

So, until that “conflict” is resolved—to the Department’s satisfaction—reunification is not

required.<sup>11</sup> And there is no requirement that the Department inform parents the child is receiving “behavioral health services.”

Second, if initial contact is unsuccessful because the child refuses to provide parental contact information or a correct name, the minor may stay in the shelter for up to 90 days. *Id.* §13.32A.082(1)(b)(i).

The Department’s resulting authority to offer reunification on the timeline it wishes is by design. As co-sponsor Senator Lias explained in reference to runaway kids, ESSB5599 is designed to “ensure they’re getting the care they deserve. And then focus on \*\*\* reunification[.]”<sup>12</sup> Accord Pet.App.53a (Tung, J., dissenting) (“[T]he law appears designed to \*\*\* prevent parents from reuniting with their child (unless they ‘affirm’ the child’s gender identification) and to clear the path of obstacles for the child to receive ‘gender-affirming’ treatment.”).

### **C. Factual Background**

Parents 1A and 1B (who sued under pseudonyms to protect family privacy) are the mother and father of a minor biological girl (1C) who has struggled with gender confusion. Pet.App.70a, ¶¶11-12. Parents 2A and 2B are the mother and father of an adult biological woman (2C) and a minor biological girl (2D), both of

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<sup>11</sup> The State argued below that Department policy directs caseworkers to “contact the family within twenty-four hours of being assigned the case, excluding weekends and holidays, to schedule an interview and assessment.” Answer.Br.7. But attempting to schedule an interview and assessment are not reunification.

<sup>12</sup> Lias Statement, *supra* note 4.

whom suffer from gender dysphoria (or “gender confusion”). Pet.App.72a, ¶¶21-22. Parents 3A and 3B are the mother and father of a minor biological boy (3C) who is “sometimes in a fragile state as a young autistic adolescent” and who struggles with gender confusion. Pet.App.73a-74a, ¶¶31-32,34. As Roman Catholics, “the[] religious beliefs” of 3A and 3B “inform their understanding that a boy is a male child” as “[t]hey believe in the teachings of the Roman Catholic Church on gender.” Pet.App.74a, ¶33. Additionally, 3A and 3B have an older son who also suffered from gender confusion and was encouraged to run away and live with a friend’s family “since 3A and 3B did not affirm his gender confusion.” Pet.App.74a-75a, ¶38.

Parents 4A and 4B have three children, including a minor biological girl (4C) and a minor biological boy (4D). Pet.App.75a-76a, ¶¶42-43. 4A and 4B “are non-denominational Christians who believe the Bible is the Word of God” and because of its teachings their “religious beliefs do not support the idea that a child can change from being a boy to a girl or from being a girl to a boy.” Pet.App.76a, ¶¶44,46. And Parents 5A and 5B are the father and stepmother of a girl (5C) who “began suffering from rapid onset gender dysphoria when she was 12.” Pet.App.76a, ¶¶48-50. 5A and 5B “do not affirm 5C’s claim to be a boy.” Pet.App.76a, ¶50. 5C ran away from home for a short time when she was 13 years old. Pet.App.77a, ¶53.

In their amended complaint (Pet.App.D), Petitioners pleaded substantial current and future injuries from the challenged statutes.

For example, four of the Petitioner Parent couples have children struggling with gender confusion—with most secretly “transitioned” at their public schools. Pet.App.70a(¶13),72a(¶23),74a(¶37),77a(¶52). None of the Petitioner Parents are willing to affirm that gender confusion. Pet.App.72a,73a,75a,77a. One of these gender-confused children previously ran away. Pet.App.77a,¶55. And others have threatened to take two of these gender-confused children away from home to be “affirmed,” Pet.App.72a(¶24),74a-75a(¶38), which, under the laws at issue, they could do merely by taking the children to a shelter. Petitioners are thus the very parents the challenged laws target.

Fear that their child will run away to get the treatment their parents reject, Pet.App.71a(¶17), 73a(¶26), has chilled some Petitioners in their *current* parenting and speech. One Petitioner Parent (2A), with limited exceptions, “does not use” her daughter’s “given name in public or use any pronouns when referring to her,” and she and her husband avoid discussing gender with or around their daughter. Pet.App.73a(¶28). Another Petitioner (1A) hesitates to discipline her child for fear it will cause a rift between her and her child that others can exploit by taking her to a shelter. Pet.App.71a(¶16). Another couple’s daughter (5C) already ran away. Pet.App.77a(¶54). See *infra* Section II.B; Pet.App.71a-73a.

All Petitioners (including the parents of 3C and 4C) also alleged that threatened enforcement of the statutes causes them reasonable fear in their parenting. Pet.App.70a-77a.

Given the incentives the amendments create for gender-dysphoric children to run away, common sense says those amendments warp intra-family dynamics in any home with gender-dysphoric children—whether parents know of the dysphoria.<sup>13</sup>

#### **D. Procedural History**

Petitioners sued shortly after the laws went into effect and filed their first amended complaint on November 6, 2023, Pet.App.66a, raising federal constitutional parental, free speech, free exercise, and due process rights, Pet.App.109a-135a. They also alleged various injuries in fact, including that the laws: (1) interfered with the parenting of their children, Pet.App.71a-73a; (2) deprived them of previous rights to notice and reconciliation, Pet.App.80a, 83a-89a, 92a-94a; (3) caused a present injury from fear (and an increased risk) that their

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<sup>13</sup> Child 5C turned 18 earlier this year; Child 1C and 3C turn 18 in December after oral argument. But Child 2C is 16 and parents 4A and 4B’s children are 11 and 9. So some Petitioners’ children, including one struggling with gender dysphoria, will still be under 18 when this case is decided, defeating any mootness claim. *Cutter v. Wilkinson*, 544 U.S. 709, 712 n.1 (2005) (“[A] live controversy remains among the still-incarcerated petitioners,” even if two named petitioners had been released from prison).

Also, this litigation will have lasted nearly four years by the time of this Court’s decision because of Respondents’ litigation strategy—with Petitioners suffering ongoing injuries that whole time. See *Mirabelli*, 607 U.S. at 497 (“The denial of plaintiffs’ constitutional rights during the potentially protracted appellate process constitutes irreparable harm.”). So, on remand, Petitioners will seek to amend their complaint to add Section 1983 damages claims, which claims will not be moot regardless of Petitioners’ children’s ages.

children will run away, Pet.App.71a-77a; and (4) raised the odds that, if a child runs away, the State would facilitate a gender transition contrary to the parents' wishes. Pet.App.70a-73a, 75a-77a.

Six months in, the case was reassigned to a different judge who, a day later (without a hearing), granted Defendants' motion to dismiss, holding with minimal analysis that Petitioners failed to allege standing. Pet.App.28a-31a.

On appeal, Petitioners explained that they adequately alleged standing based on the injuries above and because the challenged laws target them. Pet'rs'.C.A.Br.66; Pet.App.94a. And after this Court decided *Diamond*, Petitioners explained in a Rule 28(j) letter that *Diamond* supported their targeting point (C.A.Dkt.48).

But the Ninth Circuit affirmed. Pet.App.4a-5a. It held Petitioners failed to adequately allege standing because (1) any current altering of parenting is a "self-inflicted injury," (2) the laws do not *directly* regulate the parents' speech, and (3) standing based on increased risk of harm requires *immediate* injury even when the feared injury is drastic. Pet.App.14a-25a. But the panel ignored Petitioners' targeting point under *Diamond* and Petitioners' showing of other present harms.

Petitioners unsuccessfully sought rehearing and rehearing *en banc*. Pet.App.32a-34a. Two judges dissented because Petitioners adequately alleged standing based on current injury to parental rights. Pet.App.34a-51a. And a third judge, joined by the first two, dissented because Petitioners alleged a sufficient

risk of future injury for standing and the parents were the challenged statutes' objects. Pet.App.51a-65a.

### SUMMARY OF ARGUMENT

For multiple independent reasons, Petitioners have adequately alleged standing.

I. First, Petitioners are the challenged laws' object, which has sufficed for standing for over a century and was reaffirmed by this Court earlier this year in *Mirabelli*—a case on all fours with this case. And being the laws' object here also satisfies *Lujan's* injury-in-fact requirements.

II. The laws also stripped protections that Petitioners previously enjoyed. This interferes with their parent-child relationships and creates incentives for their children to run away and bypass their parents in decisions about gender identity. And because of these incentives and interference, at least some Petitioners have chilled their parenting to avert catastrophe. Also, all live in increased fear that the laws will encourage gender dysphoric children to run away to a shelter.

III. Beyond these injuries, the laws increased the risk of future harm to Petitioners' constitutional rights and their children's health.

IV. Finally, although prior precedents suffice to rule for Petitioners, under Article III's original meaning, Petitioners have adequately alleged infringement of private legal rights—which would have sufficed for standing in the Founding era.

Any of these harms establishes the necessary injury. And causation and redressability are readily satisfied.

## ARGUMENT

This case well illustrates what can happen when government, at the behest of a political majority, undermines parental rights because the majority disagrees with parents' views. Here the government did not regulate “non-affirming” parents directly. It targeted them by creating and hanging in their homes a Sword of Damocles that affects parents at different speeds. Cf. *First Choice Women's Res. Ctrs., Inc. v. Davenport*, 146 S.Ct. 1114, 1127 (2026). Some parents are quickly affected in striking ways—like the Petitioners whose parenting the challenged laws are chilling. For others, the hanging sword erodes their parental authority and strains their parent-child relationship in less striking ways, even while increasing the threat of future injury.

In both ways, creating the sword and placing it in every home of the targeted class causes sufficient injury-in-fact for standing. And even without that aspect of the laws here, Petitioners have adequately alleged ample additional bases for standing.

### **I. Petitioners Have Sufficiently Alleged Standing as the Laws' Objects.**

Since *Lujan*, this Court has required an “injury in fact,” the only element of standing the Ninth Circuit held was lacking here. 504 U.S. at 560-561. To qualify, that injury must be concrete, particularized, and “actual or imminent.” *Id.* at 560. But *Diamond* and

*Mirabelli* clarified that standing is inherently satisfied when plaintiffs asserting infringement of their individual legal rights are the “object” or “target” of the law, even if not directly compelled or forbidden from acting. On the well-pleaded allegations, that is true of Petitioners.

**A. Under *Mirabelli* and *Diamond*, standing exists for objects of a law infringing individual legal rights.**

For instance, on a parental-rights challenge to a law excluding parents from information and decision making on “gender identity,” this Court held in *Mirabelli* that the parent plaintiffs “very likely have standing because they are objects of the challenged exclusion policies.” 607 U.S. at 494, 498 (citing *Diamond*, 606 U.S. at 114). Like the parents here, the *Mirabelli* parents were not directly regulated. But the laws allowed minor children to socially “gender transition” at school without parental consent, and kept that transitioning secret from parents unless the child authorized disclosure. *Id.* at 493-494. And, while the regulated parties were schools, the Court found that parents were also the policies’ “objects.” *Id.* at 498.

So too in *Diamond* this Court noted that, “[w]hen a plaintiff is the ‘object’ of a government regulation, there should ‘ordinarily’ be ‘little question’ that the regulation causes injury to the plaintiff and that invalidating the regulation would redress the plaintiff’s injuries.” 606 U.S. at 114 (quoting *Lujan*, 504 U.S. at 561). And the Court opined that “[t]he fuel producers [t]here might be considered an object of the

California regulations,” which limited the sale of gasoline-powered vehicles and required more electric ones. *Id.* at 114-115. That was “because the regulations explicitly seek to restrict the use of gasoline and other liquid fuels in automobiles.” *Ibid.*

This “target-of-the-law” principle has been applied “in various contexts,” *id.* at 115, over a century. For example, in a leading parental rights case, “when a State prohibited parents from sending their children to private schools, affected schools had standing to sue, even though parents were the directly regulated parties.” *Ibid.* (discussing *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 535-536 (1925)). Or “when the [FCC] announced that it would deny a license to any broadcasting station that conducted certain business with broadcasting networks, a broadcasting network (CBS) had standing to sue even though broadcasting stations were the directly regulated parties.” *Ibid.* (citing *Columbia Broad. Sys., Inc. v. United States*, 316 U.S. 407, 422 (1942)). And even though *Diamond* did not expressly rely on this principle for finding standing there, *id.* at 116, the principle is particularly apt as to parental rights.

Given *Diamond*’s reading of *Pierce* and *Columbia Broadcasting*, and *Mirabelli*’s application of *Diamond*, a party can be the law’s object without being directly regulated. When a law purposely seeks to affect third parties through a regulated “conduit,” those third parties are also the law’s objects, even if not directly regulated. *Diamond*, 606 U.S. at 116.

**B. All Petitioner Parents are objects of the laws here.**

Here those objects include Petitioners, based on the laws' text, designs, and purposes.

1. The Washington amendments' text and design reclassify parents whose child arrives at a runaway shelter seeking or claiming to be receiving "gender-affirming treatment" from one legal category to a less-favorable one: The amendments no longer place the parents of gender-confused children under the category of "fit" parents. Instead, they are exiled to the "compelling reasons" exception alongside parents who "subject the minor to abuse or neglect." Wash.Rev.Code §13.32A.082(2)(c), (d).

The amendments thus treat parents unwilling to affirm their gender-confused children as legally comparable to abusive or neglectful parents. The amendments thus strip them of legal protections they formerly possessed. And the amendments create incentives to run away *only* for the children of those parents, since children of "affirming" parents would have parental support in obtaining transition treatments.

The amendments also, for the first time, authorize Respondents themselves to refer a child for "behavioral health services." *Id.* §13.32A.082(3)(b)(i). The obvious reason to add a minor "seeking or receiving \*\*\* gender-affirming treatment" to the "compelling reasons" definition was to allow the State to refer that child for "affirming" services and to give the State additional time to provide that treatment. And all without parental consent.

Even ignoring the notice and reunification provisions, these recategorization and services referral provisions are indisputable changes in how the statute treats these parents—and show they are the amendments’ objects.

2. Legislators’ stated purposes also show those parents were the amendments’ object. For instance, Senator Lias declared, “What this bill speaks to is \*\*\* [w]hen a family is standing between their young person and essential health care services.” Lias Statement, *supra* note 4. By “family,” Lias meant parents. Representative Taylor similarly said “we’re talking about children who are not in this room hearing really encouraging language from their parents. \*\*\* Home is not safe. \*\*\* We must step in.” Taylor Statement, *supra* note 5. Another sponsor asserted that “when it comes to \*\*\* issues that disproportionately impact trans youth, it is a result of rejection by their family. \*\*\* And for the kids that come from those families, they deserve \*\*\* this bill.” Trudeau Statement, *supra* note 6.

These statements reveal a purpose to thwart parental influence and authority over a key aspect of children’s welfare—how children respond to gender dysphoria—because the State thinks it knows better. Even the Associated Press understood the amendments’ object, headlining: “Trans minors protected from parents under Washington law.” Associated Press, *supra* note 7.

And so, parents who will not affirm their child’s gender confusion—and who have children capable of running away—were the object of the laws, even if not

directly regulated. Pet.App.57a (Tung, J., dissenting) (noting that the law’s “object is to ‘protect’ runaway children with gender dysphoria from their parents who might hinder their desired treatment. Those parents are the clear ‘targets’ of the law”). So those parents “ordinarily” have standing to challenge those laws. *Diamond*, 606 U.S. at 114 (quoting *Lujan*, 504 U.S. at 561).

3. *Mirabelli* confirms this. There, relying on *Diamond*, the Court held that parents of children in public schools that keep gender transitions secret “very likely ha[d] standing” because they are “objects” of the policies at issue. 607 U.S. at 498 (citing *Diamond*, 606 U.S. at 114). And the Court said nothing about the need to show that a child was actually transitioned before her parent had standing to challenge the policies. Objecting to the policies sufficed. *Id.*

Here, too. As the laws’ object, “non-affirming” parents have already suffered harm sufficient for standing. See Scalia at 894 (“when an individual \*\*\* is the very *object* of a law[] \*\*\* [he] seeks to challenge[,] \*\*\* he always has standing”).

*Mirabelli* also conferred standing on absent class members who had no gender-dysphoric children and no reason to believe or suspect that school officials were concealing information about their child’s gender-nonconforming behavior. 607 U.S. at 497-498. Merely having children in public schools and objecting to the no-notice policy “very likely” gave them standing. *Id.* at 498.

And *Mirabelli* reached that conclusion without requiring plaintiffs to allege or prove that officials would withhold notice about children's behavior from absent class members. *Ibid.* *Mirabelli* therefore establishes that parents have standing to challenge policies denying them their right to notice of their children's health-related activities. And the mere deprivation of this entitlement inflicts injury, whether or not the parent has a gender-dysphoric child.

*Mirabelli* also involved many of the same parental harms as here: "be[ing] shut out of participation in decisions regarding their children's mental health," and being denied information about their children. 607 U.S. at 497. But even worse than *Mirabelli*, parents here cannot retrieve a child from a runaway shelter when they are not told where the child is—unlike the *Mirabelli* parents, who could withdraw their child from an offending public school. *Id.* at 494.

Nor did it matter that the policies in *Mirabelli* were "voluntary," triggered only when a child asked to be called by "preferred names and pronouns." *Id.* at 492. That characteristic exists here too—the laws are triggered only when a child runs away and seeks "gender-affirming treatment."

Finally, the policies in *Mirabelli* did not require parents to do or not do anything, yet that did not defeat standing. *Id.* at 498. It does not do so here, either.

So, if the *Mirabelli* parents had standing, so do parents here. In both cases the parents are the objects of laws designed to supplant them and "shut [them]

out of participation in decisions regarding their children's mental health." *Id.* at 497.

4. The same conclusion follows from *Diamond*. There, relying on a leading parental-rights case, the Court observed that private "schools had standing to sue" when "a State prohibited parents from sending their children to [such] schools." 606 U.S. at 115. And a broadcasting network had standing to sue when a federal agency "announced that it would deny a license to any broadcasting station that conducted certain business with broadcasting networks." *Ibid.* Yet in both cases the party had standing despite not being regulated. *Ibid.* And in both cases, nothing had yet occurred beyond the passage of the act or the announcement of the policy. See *Pierce*, 268 U.S. at 529, 536; *Columbia Broad.*, 316 U.S. at 422. But the passage or announcement was sufficient for standing.

Petitioners have adequately alleged standing under *Diamond*. They are the laws' objects even though they are not directly regulated and their children have yet to run away. The amendments are designed to treat "non-affirming" parents as legally equivalent to abusive or neglectful parents. And the laws are designed to supplant parents so that children can receive "services" the parents will not provide. The laws are thus shrewdly crafted to undermine the discharge of parental responsibilities, as the targeted parents see them, without directly regulating parents.

Like the private schools in *Pierce*, the broadcasting network in *Columbia Broadcasting*, and the parents in *Mirabelli*, Petitioners have adequately alleged standing as objects of the law.

This case is also a far cry from *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013), which the Ninth Circuit relied on. See Pet.App.15a-17a, 22a-23a. That case involved a challenge by attorneys and organizations to a federal national-security law that surveilled foreigners. The plaintiffs argued their risk of having the government unconstitutionally monitor their communications increased given that plaintiffs regularly communicated with foreigners they suspected the law would target. *Clapper*, 568 U.S. at 401.

But there, the law's obvious object was the foreigners, not the American plaintiffs. Here, by contrast, the plaintiffs are the laws' object.

5. That doesn't mean every Washingtonian can establish standing. Those without children could not, even if they planned to have children someday. *Lujan*, 504 U.S. at 564 (“[S]ome day’ intentions \*\*\* do not support a finding of \*\*\* ‘actual or imminent’ injury.”). But parents unwilling to affirm gender confusion who have minors capable of understanding gender and running away have standing as the laws’ objects.

Gender confusion is also easily concealed from parents. Some parents will thus have gender-confused children without knowing it. *Mirabelli*, 607 U.S. at 493-494 (describing parents whose child socially transitioned at school, yet the school and the child kept this hidden from the parents until “she attempted suicide and was hospitalized.”). That is true for some Petitioners here—their child began suffering gender dysphoria and was transitioned by state actors without Petitioners’ knowledge. Pet.App.70a(¶13),

72a(¶23), 74a(¶37), 77a(¶52). Standing only for parents who know their child is gender confused would inappropriately (and unfairly) exclude parents who are harmed currently as the laws' objects.<sup>14</sup>

The laws also hide some of the harm they inflict from parents because Washington law bars parents from accessing their child's mental health records without their child's consent. Pet.App. I-L. And all Washington parents of children ages 13-17 who would oppose "outpatient treatment" for their child without parental authorization are also the object of Wash.Rev.Code §71.34.530, which allows all those treatments without parental consent.

Nor does the over inclusiveness in these law defeat object-of-the-law standing. For instance, the child of "affirming" parents who currently receives or seeks "gender-affirming treatment" upon running away triggers the laws' effects, including delayed notice and reunification, reduced information about their child, and referrals for "services." Even parents who have or would welcome their child's transition and desire to assist that transition are legally treated the same as abusive or neglectful parents. These parents would have standing too—not for being the laws' object, but for being shut out of this important aspect of parenting and for the other harms the laws inflict. See *infra* Sections II and III. After all, properly

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<sup>14</sup> Unwitting parents of gender-confused children still suffer the present undermining of parental authority and will be further harmed when their child runs away despite the parents' not currently grasping their child's gender confusion. The laws still create incentives for their children despite their parents' ignorance. See *infra* Section II.

understood, “[s]tanding is \*\*\* apolitical[.]” John G. Roberts, Jr., *Article III Limits on Statutory Standing*, 42 Duke L.J. 1219, 1230 (1993).

**C. Petitioners’ injuries independently satisfy *Lujan*’s elements.**

While being the law’s object suffices, this case also illustrates how government targeting “ordinarily” satisfies injury, causation, and redressability. See *Diamond*, 606 U.S. at 114 (quoting *Lujan*, 504 U.S. at 561).

**1. As objects of a law that infringes their constitutional rights, Petitioners have adequately alleged “injury-in-fact.”**

Washington’s targeting of Petitioners and their constitutional rights satisfies *Lujan*’s requirements of concreteness, particularity, and actuality. See *Trump v. Hawaii*, 585 U.S. 667, 697-698 (2018) (finding standing for non-regulated family members whose relatives were prevented from entering the country because “a person’s interest in being united with his relatives is sufficiently concrete and particularized”).

**Concreteness.** Petitioners’ allegations meet the “concreteness” requirement for multiple reasons. First, as the Court noted in *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021), “certain harms readily qualify as concrete injuries under Article III,” including “injuries with a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts.” *Id.* at 425. “And those traditional harms may also include harms specified by

the Constitution,” like “abridgment of speech” and “infringement of free exercise.” *Ibid.* (citations omitted).

This is different than “the abstract injury in nonobservance of the Constitution asserted by citizens” that cannot show standing. *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 482 (1982) (cleaned up). And *TransUnion* was referring to infringements of individual constitutional *rights*, not other kinds of constitutional violations. See also Scalia at 895 (defining “concrete injury” as “an injury apart from the mere breach of the social contract[] \*\*\* effected by the very fact of unlawful government action”).

Petitioners here have alleged both free speech and free exercise injuries, Pet.App.115a-126a, plus injuries to their Fourteenth Amendment due process and parental rights. Pet.App.109a-115a, 126a-135a. As this Court has held, “[t]he right protected by [*Pierce*, 268 U.S. at 534-535, and *Meyer v. Nebraska*, 262 U.S. 390, 399-400 (1923)], includes the right not to be shut out of participation in decisions regarding their children’s mental health.” *Mirabelli*, 607 U.S. at 497 (citing *Parham v. J.R.*, 442 U.S. 584, 602 (1979)).<sup>15</sup> And “[t]he denial of plaintiffs’ constitutional rights,”

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<sup>15</sup> Parental rights are unlike other constitutional rights. They can be infringed by government’s enticing and abetting the actions of a third party (a child) who does not possess the right and is often inherently motivated to act against the right holder’s wishes. And the situation here adds another unique feature—the possibility of concealment, including both the statute’s design to conceal injury from parents and, occasionally, children’s concomitant efforts to conceal their gender dysphoria.

*ibid.*, “unquestionably constitutes irreparable injury,” *Mahmoud*, 606 U.S. at 569; accord *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality op.). It must thus also constitute injury-in-fact, including concreteness. Otherwise, *irreparable* injury would be easier to establish than mere injury in fact.

Petitioners’ allegations of concrete harm are also proper because they can show historical common-law analogues to the parental constitutional injuries they claim. *TransUnion* noted that, as to *statutory* rights, “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.” *TransUnion*, 594 U.S. at 424 (cleaned up). Although analogues are not required for injuries recognized under the Constitution, they also exist here. See *infra* Section IV.

***Particularity.*** The injury is also “particular” to these parents. To “be particularized” means that “the injury must affect the plaintiff in a personal and individual way.” *FDA v. Alliance for Hippocratic Med.*, 602 U.S. 367, 381 (2024) (cleaned up). Almost by definition, if someone is the object of a law, particularity is satisfied since the law is targeting her and not others. *Diamond*, 606 U.S. at 112 (quoting *Lujan*, 504 U.S. at 561-562). That is the case here.

Petitioners’ current harms—and those with an increased risk of befalling them later—are “in no sense common to all members of the public.” *Bost v. Illinois State Bd. of Elections*, 607 U.S. 71, 78 (2026) (cleaned up). Compared to childless Washingtonians,

Petitioners’ “interest differs in kind.” *Ibid.* They are the laws’ objects, and it is Petitioners’ constitutional rights that are currently invaded—and at constant risk of further invasion. And the harm Petitioners “suffer is distinct from that suffered by the people generally.” *Ibid.* (cleaned up).<sup>16</sup>

*Mirabelli* makes this clear. There, “parents who object to the challenged policies or seek religious exemptions” were “the parents protected by the injunction” and “very likely ha[d] standing.” 607 U.S. at 498.

And the claims on behalf of these parents were not based on evidence that the schools were *currently* transitioning their children. See 2d Am. Compl. at 109-121, *Mirabelli v. Olson*, No. 3:23-cv-00768-BEN-VET (S.D. Cal. Aug. 13, 2024), ECF 133. It was enough that the parents had a child in a California public school and objected to the policies. It was not necessary to *also* show that child was gender-confused or that secret transitioning already occurred.

True, some Petitioners here have additional bases for particularity, see *infra* Section II.B, including two whose child has run away before. Cf. *Murthy v. Missouri*, 603 U.S. 43, 70 (2024) (“[P]ast harms \*\*\* can serve as evidence of expected future harm.”). But all that *Mirabelli* and *Diamond* require is parents who oppose gender transitioning and have a minor capable

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<sup>16</sup> Conversely, a Washington resident without minor children capable of running away has no reason to alter their parenting now; the law provides no incentives to such residents’ children; and the law has not changed these residents’ legal status. See *infra* Section II.

of understanding gender and running away. (Focusing on that group of parents is especially appropriate given the difficulty of detecting gender confusion and the laws’ design to hide harm from parents.) Since that is true of all Petitioners, they all satisfy particularity.

**Actuality.** Given that the laws here have already gone into effect, Petitioners, as those laws’ object, have also suffered “actual” injury. *Alliance for Hippocratic Med.*, 602 U.S. at 381 (“[T]he injury must be actual or imminent.”). An object-of-the-law injury does not depend on added harm once a constitutional violation is pled. Scalia, at 885 (“[L]egal injury is by definition no more than the violation of a legal right,” so “the Court must always hear the case of a litigant who asserts the violation of a legal right”); *id.* at 894 (“[A]n individual who is the \*\*\* *object* of a law[] \*\*\* always has standing”). And here, parents of children in the affected class began to suffer “actual” injury the moment the laws took effect because it necessarily affected their relationships with their children. See *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978) (observing that “the relationship between parent and child [that] is constitutionally protected”—that relationship “the state can \*\*\* no[t] hinder” (citations omitted)).

Recent standing cases confirm this. In *Mirabelli*, parents “very likely ha[d] standing because they [were] objects” of the policies despite not knowing if they had suffered the alleged constitutional injury. 607 U.S. at 498. And in *Diamond* the Court found sufficient injury, 606 U.S. at 113-114, even though harm might not arrive for years, *id.* at 106, 108.

Similarly in *Bost*, once election rules changed, candidates had standing to challenge the new law long before the election, “regardless whether those rules harm their electoral prospects or increase the cost of their campaigns.” 607 U.S. at 82. *Bost* also rejected, as lacking support in Article III’s text or the Court’s cases, the argument that “plaintiff-candidates must show some substantial risk that a rule will cause them to lose the election, prevent them from achieving a legally significant vote threshold, or damage their reputation or finances.” *Id.* at 79.

Petitioners therefore need not show additional injury to themselves or their children. *First Choice*, 146 S.Ct. at 1122 (“Because [the injury-in-fact] standard tolerates suits involving ‘actual or imminent’ injuries, a party need not always wait for the government to take coercive action against it before filing suit to challenge the government’s conduct.”). Simply by being the objects of a law that is now enforced, Petitioners satisfy “actuality.”

By being the laws’ objects, and especially by also alleging a violation of constitutional rights, Petitioners sufficiently alleged injury. *Id.* at 1125 (“An injury in fact \*\*\* can also arise when a defendant burdens a plaintiff’s constitutional rights.”).

Nor does it make sense to interpret *Lujan* to require more here. That case involved a “plaintiff \*\*\* complaining of an agency’s unlawful *failure* to impose a requirement or prohibition upon *someone else*.” Scalia at 894. It was not a case like this, in which the plaintiffs simply seek to protect their ability to exercise their individual federal constitutional rights.

*Ibid.* As Justice Scalia put it, the two kinds of cases are different because “the law of standing \*\*\* excludes [courts] from the even more undemocratic role of prescribing how the other two branches should function in order to serve the interest of *the majority itself*.” *Ibid.*

## **2. Causation and redressability are adequately alleged.**

Although the lower courts did not reach causation or redressability, those requirements are also sufficiently alleged here. They “are often flip sides of the same coin.” *Alliance for Hippocratic Med.*, 602 U.S. at 380 (cleaned up). And if laws caused the injury, a court-provided remedy “will typically redress that injury.” *Id.* at 381.

Here, besides more specific injuries alleged by some Petitioners, see *infra* Section II.B, the laws’ enforcement causes Petitioners the current harm of infringing their federal constitutional rights. Similarly, declaring the laws unconstitutional and enjoining their enforcement will remove this harm. *Diamond*, 606 U.S. at 114 (“When a plaintiff is the object of a government regulation, there should ordinarily be little question that the regulation *causes* injury to the plaintiff and that invalidating the regulation would *redress* the plaintiff’s injuries.” (emphasis added) (cleaned up)).

Even without addressing Petitioners’ other specific injuries, then, all the requirements for standing are adequately alleged here. Being the laws’ object is enough—and the laws inflict specific current harm besides.

## **II. Petitioners Have Adequately Alleged Standing Given Additional Current Harms Caused by the State.**

All Petitioners have also alleged other current injuries. And some alleged *additional* current harm from actions the laws caused them to take to minimize the risk of future harm. Those allegations independently provide standing and cannot be dismissed as “self-inflicted” harm.

### **A. Enforcement of the laws currently harms all Petitioner Parents.**

The laws harm all parent Petitioners in at least four more specific ways than being objects.

1. The amendments degraded Petitioners’ legal status and deprived them of legal protections they once had. Petitioners are now demoted to the same legal category as abusive or neglectful parents, with the changes in legal treatment that follow, including delayed or denied notice and reunification, and the referral for “services” without parental involvement. That suffices for standing. As the Court put it in *Northeastern Fla. Ch. of Associated Gen. Contractors v. City of Jacksonville*, 508 U.S. 656 (1993), “[w]hen the government erects a barrier that makes it more difficult for members of one group to obtain a benefit than it is for members of another group,” a party “need not allege that he would have obtained the benefit but for the barrier in order to establish standing.” *Id.* at 666.

In all events, stripping previously enjoyed legal protections is a concrete, particular, and actual injury. Here, as in *Romer v. Evans*, 517 U.S. 620 (1996),

“nullif[ying] specific legal protections for this targeted class” is a cognizable injury when it occurs. *Id.* at 635-636 (holding that this nullification violated the Fourteenth Amendment). Even a felon stripped of his voting rights can sue immediately—he need not wait until he is blocked from the voting booth to show injury. Accord *Bost*, 607 U.S. at 82 (candidates need not wait till an election to challenge changes in electoral rules); cf. *Reed v. Goertz*, 598 U.S. 230, 234 (2023) (finding standing where, in response to a successful claim, “the courts would have ordered a change in a legal status \*\*\*”).

Petitioners’ loss of a legal entitlement is thus a State-caused injury that an injunction can redress.

2. Even more important, the laws create concrete incentives for Petitioners’ children to run away and trigger the laws’ full effects. These are apparent on the statute’s face, given “commonsense \*\*\* inferences about” child behavior. *Diamond*, 606 U.S. at 120. See also Pet.App.56a (Tung, J., dissenting) (“The law thus makes running away to those shelters attractive for children suffering from gender dysphoria and seeking ‘gender-affirming’ treatment.”).

Petitioner Parents are not claiming their children *will* run away because of the laws. They are claiming concrete injury from the temptations that the laws now offer their children and—as discussed in Section III—an increased risk of even greater injury later. These are immediate, present-day injuries, rather than contingent or hypothetical future harms, because they require immediate parental action. See

Pet.App.71a-73a. And these injuries do not depend on whether one's child will *actually* run away from home.

*Diamond* reinforces this commonsense inference. That case relied on “commonsense economic inferences about the operation of the automobile market” to find a sufficient likelihood of future harm. 606 U.S. at 120. And the same is true of inferences about children's behavior. “Across contexts” this Court “ha[s] said, courts may make commonsense inferences when assessing Article III standing, including inferences about third party behavior.” *First Choice*, 146 S.Ct. at 1125 (cleaned up). See also *id.* (making inferences about the burdens of disclosure laws on donors' behavior, to the organization's injury). Any parent knows children respond to incentives and will keep seeking what they want unless firmly—and usually repeatedly—foreclosed.

That is true here. If parents will not affirm gender confusion, the law tells children the State will provide the “behavioral health services” their parents will not—if the child runs away and asks. And for 13 to 17-year-olds, the law now opens a clear pathway by which a child can exploit Wash.Rev.Code §71.34.530, which allows youth to seek any kind of “outpatient treatment” without parental consent.

Common sense about child behavior thus belongs in the standing analysis, as *Diamond* clarified. Pet.App.56a (Tung, J., dissenting) (“[T]he incentive that Washington law has created for gender-dysphoric children to run away to licensed shelters is also enough to confer standing.”). The laws now operate akin to an attractive nuisance by “encourag[ing]

minors to [run away and] take the plunge into gender transitions without the knowledge (or even over the objection) of fit parents.” Pet.App.48a (VanDyke, J., dissenting).

And the laws’ incentives are like gasoline poured on a fire. Gender-dysphoric children already run away more frequently than their peers.<sup>17</sup> And virtually all youth already seek to circumvent their parents’ authority and desires without needing any legal encouragement.

In short, the lure provided by the laws here is concrete, particular to these Petitioners, and actual with the law now enforced, even if children never take the bait. And a favorable ruling can redress the resulting injury.

3. Enforcing the three laws also strains the parent-child relationship and subverts parental authority—as an always-present sword hanging over parents. As this Court recently put it, “the value [or threat] of a sword of Damocles is that it hangs—not that it drops.” *First Choice*, 146 S.Ct. at 1127. And “hinder[ing]” the parent-child relationship is enough to cause constitutional injury. *Quilloin*, 434 U.S. at 255.

As a dissent below observed, “the real harm to parents from Washington’s legal regime happens long before a child runs away”—because “intentional

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<sup>17</sup> Max Ferguson et al., *Health and Healthcare Service Use: The Experiences of Runaway Trans Adolescents Compared to Their Peers*, 69 J. Homosexuality 821, 821 (2022) (finding that gender dysphoric children are three to four times more likely to run away compared to other youth).

interference with the parent-child relationship, be it direct or indirect, creates an injury to the fundamental right to parent.” Pet.App.44a-45a (citing *Troxel*, 530 U.S. at 75). Here, all Petitioner parents have endured or objected to that harm. See, *e.g.*, Pet.App.71a-73a, 76a-77a, 109a-113a. That State-caused injury can also be remedied by federal courts.

4. All Petitioners have also alleged that enforcement of the laws causes them fear, even “daily fear,” Pet.App.71a(¶15), about what could happen to their child, their relationship with the child, and their ability to parent, Pet.App.70a-77a. And this Court left open the door to standing for plaintiffs who “[a]re independently harmed by their exposure to the risk itself—that is, that they suffered some other injury (such as an emotional injury) from \*\*\* mere risk[.]” *TransUnion*, 594 U.S. at 437. That injury suffices because “a plaintiff’s knowledge that he or she is exposed to a risk of future physical, monetary, or reputational harm could cause its own current emotional or psychological harm.” *Id.* at 436 n.7. And here that fear is entirely reasonable and predictable.

Lower courts have also held that emotional distress sufficed for injury-in-fact. That’s because “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.” *Id.* at 424 (cleaned up). For example, the Sixth Circuit found plaintiffs “have standing to sue because they have credibly pleaded an injury—extreme emotional distress—that has stamped a plaintiff’s ticket into court for centuries.” *Gerber v. Herskovitz*, 14 F.4th 500, 506 (6th Cir. 2021)

(Sutton, J.). And “[a]ny other conclusion would deprive a federal court sitting in diversity of authority to hear any state law intentional infliction of emotional distress claim.” *Ibid.*

Petitioners’ credible fear is thus sufficient injury, caused by the current enforcement of the laws, which can be remedied by a favorable decision.<sup>18</sup>

### **B. For some Petitioners, enforcement chills parenting.**

These injuries have also caused some Petitioners to chill their speech at home and change their parenting strategy. These harms also suffice for injury. See *Virginia v. American Booksellers Ass’n, Inc.*, 484 U.S. 383, 393 (1988) (recognizing standing where “the alleged danger of this statute is, in large measure, one of self-censorship”).

1. ***Parental Speech.*** For example, Parent 2A is afraid to use 2D’s given name and biologically accurate pronouns in public. Pet.App.73a(¶28). Instead, 2A publicly uses neither, except in 2D’s new school community or around extended family. Pet.App.73a(¶29). Parent 2A thus suppresses her own speech—including the name she chose for her

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<sup>18</sup> Petitioner International Partners for Ethical Care, Inc. also has standing, as its mission is “to stop the unethical treatment of children \*\*\* by [government actors and others] under the duplicitous banner of gender identity affirmation.” *Home*, Partners for Ethical Care, <https://tinyurl.com/4nrp5vn9> (last visited Sep. 5, 2026). IPEC’s members include about two dozen Washington parents, including at least one who experiences gender confusion. Pet.App.69a, ¶9. It thus has adequately alleged standing. *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 342-343 (1977).

daughter—to avoid the statutes’ consequences. Parents 2A and 2B also avoid talking about gender with or near 2D because of the statutes. *Ibid.* An important topic any loving parent should discuss with a child struggling with gender dysphoria is now too risky for them to broach.

That chilling of speech itself suffices for injury: Parties have standing to challenge laws that have not yet been (and may never be) fully brought to bear on them but that currently affect their speech. For example, *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963), found that book publishers who self-censored in response to a state statute that punished distributors (but not publishers) of indecent materials had standing to bring suit. *Id.* at 63, 64 n.6.

The Court reached the same result in *Meese v. Keene*, 481 U.S. 465 (1987), in which a law labeling content as “political propaganda” chilled the speech of a movie maker. And the Court held that “the need to take \*\*\* steps to avoid the risk of harm to his reputation constitutes a cognizable injury.” *Id.* at 473-475.

After all, as the Court put it in *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021), “the protections of the First Amendment are triggered not only by actual restrictions,” but “[t]he risk of a chilling effect \*\*\* is enough.” *Id.* at 618. That is because “First Amendment freedoms need breathing space to survive.” *Id.* at 618-619. That principle controls the injury question here.

**2. Parental exclusion from important decisions.** Because of a challenged provision

(Wash.Rev.Code §71.34.530), Petitioners 5A and 5B’s daughter (5C) has also received mental-health treatment for gender dysphoria without their consent. See Pet.App.77a. And that exclusion makes it harder for 5A and 5B to parent their child and drives a wedge between them. See *ibid.* That exclusion “violate[s] parents’ rights to direct the upbringing \*\*\* of their child[]” because the Fourteenth Amendment “includes the right not to be shut out of participation in decisions regarding their children’s mental health.” *Mirabelli*, 607 U.S. at 497. And other Washington laws have prevented them from accessing that treatment’s records. See Pet.App.I-L.

**3. Parenting strategies.** Respondents’ enforcement also causes Parent 1A to pull back from disciplining 1C for fear it will cause a rift that others will exploit to encourage 1C to run away. Pet.App.70a-71a(¶¶14-17). 1A fears 1C could find other adults—including a friend’s family—who share 1C’s disagreement with her mother and who would encourage 1C to run away to “transition,” simply because 1C was disciplined for any reason. *Ibid.* By putting all the cards in the hands of a child unqualified to make those decisions, the laws hamstring 1A’s ability to parent and protect 1C, who is vulnerable to “affirming” state action.

At bottom, the injuries these parents suffer—to their constitutional parental and speech rights—satisfy injury, especially given the enormous consequences created by laws luring children to run away to bypass their parents’ influence. See *Alliance for Hippocratic Med.*, 602 U.S. at 381 (“An injury in fact can be \*\*\* an injury to one’s constitutional

rights.”). That regime causes parents of gender-confused children to “walk on eggshells” around their children and to rationally curtail their speech—and to do so blindly. And again, these are present injuries, not future ones. *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 183-185 (2000) (finding that “reasonable concerns about the effects of [pollution] discharges” causing plaintiffs to avoid using a river satisfied standing).

Accepting those allegations as true, as the Court must, these Petitioners are now injured and satisfy Article III injury on that basis alone.

**C. These chilling injuries cannot be dismissed as “self-inflicted harm.”**

The panel nevertheless recast these chilling injuries as “self-inflicted.” Pet.App.15a. But that ignores *Cruz*’s observation that “the application or threatened application of an unlawful enactment” can be an injury-in-fact “even if the [plaintiff’s] injury could be described in some sense as willingly incurred.” 596 U.S. at 296-297. It also ignores the realities of parenting and children’s behavior. It thus does not matter that Petitioners are “voluntarily” incurring present injuries to avoid catastrophic future ones.

On that point, *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139 (2010), is instructive. There, alfalfa farmers feared their crops would be permanently infected with an engineered gene and so “t[ook] certain measures to minimize the likelihood of potential contamination and to ensure an adequate supply of non-genetically-engineered alfalfa,” at some

cost. *Id.* at 154. This Court held that those avoidance “harms, which respondents will suffer even if their crops are not actually infected \*\*\* are sufficiently concrete to satisfy the injury-in-fact prong of the constitutional standing analysis.” *Id.* at 155; accord *Bost*, 607 U.S. at 84 (Barrett, J., concurring).

The same was true in *Cruz*, where a candidate lent money to his re-election committee, which could not pay back the full amount because the loan was more than law allowed. 596 U.S. at 296. While the Government there argued this injury was “self-inflicted,” the Court noted that even “the Government recognizes[ that] the Committee’s present inability to repay the final \$10,000 of Cruz’s loans constitutes an injury in fact both to Cruz and to his Committee.” *Ibid.*

So too for these parents, whose responsible reactions to Washington’s laws cannot fairly be twisted to deny them access to federal court.<sup>19</sup> And that is before one even considers future risks.

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<sup>19</sup> Causation and redressability are also straightforward under *Cruz*. There the government argued that “[b]ecause appellees knowingly triggered the application of the loan-repayment limitation \*\*\* any resulting injury [was] traceable to *them*, not the Government.” 596 U.S. at 296. Rejecting that argument, *Cruz* held that “an injury resulting from the application or threatened application of an unlawful enactment remains fairly traceable to such application, even if the injury could be described in some sense as willingly incurred.” *Id.* at 297. And causation was satisfied there because “appellees’ injuries are directly inflicted by the FEC’s threatened enforcement of the provisions they now challenge.” *Ibid.*

So too here: The laws’ enforcement threat causes Petitioners’ chilling injuries. And if the laws’ operation is enjoined as to

### **III. All Petitioners Adequately Pleaded Likelihood of Future Injury.**

All Petitioners also established standing under the increased-risk-of-future-harm doctrine—especially given the potential harm’s severity.

#### **A. Increased risk of future injury satisfies injury-in-fact.**

Under that doctrine, “[t]he likelihood of enforcement, with the concomitant probability” of injury, is “a sufficient threat of actual injury to satisfy Art. III[].” *Pennell v. City of San Jose*, 485 U.S. 1, 8 (1988). In this posture, that likelihood is determined by accepting the allegations as true and construing them in plaintiffs’ favor. *Id.* at 7.

An allegation of future injury based on violation of an individual right may also “suffice if the threatened injury is certainly impending, *or* there is a substantial risk that the harm will occur.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (cleaned up; emphasis added).

That was true in *Pennell*, which involved a discretionary “tenant hardship clause” under a rent control ordinance prohibiting landlords from raising rent. 485 U.S. at 9. The government contested standing because no hearing officer had yet applied the hardship clause. So any reduction was “speculative”—as the landlord couldn’t know whether

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Petitioners, then the threat disappears, and Petitioners no longer need hamper their speech and parenting, satisfying redressability.

the market rate would be above or below the controlled rate at any future time. *Id.* at 6-8.

But this Court—in an opinion by Chief Justice Rehnquist—unanimously rejected that argument. It held that “[t]he likelihood of enforcement, with the concomitant probability that a landlord’s rent will be reduced below what he or she would otherwise be able to obtain in the absence of the Ordinance, is a sufficient threat of actual injury to satisfy Art. III[].” *Id.* at 8.

Application of the risk-of-harm doctrine in *Department of Commerce v. New York* seals this conclusion. That case involved the inclusion of a citizenship question in the 2020 census. 588 U.S. 752, 758-759 (2019). The state plaintiffs asserted various “primarily future” injuries that, the Government argued, turned “on the independent action of third parties.” *Id.* at 767. Those included “noncitizen households responding to the census at lower rates than other groups.” *Ibid.*

In finding standing, this Court explained that the relevant question was whether the plaintiffs had shown “that third parties will likely react in predictable ways to the citizenship question.” *Ibid.* When a standing theory “relies \*\*\* on the predictable effect of Government action on the decisions of third parties,” that is enough. *Ibid.* Accordingly, the Court found that the states’ allegations that depressed noncitizen participation would cause them to “lose out on federal funds that are distributed on the basis of state population”—once a new census was implemented a few years later—was “a sufficiently

concrete and imminent injury to satisfy Article III.” *Id.* at 767.

So a harm years away was still imminent. Petitioners’ future harms are closer, as discussed next.

**B. Petitioners have shown a likelihood of future injury.**

Under the risk-of-harm doctrine, Petitioners have sufficiently alleged standing. Petitioners articulated specific reasons why they risk *future* harm: inability to refuse harmful treatment for their minor children; lost custody (if only temporary); inability to raise their child consistent with their faith; forced affirmance of gender confusion to recover a runaway child; and permanent harm to the parent-child relationship. Pet.App.70a-77a(¶¶11-58), 109a-135a. Yet the Ninth Circuit refused—incorrectly—to apply the risk-of-harm doctrine for two reasons. First, it thought the doctrine “does not replace the foundational rule that a future injury must be imminent in order to satisfy the injury-in-fact requirement.” Pet.App.23a. Second, the panel incorrectly read *Massachusetts v. EPA*’s discussion of drastic injury and lesser probability as limited to redressability. Pet.App.22a-23a.

1. The panel first read “imminent” in this Court’s cases as “about to happen.” But that was wrong. In *Pennell*, for example, the landlords faced no financial harm until the next annual rent increase. 485 U.S. at 4-5 & n.2, 8. Yet landlords still had standing because the “likelihood of enforcement” created a “sufficient threat of actual injury.” *Id.* at 8.

The same was true in *Department of Commerce*, where the effects of a new census would not occur for a few years. 588 U.S. at 761, 766-768. So too in *Diamond*, where the alleged harms were years away. 606 U.S. at 116-117. And in *Massachusetts v. EPA*, the alleged harm was only predicted to materialize within 93 years. 549 U.S. 497, 521-523 (2007). Petitioners' alleged harms loom much nearer.

Nor was the panel free to treat ordinary imminence as the be-all-end-all. *Massachusetts v. EPA* recognized that, when “a litigant is vested with a procedural right,” that litigant may “assert that right without meeting all the normal standards for redressability and immediacy.” *Id.* at 517-518 (cleaned up). Here, Petitioners alleged such a right under the Fourteenth Amendment's Due Process Clause and asserted that the laws infringed it. Pet.App.126a-130a, ¶¶215-228.

*Mahmoud* confirms the point. It refused to require parents whose parental authority was being challenged by a school board to “wait and see” before suing to prevent those injuries. 606 U.S. at 560. The Court explained that “when a deprivation of First Amendment rights is at stake, a plaintiff need not wait for the damage to occur before filing suit.” *Id.* at 559-560. That the parents would be kept in the dark was enough because “it is not clear how the [lower court] expects the parents to obtain specific information about” future injury when the board “has stated that it will not notify parents” beforehand. *Id.* at 560.

So too here. The laws' “very object is to prevent the parents from knowing \*\*\* of their child's arrival at

the shelter and his or her receipt of ‘gender-affirming’ treatment.” Pet.App.55a (Tung, J., dissenting). Parents “should not have to wait until their child has run away \*\*\* and received life-altering treatment before they are afforded the opportunity to challenge the law.” *Ibid.*

2. The Ninth Circuit’s attempt to confine the risk analysis to redressability fares no better. *Pennell* discussed increased-risk-of-harm as an injury. See 485 U.S. at 8. And here, the threatened injuries are far more catastrophic than decreased rents—like the loss of custody, potentially irreversible treatment, and the undermining of the parent-child relationship. See Pet.App.70a-77a. Given their “drastic” nature, “even a small probability of injury is sufficient.” *Massachusetts v. EPA*, 549 U.S. at 525 n.23 (citations omitted).

Here, the probability that Petitioners will be harmed is at least “substantial,” *Susan B. Anthony List*, 573 U.S. at 164, compared to the risk before the laws’ enforcement began. Petitioners oppose affirming gender confusion; all have children who can understand gender and run away; and most have a child who has experienced or is experiencing gender dysphoria. See Pet.App.70a-77a. And the laws entice children to run away for “behavioral health services” and hide the harm from parents.<sup>20</sup> Petitioners’ alleged future harms are thus the “predictable effect of

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<sup>20</sup> As discussed above, Petitioners who do not know they have a child suffering from gender confusion also experience an increased risk of injury sufficient for standing. See *supra* 29 & n.14, 37-38.

Government action on the decisions of third parties.” *Department of Com.*, 588 U.S. at 768. And hence, “[t]his case presents what the Court has described as the ‘familiar’ circumstance where government regulation of a [party]”—here, youth shelters and others—“*may be likely* to cause injuries to other linked [parties]”—here, parents. *Diamond*, 606 U.S. at 116 (emphasis added).

Under this Court’s precedents, that is enough for injury. (And again, causation and redressability readily follow.) The same result is required by Article III’s original meaning.

#### **IV. Recognizing Standing Here Complies with Article III’s Original Meaning.**

Article III’s original public understanding requires standing here for essentially the reasons explained in the opinions of Justice Thomas in *Spokeo* and *TransUnion*—the latter of which was by Justices Sotomayor and Kagan. See *TransUnion*, 594 U.S. at 446-449 (Thomas, J., dissenting, joined by Sotomayor, J., & Kagan, J.).

1. As Justice Thomas has pointed out, Infringement of an individual legal right is sufficient “injury in fact” to present a “case” or “controvers[y]” under Article III, which originally required only that the plaintiff have a cause of action. *Spokeo*, 578 U.S. 330, 343-347 (2016) (Thomas, J., concurring). Only a plaintiff seeking to vindicate a *public* right must “establish harm beyond the mere violation of that \*\*\* duty.” *TransUnion*, 594 U.S. at 448 n.2 (Thomas, J., dissenting).

That mirrors Justice Scalia’s observation that “[s]tanding requires[] \*\*\* legal injury[,] [which] is by definition no more than the violation of a legal right.” Scalia, at 885. Under the original understanding of Article III, “the Court must always hear the case of a litigant who asserts the violation of a legal right.” *Ibid.* Or, as Justice Story put it, “[a]ctual, perceptible damage” is not required for an action, only “whether there has been the violation of a right.” *Webb v. Portland Mfg. Co.*, 29 F.Cas. 506, 508 (C.C.D. Me. 1838) (Story, J.).

And when private rights were invaded, the common law automatically supplied remedies. 3 William Blackstone, Commentaries \*23; *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803). That too shows that plaintiffs in those cases would have been allowed to assert those claims in federal court, without more.

2. Common-law analogues of the federal parental rights asserted here confirm Petitioners satisfy Article III’s original meaning. Back to Blackstone and before, parents could sue for tortious interference with parental rights. 3 William Blackstone, Commentaries \*140-141; *Stone v. Wall*, 734 So.2d 1038, 1044 (Fla. 1999). Thus, “the rights of parents under English tradition and common law were generally strong,” and established “by the law of nature.” Nathan J. Wertjes, *Parents and Medical Consent*, 100 Notre Dame L. Rev. 2259, 2269 (2025).

These rights were carried into American law—including (as here) parents’ right to consent to “what

available medical treatments their children would undergo.” *Id.* at 2274.

The right also ran even when the child left willingly. The tort of enticement was available where a defendant “induce[d] a child to leave the parent’s home” knowing the parent did not consent. *Khalifa v. Shannon*, 945 A.2d 1244, 1253 (Md. 2008). And the tort of harboring occurred when one encouraged a child “away from the parent without the parent’s consent[] to remain away.” *Ibid.*

3. Ample procedural mechanisms for vindicating those rights also existed before and during the Founding period. For example, the common law furnished damage actions for enticement and harboring of a runaway child and required no proof of harm beyond invasion of the parental right. *Kirkpatrick v. Lockhart*, 4 S.C.L. (2 Brev.) 276, 279 (S.C. Const. Ct. App. 1809) (“The true ground of action \*\*\* is the outrage, and deprivation”). And in equity, judges could enjoin interference with these rights, as through bills *quia timet*, which anticipated the modern preliminary injunction. *McConihay v. Wright*, 121 U.S. 201, 206 (1887).

In sum, Petitioners’ suit to protect their parent-child relationships—and the parental rights protected by the federal Constitution—states a justiciable claim under Article III’s original meaning.

## CONCLUSION

Parental rights are “perhaps the oldest of the fundamental liberty interests recognized by this Court.” *Troxel*, 530 U.S. at 65. Yet in too many cases overly stingy standing doctrine has barred such claims from Article III courts. That in turn threatens the Madisonian compromise, which let federal and state courts hear federal claims, and its rationale, which was to protect minorities from oppression by local majorities.

That protection failed here, and that failure resulted in the lower courts’ booting from federal court the very people a state targeted in violation of the federal Constitution. Article III does not require so miserly a reading of the “judicial Power.” The Ninth Circuit should be reversed.

Respectfully submitted,

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SEPTEMBER 8, 2026

## **APPENDIX**

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***Appendix A***

**U.S. Constitution**

**Article III. The Judiciary  
[excerpted]**

\* \* \*

**Section 2.** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any

2a

State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

\* \* \*

***Appendix B***

**CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE SENATE BILL 5599**

Chapter 408, Laws of 2023

68th Legislature  
2023 Regular Session

**YOUTH SHELTERS, HOMELESS YOUTH  
PROGRAMS, AND HOST HOMES—PROTECTED  
HEALTH CARE SERVICES**

**EFFECTIVE DATE: July 23, 2023**

Passed by the Senate  
April 19, 2023

Yeas 29 Nays 20

DENNY HECK  
**President of the Senate**

Passed by the House  
April 12, 2023

Yeas 57 Nays 39

LAURIE JINKINS  
**Speaker of the House  
of Representatives**

Approved May 9, 2023  
3:42 PM

JAY INSLEE  
**Governor of the State  
of Washington**

**CERTIFICATE**

I, Sarah Bannister,  
Secretary of the Senate of  
the State of Washington,  
do hereby certify that the  
attached is **ENGROSSED  
SUBSTITUTE SENATE  
BILL 5599** as passed by  
the Senate and the House  
of Representatives on the  
dates hereon set forth.

SARAH BANNISTER

**Secretary**

**FILED**

May 10, 2023

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5599**

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**AS AMENDED BY THE HOUSE**

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature  
2023 Regular Session**

By Senate Human Services (originally sponsored by  
Senators Lias, C. Wilson, Dhingra, Lovelett,  
Nguyen, and Randall)

READ FIRST TIME 02/15/23.

AN ACT Relating to supporting youth and young  
adults seeking protected health care services;  
amending RCW 13.32A.082 and 74.15.020; and  
creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE  
STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds  
that unsheltered homelessness for youth poses a  
serious threat to their health and safety. The Trevor  
project has found that one in three transgender youth  
report attempting suicide. Homelessness amongst  
transgender youth can further endanger an already  
at-risk population. The legislature further finds that  
barriers to accessing shelter can place a chilling effect  
on exiting unsheltered homelessness and therefore  
create additional risk and dangers for youth. Youth  
seeking certain medical services are especially at risk  
and vulnerable. Therefore, the legislature intends to  
remove barriers to accessing temporary, licensed

5a

shelter accommodations for youth seeking certain protected health care services.

**Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within seventy-two hours, but preferably within twenty-four hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to ~~((, circumstances))~~:

(i) Circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020; or

(ii) When a minor is seeking or receiving protected health care services.

(d) “Protected health care services” means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(3) (a) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(b) When the department receives a report under subsection (1) of this section for a minor who is seeking or receiving protected health care services, it shall:

(i) Offer to make referrals on behalf of the minor for appropriate behavioral health services; and

(ii) Offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

(5) Nothing in this section limits a person’s duty to report child abuse or neglect as required by RCW 26.44.030 or removes the requirement that the law enforcement agency of the jurisdiction in which the person lives be notified.

**Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) “Agency” means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) “Child-placing agency” means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) “Community facility” means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) “Crisis residential center” means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter

13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) “Emergency respite center” is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) “Foster family home” means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) “Group-care facility” means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. “Group care facility” includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) “HOPE center” means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) “Maternity service” means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) “Resource and assessment center” means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent’s or guardian’s care by child protective services or law enforcement;

(j) “Responsible living skills program” means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) “Service provider” means the entity that operates a community facility.

(2) “Agency” shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child’s parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) (i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department except as provided in subsection (2)(o)(iii) of this section, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months, unless there is a compelling reason to not contact the parent or guardian; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) If a host home program serves a child without parental authorization who is seeking or receiving protected health care services, the host home program must:

(A) Report to the department within 72 hours of the youth's participation in the program and following this report the department shall make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;

(B) Report to the department the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and

(C) Provide case management outside of the host home and away from any individuals residing in the home at least once per month.

(iii) A host home program and host home that meets the other requirements of subsection (2)(o) of this section may provide care for a youth who is receiving services from the department if the youth is:

(A) Not subject to a dependency proceeding under chapter 13.34 RCW; and

(B) Seeking or receiving protected health care services.

(iv) For purposes of this section, ((a—"host")) the following definitions apply:

(A) "Host home" ((is)) means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

((((iii) For purposes of this section, a "host"))  
(B) "Host home program" is a program that provides

support to individual host homes and meets the requirements of (o)(i) of this subsection.

~~((iv))~~ (C) “Compelling reason” means the youth is in the host home or seeking placement in a host home while seeking or receiving protected health care services.

(D) “Protected health care services” means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(v) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) “Department” means the department of children, youth, and families.

(4) “Juvenile” means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) “Performance-based contracts” or “contracting” means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the

contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) “Probationary license” means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) “Requirement” means any rule, regulation, or standard of care to be maintained by an agency.

(8) “Secretary” means the secretary of the department.

(9) “Street youth” means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) “Transitional living services” means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer

skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 4. (1) The office of homeless youth prevention and protection programs shall contract with an outside entity to:

(a) Gather data regarding the number of unsheltered homeless youth under age 18 in Washington state; and

(b) Develop recommendations for supporting unsheltered homeless youth under age 18 in Washington state.

(2) By July 1, 2024, and in compliance with RCW 43.01.036, the office of homeless youth prevention and protection programs shall submit the information and recommendations described in subsection (1) of this section to the appropriate committees of the legislature.

Passed by the Senate April 19, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 9, 2023.

Filed in Office of Secretary of State May 10, 2023.

--- **END** ---

***Appendix C***

**CERTIFICATION OF ENROLLMENT  
SUBSTITUTE HOUSE BILL 1406**

Chapter 151, Laws of 2023

68th Legislature  
2023 Regular Session

**HOMELESS OR RUNAWAY YOUTH—VARIOUS  
PROVISIONS**

**EFFECTIVE DATE: July 23, 2023**

Passed by the House  
March 2, 2023

Yeas 96    Nays 0

LAURIE JINKINS  
**Speaker of the House  
of Representatives**

Passed by the Senate  
April 8, 2023

Yeas 48    Nays 0

DENNY HECK  
**President of the Senate**

Approved April 20, 2023  
2:50 PM

JAY INSLEE  
**Governor of the State  
of Washington**

**CERTIFICATE**

I, Bernard Dean, Chief  
Clerk of the House of  
Representatives of the  
State of Washington, do  
hereby certify that the  
attached is **SUBSTITUTE  
HOUSE BILL 1406** as  
passed by the House of  
Representatives and the  
Senate on the dates hereon  
set forth.

BERNARD DEAN  
**Chief Clerk**

**FILED**

April 21, 2023

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1406**

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Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature  
2023 Regular Session**

**By** House Human Services, Youth, & Early Learning  
(originally sponsored by Representatives Cortes,  
Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado,  
Simmons, Orwall, Taylor, Bateman, Lekanoff,  
Peterson, Ramel, Macri, Bergquist, Pollet, Reed,  
Ormsby, Doglio, and Davis)

READ FIRST TIME 02/07/23.

AN ACT Relating to youth seeking housing assistance and other related services; amending RCW 13.32A.040, 13.32A.082, 43.185C.010, and 43.185C.265; and adding a new section to chapter 43.330 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec. 1.** RCW 13.32A.040 and 2020 c 51 s 2 are each amended to read as follows:

(1) The department, or a designated contractor of the department, shall ~~((offer))~~:

(a) Offer family reconciliation services to families or youth who are experiencing conflict and who may be in need of services upon request from the family or youth and subject to the availability of funding appropriated for this specific purpose; and

(b) Offer family reconciliation services to families or youth after receiving a report that a youth is away

from a lawfully prescribed residence or home without parental permission under RCW 13.32A.082(1). If the family or youth is being served by the community support team created under section 5 of this act, the department or designated contractor of the department must:

(i) Still offer family reconciliation services; and

(ii) Coordinate with the community support team created in section 5 of this act.

(2) The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible.

**Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to

provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within ~~((seventy-two))~~ 72 hours, but preferably within ~~((twenty-four))~~ 24 hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department. When a minor remains in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families under subsection (1)(b)(i)(A) and (B) of this section, the shelter or organization must also notify the department. A minor may provide authorization to remain in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, subject to any limits established by those licensed shelters or organizations, for up to 90 days if:

(A) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families is unable to make contact with a parent despite their notification efforts required under this section; or

(B) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families makes contact with a parent, but the parent does not request that the child return home even if the parent does not provide consent for the minor remaining in the licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the

minor is away from a lawfully prescribed residence or home without parental permission.

(c) “Compelling reasons” include, but are not limited to, circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services to the youth and the family designed to resolve the conflict, including offering family reconciliation services, and accomplish a reunification of the family. The department shall offer services under this subsection as soon as possible, but no later than three days, excluding weekends and holidays, following the receipt of a report under subsection (1) of this section.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

**Sec. 3.** RCW 43.185C.010 and 2019 c 124 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) “Administrator” means the individual who has the daily administrative responsibility of a crisis residential center.

(2) “Child in need of services petition” means a petition filed in juvenile court by a parent, child, or the department of children, youth, and families seeking adjudication of placement of the child.

(3) “Community action agency” means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) “Crisis residential center” means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) “Department” means the department of commerce.

(6) “Director” means the director of the department of commerce.

(7) “Home security fund account” means the state treasury account receiving the state’s portion of income from revenue from the sources established by RCW 36.22.179 and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) “Homeless housing grant program” means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting

data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) “Homeless housing plan” means the five-year plan developed by the county or other local government to address housing for homeless persons.

(10) “Homeless housing program” means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) “Homeless housing strategic plan” means the five-year plan developed by the department, in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness.

(12) “Homeless person” means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(13) “HOPE center” means an agency licensed by the secretary of the department of children, youth, and families to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for ~~((thirty))~~ 90 days while services are arranged and permanent placement is coordinated. No street youth may stay longer than ~~((thirty))~~ 90 days unless approved by the department

and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to ~~((thirty))~~ 90 days.

(14) “Housing authority” means any of the public corporations created by chapter 35.82 RCW.

(15) “Housing continuum” means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) “Interagency council on homelessness” means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of children, youth, and families; (d) the department of veterans affairs; and (e) the department of health.

(17) “Local government” means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) “Local homeless housing task force” means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of

the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) “Long-term private or public housing” means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) “Performance measurement” means the process of comparing specific measures of success against ultimate and interim goals.

(21) “Secure facility” means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) “Semi-secure facility” means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident’s leaving the facility upon the resident being accompanied by the administrator or

the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of children, youth, and families with a ratio of at least one adult staff member to every two children.

(24) "Street outreach services" means a program that provides services and resources either directly or through referral to street youth and unaccompanied young adults as defined in RCW 43.330.702. Services including crisis intervention, emergency supplies, case management, and referrals may be provided through community-based outreach or drop-in centers.

(25) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(26) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

**Sec. 4.** RCW 43.185C.265 and 2019 c 312 s 16 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 43.185C.260(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of children, youth, and families, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect;

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(ii) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, request the department of children, youth, and families to accept custody of the child. If the department of children, youth, and families determines that an appropriate placement is currently available, the department of children, youth, and families shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department of children, youth, and families may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department of children, youth, and families' custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department of children, youth, and families declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department of children, youth, and families if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 43.185C.260(1)(c) shall inform the child of the reason for custody. An officer taking a child into custody under RCW 43.185C.260(1)(c) may release the child to the supervising agency, may return the child to the placement authorized by the supervising agency, or shall take the child to a designated crisis residential center.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 43.185C.290(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department of children, youth, and families, the child may reside in the crisis residential center or may be placed by the department of children, youth, and families in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the ~~((parents have consented))~~ parent has not requested that the child return home, a child in need of services petition has been filed, or an order for placement has been entered under chapter 13.34 RCW.

(5) The department of children, youth, and families shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where

children taken into custody under RCW 43.185C.260 may be taken.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the office of homeless youth prevention and protection programs shall provide additional funding and assistance to contracted youth service providers or other entities who convene a community support team as described in this section. The purpose of the community support team is to help identify supports for a youth focused on resolving family conflict and obtaining or maintaining long-term and stable housing.

(a) The community support team is required to prioritize reunification between the youth and the youth's family to the extent possible without endangering the health, safety, or welfare of the child.

(b) The community support team may not engage with a family member other than the youth if the parent, guardian, or legal custodian objects to the support or assistance that is offered or provided.

(2) A community support team under this section must include:

(a) The youth; and

(b) Supportive adults identified by the youth, which may include:

(i) Licensed shelter staff;

(ii) A case manager;

(iii) Individuals from the youth's school;

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- (iv) Juvenile court staff;
- (v) The youth's attorney;
- (vi) Behavioral health providers;
- (vii) Community support providers;
- (viii) Family members;
- (ix) Mentors;
- (x) Peer support;
- (xi) Housing navigation;
- (xii) Legal assistance; or
- (xiii) Other community members.

(3) The community support team described in this section shall develop a process that allows youth who enter a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families to request assistance from the community support team.

(4) Any youth who enters a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families in an area served by the community support team is eligible for the community support team.

(5) The community support team described in this section shall coordinate efforts, if appropriate, with:

(a) The department or the designated contractor of the department providing family reconciliation services to a youth or family;

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(b) Multidisciplinary teams established under RCW 43.185C.250 and 43.185C.255; and

(c) Other nearby youth homelessness assistance programs that may provide assistance to the youth.

Passed by the House March 2, 2023.

Passed by the Senate April 8, 2023.

Approved by the Governor April 20, 2023.

Filed in Office of Secretary of State April 21, 2023.

**--- END ---**

***Appendix D***

**Revised Code of Washington**

**13.32A.082. Providing shelter to minor--  
Requirement to notify parent, law enforcement,  
or department**

Effective: July 23, 2023

(1)(a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b)(i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within 72 hours, but preferably within 24 hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are

compelling reasons not to notify the parent, the shelter or organization must instead notify the department. When a minor remains in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families under subsection (1)(b)(i)(A) and (B) of this section [(b)(i)(A) and (B) of this subsection], the shelter or organization must also notify the department. A minor may provide authorization to remain in a licensed overnight youth shelter or with another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, subject to any limits established by those licensed shelters or organizations, for up to 90 days if:

(A) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families is unable to make contact with a parent despite their notification efforts required under this section; or

(B) The licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth and their families makes contact with a parent, but the parent does not request that the child return home even if the parent does not provide consent for the minor remaining in the licensed overnight youth shelter or other licensed organization with a stated mission to provide services to homeless or runaway youth.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to:

(i) Circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020; or

(ii) When a minor is seeking or receiving protected health care services.

(d) “Protected health care services” means gender-affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(3)(a) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services to the youth and the family designed to resolve the conflict, including offering family reconciliation services, and accomplish a reunification of the family. The department shall offer services under this subsection as soon as possible, but no later than three days, excluding weekends and holidays, following the receipt of a report under subsection (1) of this section.

(b) When the department receives a report under subsection (1) of this section for a minor who is seeking or receiving protected health care services, it shall:

(i) Offer to make referrals on behalf of the minor for appropriate behavioral health services; and

(ii) Offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without

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parental permission more promptly than required under this section.

(5) Nothing in this section limits a person's duty to report child abuse or neglect as required by RCW 26.44.030 or removes the requirement that the law enforcement agency of the jurisdiction in which the person lives be notified.

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***Appendix E***

**Revised Code of Washington**

**71.34.530. Outpatient treatment of adolescent**

Effective: July 28, 2019

Any adolescent may request and receive outpatient treatment without the consent of the adolescent's parent. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen.

*Appendix F*

**Revised Code of Washington**

**74.09.675. Gender-affirming care services--  
Prohibited discrimination  
[excerpted]**

Effective: July 25, 2021

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(2)(b) Facial feminization surgeries and facial gender-affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender-affirming procedures, including revisions to prior treatment, when prescribed as gender-affirming treatment, may not be excluded as cosmetic.

(3) For the purposes of this section, “gender-affirming treatment” means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to support and affirm the individual’s gender identity. Gender-affirming treatment includes, but is not limited to, treatment for gender dysphoria. Gender-affirming treatment can be prescribed to two spirit, transgender, nonbinary, and other gender diverse individuals.

\* \* \*