

Appeal No. 25-3686

**In the United States Court of Appeals  
for the Ninth Circuit**

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CHINO VALLEY UNIFIED SCHOOL DISTRICT, et al.,

*Plaintiffs-Appellants,*

v.

GAVIN NEWSOM, et al.,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Eastern District of California

Case No. 2:24-cv-01941-DJC-JDP / Hon. Daniel J. Calabretta

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BRIEF OF AMICUS CURIAE

THE CENTER FOR AMERICAN LIBERTY IN SUPPORT OF APPELLANTS AND REVERSAL

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Josh Dixon  
Courtney Corbello  
Center for American Liberty  
PO Box 200942  
Pittsburgh, PA 15251-0942  
(703) 687-6212  
[jdixon@libertycenter.org](mailto:jdixon@libertycenter.org)

*Counsel for Amicus Curiae*

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## CORPORATE DISCLOSURE STATEMENT

The Center for American Liberty (CAL) is a non-profit corporation with no parent companies, subsidiaries, or affiliates.

STATEMENT OF INTEREST

CAL is a 501(c)(3) non-profit law firm dedicated to protecting free speech and civil liberties. CAL has represented litigants across the country, including in this Court, in cases seeking to vindicate individuals' religious freedom, free speech, and parental rights, among other things, against oppressive state action. *See, e.g., Regino v. Staley*, 133 F.4th 951 (9th Cir. 2025); *Doe v. Weiser*, No. 1:24-CV-2185-CNS-SBP, 2025 WL 295015 (D. Colo. Jan. 24, 2025), *appeal docketed* No. 25-1037 (10th Cir. Jan. 31, 2025); *Antonucci v. Winter*, 767 F. Supp. 3d 122 (D. Vt. 2025), *appeal docketed* No. 25-514 (1st Cir. Mar. 4, 2025). CAL has an interest in ensuring that courts apply the correct legal standard in cases involving the First Amendment and parental rights.



FRAP 29(a)(4)(E) STATEMENT

No party or party's counsel has authored this brief either in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting the brief. No person—other than the amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief.

## INTRODUCTION

CAL submits this amicus brief to underscore the profound threat California's Assembly Bill 1955 poses to the sacred bond between parents and their children—a bond that lies at the heart of a free and flourishing society. Parental rights, long enshrined in our constitutional order, are under unprecedented assault as state laws like AB 1955 seek to authorize schools to take critical decisions from parents regarding their children's religious, moral, and psychological development—like the decision whether to socially transition<sup>1</sup> a child—without even notifying parents that such a decision has been made. This case is a referendum on whether the state can usurp the fundamental role of parents in guiding their children's upbringing, particularly on matters as significant as the child's social transition.

By requiring information about a child's social transition at school to be withheld from their parents, AB 1955 not only undermines parental authority but also erodes the trust and unity essential to family life. This brief argues that AB 1955 violates parents' substantive due process rights, violations that undermine the integrity of all families and parents' proper role in our constitutional republic. This Court should reverse the district court's erroneous dismissal of this case and safeguard the constitutional protections that parents deserve.

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<sup>1</sup> A "social transition" generally occurs when a school begins referring to a transgender-identifying minor by a new name and pronouns of the minor's choosing that accords with the minor's asserted gender identity.

## SUMMARY OF THE ARGUMENT

The Court should reverse. Parents have the fundamental right under the Substantive Due Process Clause and Speech Clause of the United States Constitution to direct and control the upbringing of their children, as affirmed by over a century of precedent from *Meyer v. Nebraska*, 262 U.S. 390 (1923) to *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025). This right protects parents’ authority to the care, custody, and control of their children against state overreach. AB 1955 violates parents’ rights by: (1) allowing the state to provide healthcare treatment to children without parental consent or notice; (2) usurping parents’ authority to make critical decisions about significant events in their children’s lives; (3) undermining family integrity by altering the parent-child bond; and (4) infringing on parents’ rights to name their children. These violations demand reversal to protect the foundational role of parents in shaping their children’s psychological, moral, and religious development.

## ARGUMENT

**I. THE DISTRICT COURT’S RULING IGNORES FUNDAMENTAL PARENTAL RIGHTS.**

Parents have the right to “make decisions concerning the care, custody, and control” of their children. *Troxel v. Granville*, 530 U.S. 57, 66 (2000) (plurality op.); *Keates v. Koile*, 883 F.3d 1228, 1235–36 (9th Cir. 2018) (noting that this right arises under both the Substantive Due Process Clause and Speech Clause). A historical canvass of parental rights—as well as recent Supreme Court precedent—

demonstrates the importance of these rights in our constitutional design.

### **A. History Demonstrates the Importance of Protecting Fundamental Parental Rights**

To understand the parental right, it is necessary to understand its history. After all, “history guide[s the] consideration of modern regulations that were unimaginable at the founding.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 28 (2022). Here, a historical view of parental rights leads inexorably to the conclusion that AB 1955 violates parents’ rights.

The parental right to make decisions concerning the care, custody, and control of their children arises out of the common-law presumptions that (1) “parents possess what a child lacks in maturity, experience, and capacity for judgment” and (2) the “natural bonds of affection lead parents to act in the best interests of their children.” *Parham v. J.R.*, 442 U.S. 584, 602 (1979). Parental rights served as a bulwark against attempts by states early in the last century to use early childhood education “to coerce uniformity of sentiment in support of some end thought essential to their time and country,” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 640 (1943), often at a high cost to religious communities with dissenting views. The Supreme Court repeatedly made clear that such attempts have no place in our constitutional order.

For example, in the wake of World War I, a surge of ethnocentrism swept the nation, sparking “a spate of legislation to restrict the teaching of foreign

languages”—especially German—to schoolchildren. William G. Ross, *A Judicial Janus: Meyer v. Nebraska in Historical Perspective*, 57 U. Cin. L. Rev. 125, 126 (1988). These laws sought to dismantle the distinctive German-American culture and replace it with a patriotic, homogenized monoculture. *Id.* at 130–34. Nebraska, for instance, derided the German language as a “mental poison” that prevented the “sunshine of American ideals” from “permeat[ing] the life of the future citizens of this republic.” *Id.* at 177 (cleaned up).

This legislative effort came with a steep cost to religious exercise. Many German Americans did not know enough English to “give their children religious instruction in . . . English as well as in . . . German.” *Meyer v. State*, 187 N.W. 100, 101 (Neb. 1922), *rev’d sub nom. Meyer v. Nebraska*, 262 U.S. 390 (1923). For these families, teaching their children the German language was not merely political. Rather, it was necessary so children “could be able to worship with their parents” and “to keep the parents and children in a religious way in contact with each other and not diminish the influence of the parents in the home.” *Id.*

State supreme courts brushed these concerns aside. They told parents that if they wanted to read the Bible to their children, then they could learn English. *See id.* at 101–02 (arguing that “religious teaching could, manifestly, be as fully and adequately done in the English as in the German language”); *see also State v. Bartels*, 181 N.W. 508, 514 (Iowa 1921), *rev’d sub nom. Bartels v. Iowa*, 262 U.S. 404

(1923). Believing that “permitting foreigners . . . to rear and educate their children in the language of their native land” would “naturally inculcate in them the ideas and sentiments . . . foreign to the best interests of this country,” state courts upheld these laws. *Meyer*, 187 N.W. at 102; *see also Bartels*, 181 N.W. at 508; *Pohl v. State*, 132 N.E. 20 (Ohio 1921), *rev’d by Bartels*, 262 U.S. 404.

But in *Meyer*, the Supreme Court categorically rejected this reasoning. It affirmed the “right” and “natural duty of the parent to give his children education suitable to their station in life.” 262 U.S. at 400. That right, the Court held, extended to choosing how children should be educated, even if that education included learning the German language. *Id.* at 401. *Meyer* famously rejected allowing the State to use public schools—as the Spartans and Plato envisioned—“to submerge the individual and develop ideal citizens.” *Id.* at 401–02. The State’s desire to “foster a homogenous people with American ideals” did not justify disrupting the fundamental liberty of parents to direct their children’s upbringing. *Id.* at 402.

Two years later, in *Pierce v. Society of Sisters*, the Supreme Court held unconstitutional an Oregon law compelling all children from age eight to sixteen to attend public schools. 268 U.S. 510, 534–535 (1925). Like the anti-German laws in *Meyer*, Oregon’s law was enacted during a nativist paroxysm; it was primarily intended to prevent Roman Catholic children from attending Catholic School. *See* William G. Ross, *The Role of Religion in the Defeat of the 1937 Court-Packing Plan*,

23 J.L. & Religion 629, 636 (2008); S. Ernie Walton, *Gender Identity Ideology: The Totalitarian, Unconstitutional Takeover of America's Public Schools*, 34 Regent U. L. Rev. 219, 264 (2021). *Pierce* reaffirmed that the “child is not the mere creature of the State,” and that Oregon’s law could not stand under “the doctrine of *Meyer*” because it “interfere[d] with the liberty of parents . . . to direct the upbringing and education of children under their control.” 268 U.S. at 534–35.

The same principles animated the Court’s seminal decision in *Barnette*. There, the Court confronted a West Virginia statute that required all schools to orient instruction “for the purpose of teaching, fostering, and perpetuating the ideals, principles and spirit of Americanism.” 319 U.S. at 625. Part of this program required students to salute the American flag. *Id.* Here again, the State’s attempt to “standardize” children came at the expense of those with religious beliefs—this time, Jehovah’s Witnesses. *Id.* at 629–30; *see also Wisconsin v. Yoder*, 406 U.S. 205, 244 (1972) (Douglas, J., dissenting in part) (opining that the chief “vice of [West Virginia’s] regime was its interference with the child’s free exercise of religion”).

In enjoining the law, the Supreme Court contrasted the American system with totalitarian attempts to eradicate disfavored religious beliefs—from the Roman Empire’s attempt to snuff out nascent Christianity; to the Inquisition’s persecution of Jews, Muslims and Protestants; to the then-contemporary examples of Nazi and Communist governments. History, *Barnette* explained, shows that “[t]hose who

begin coercive elimination of dissent soon find themselves exterminating dissenters.” *Id.* at 641. And “no deeper division could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing.” *Id.*

As the decades have gone by, the Supreme Court has continuously reinforced the idea that parental rights need not bend the knee to the statist tendency to force preferred views on children. In *Wisconsin v. Yoder*, for example, the Supreme Court concluded that Amish parents were not required to send their children to school after the age of fourteen despite a Wisconsin statute requiring compulsory education until the age of sixteen. 406 U.S. at 207-09. The Court noted that the Amish community’s simple and uncomplicated mode of life had “come into conflict increasingly with requirements of contemporary society exerting a hydraulic insistence on conformity to majoritarian standards.” *Id.* at 217. In that conflict, however, Amish parents’ rights to raise their children in accordance with their religious beliefs won out. *Id.* Rejecting Wisconsin’s argument that the state was empowered to protect children from environments that “foster[ed] ignorance,” the Court admonished that “[t]here can be no assumption that today’s majority is ‘right’ and the Amish and others like them are ‘wrong.’” *Id.* at 222–23.

Thus, *Meyer*, *Pierce*, *Barnette*, and *Yoder* make clear that the state’s attempts to enforce preferred views through public education has no place in the American



system that respects and preserves parental rights. This is true especially for topics like gender and sexuality, subjects “that touch the heart of the existing order.” *Barnette*, 319 U.S. at 642. Prevailing orthodoxies change, but the government’s desire to enforce those orthodoxies through the public school system has proven evergreen. And just as the states may not use the coercive power of schools to root out German identity, keep Catholics from attending their own schools, steamroll Jehovah’s Witnesses’s religious beliefs, or compel the Amish to participate in mainstream culture in the name of American patriotism, they may not root out traditional views of gender and sexuality in the name of preventing bullying or in disregard of the parental right to shape their children’s religious, moral, and psychological growth. In our constitutional order, “no official . . . can prescribe what shall be orthodox.” *Barnette*, 319 U.S. at 642.

### **B. The Supreme Court’s *Mahmoud* Decision Reinforces the Importance of Parental Rights.**

The Supreme Court’s recent decision in *Mahmoud* confirms these core teachings. Relying on *Pierce* and *Yoder*, the Supreme Court made clear in *Mahmoud* that public schools cannot condition access to education on parents’ acceptance of curricula that conflict with their religious values. In doing so, the Court reinforced the broader autonomy of parents to shape their children’s religious, moral, and psychological growth and to make significant “choices . . . for their children outside the home.” *Mahmoud*, 145 S. Ct. at 2351. In short, government actions in

educational settings must respect parents’ authority to make decisions aligning with their deeply held beliefs. *Id.* at 2354. And this authority extends beyond the Free Exercise context. As the *Mahmoud* court explained, neither “the right to free exercise” nor “*other First Amendment rights* [are] shed . . . at the schoolhouse gate.” *Id.* at 2350 (cleaned up). Indeed, parents’ rights “would be an empty promise if [they] did not follow . . . children into the public school[s].” *Id.* at 2351. Thus, *Mahmoud* confirms that parents retain significant control, both in the religious context and based on other constitutional rights, over their children’s upbringing, even in the face of public-school policies.

*Mahmoud* guarantees the protection of parental rights across diverse contexts and ensures that parents can safeguard their children’s development in accordance with their values. While the State may have an interest in educating its citizens or—as the district court here repeatedly noted despite never reaching the merits—an interest in solving “a crisis of bullying” in schools (Dkt. 36 at 2), those interests, “however highly [courts] rank [them], [are] not totally free from a balancing process when [they] impinge[] on fundamental rights and interests,” *Yoder*, 406 U.S. at 214.

## **II. AB 1955 VIOLATES PARENTS’ SUBSTANTIVE DUE PROCESS AND SPEECH RIGHTS.<sup>2</sup>**

Because the district court dismissed this case on standing grounds, it failed to

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<sup>2</sup> AB 1955 indisputably violates parents’ Free Exercise rights under *Mahmoud*. This brief explains why AB 1955 also violates non-religious parents’ rights.

consider whether AB 1955 violates parents’ rights. It does. Among other things, AB 1955 requires schools to conceal from parents their acts in facilitating a child’s social transition. But parents—not schools, and not children—have the right to decide whether their children undergo a social transition at school.

**A. AB 1955 violates parents’ rights to consent and notice when the state seeks to provide healthcare treatment to their children.**

This Court has recognized that the parental right “includes the right of parents to make important medical decisions for their children.” *Wallis v. Spencer*, 202 F.3d 1126, 1141 (9th Cir. 2000). “[I]t is in the interest of both parents and children that parents have ultimate authority to make medical decisions for their children unless [a] ‘neutral fact finder’ determines, through [a] due process hearing, that [the] parent is not acting in [the] child’s best interests.” *Id.* at 1141 (quoting *Parham*, 442 U.S. at 602). “[P]arental consent is critical in medical procedures involving children because children rely on parents . . . to provide informed permission.” *Mann v. Cnty. of San Diego*, 907 F.3d 1154, 1162 (9th Cir. 2018) (cleaned up)).

Social transitioning is a significant form of psychological treatment, particularly in minors. Zucker, Ken J., *The myth of persistence: Response to “A Critical Commentary on Follow-Up Studies and Desistance Theories about Transgender and Gender Non-Conforming Children” by Temple Newhook et al.*, 19 *International Journal of Transgenderism* at 237 (concluding that a social transition is a form of “psychosocial treatment” for transgender-identifying minors), available at

<http://bit.ly/3IfIPe2>; *see also* Br. of Amici Curiae American Medical Association, the American Academy of Pediatrics, Endocrine Society, et al., in *Adams v. Sch. Bd. of St. Johns Cnty.*, Case No. 18-13592 (11th Cir. 2018) at 13 (noting that a social transition is “a critically important part of treatment” in transgender-identifying minors), available at <https://bit.ly/4pdFwDR>; *Edmo v. Corizon, Inc.*, 935 F.3d 757, 770 (9th Cir. 2019) (observing that a social transition constitutes a form of “treatment”); *Monroe v. Meeks*, 584 F. Supp. 3d 643, 678 (S.D. Ill. 2022) (same). When a social transition is undertaken on a minor at school, the school’s creation of a putatively therapeutic environment in which the minor’s transgender identity is “affirmed” constitutes treatment.

But social transition in minors is not a benign intervention, and like other forms of treatment, it can have serious consequences on the child’s life course. For one thing, a social transition can increase the likelihood that the minor’s transgender identity will persist into adulthood due to the psychological effect on the minor of inhabiting that identity. Zucker, *supra*, at 237; *see also The Cass Review: Independent review of gender identity services for children and young people*, United Kingdom National Health Service (April 10, 2024) at 164 (noting that “sex of rearing seems to have some influence on eventual gender outcome”), available at <https://perma.cc/U684-54XM>. Moreover, a minor who undergoes a social transition will likely go on to receive graduated “affirmative” medical care—i.e., puberty

blockers and cross-sex hormones, and, for some, “affirming” surgeries like mastectomies, genital removal surgery, vaginoplasties, and phalloplasties. *The Cass Review* at 31, 162, 176. The risks from these medical treatments are significant, and can include bone weakness, cardiovascular harm, deficiencies in neurocognitive development, depression/anxiety, sexual dysfunction, and infertility/sterility. *Id.* at 32, 174, 178, 196; *see also Department of Health and Human Services: Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices* (May 1, 2025) (“*DHHS Report*”) at 14, 122–25, 221, available at <https://perma.cc/XN3W-BK8W>. Because of the close correlation between a social and medical transition, these risks must be accounted for when a social transition is undertaken, a balancing process that is beyond the capacity of minors.

In short, because social transitioning is a significant form of healthcare treatment in minors, a parent’s consent is required before it may be undertaken.

Of course, parents’ right to direct their children’s healthcare treatment is not absolute. While this right “reside[s] first” in parents, *Troxel*, 530 U.S. at 65, the state may exercise its *parens patriae* authority to override parents’ rights when their children are “subject to . . . apparent danger or harm,” *Mueller v. Aufer*, 700 F.3d 1180, 1187 (9th Cir. 2012) (“*Mueller II*”). But even then, parents have a “right to a judicial hearing” when the state seeks to provide healthcare treatment that parents do not want for their children, unless the state has “reasonable cause to believe that

the child is in imminent danger of serious bodily injury,” in which case the parents are entitled to post-deprivation notice. *Mueller v. Auken*, 576 F.3d 979, 995 (9th Cir. 2009) (“*Mueller I*”).

Here, AB 1955 precludes schools from notifying parents when their children are socially transitioned at school. This necessarily violates parents’ right to consent and notice when their children undergo this significant life event. Accordingly, AB 1955 is not a valid exercise of the state’s *parens patriae* authority and violates parents’ right to consent and notice when the state provides healthcare treatment to their children.

**B. Parents have the right to consent and notice when the state seeks to make important decisions in their children’s lives.**

Even if social transitioning were not healthcare treatment (and it is), AB 1955 violates parents’ right to make “important decisions” in their children’s lives—*Fields v. Palmdale Sch. Dist.*, 427 F.3d 1197, 1207 (9th Cir. 2005) (“*Fields I*”) (cleaned up)—that is, those decisions that go to the “heart of parental decision-making,” *C.N. v. Ridgewood Bd. of Educ.*, 430 F.3d 159, 184 (3d Cir. 2005). Parental decisions that courts have held are protected include: (1) child visitation, *Troxel*, 530 U.S. at 57; (2) whether to send children to private school, *Pierce*, 268 U.S. at 510; (3) the subjects children can be taught at school, *Meyer*, 262 U.S. at 390; (4) whether children can go out in public at night, *Nunez by Nunez v. City of San Diego*, 114 F.3d 935, 952 (9th Cir. 1997); and (5) whether children have access to birth control at

school, *Alfonso v. Fernandez*, 195 A.D.2d 46, 60 (N.Y. App. Div. 1993).

The decision to socially transition a child falls squarely within these precedents. As noted, that decision has significant consequences that are both immediate and that are likely to reverberate throughout the child’s life course. Because of the consequential nature of this decision, and because children are too immature to make it on their own, the decision must “reside first” in parents. *Troxel*, 530 U.S. at 65; *see also Mirabelli v. Olson*, 761 F. Supp. 3d 1317, 1332–33 (S.D. Cal. 2025) (holding that socially transitioning a child at school without parental consent violates “the long-recognized federal constitutional rights of parents”); *Tennessee v. Cardona*, 737 F. Supp. 3d 510, 556 (E.D. Ky. June 17, 2024) (holding that “parents retain a constitutionally protected right to guide their own children on matters of identity, including the decision to adopt or reject various gender norms and behaviors”); *Ricard v. USD 475 Geary Cnty., KS Sch. Bd.*, No. 522CV04015, 2022 WL 1471372, at \*8 (D. Kan. May 9, 2022) (noting that parents “have [the right to] have a say in what [their] minor child[ren are] called” by their school).

Moreover, socially transitioning a child at school does not fall within schools’ implied authority under the *in loco parentis* doctrine. Under that doctrine, schools have “inferred parental consent” that gives them “a degree of authority . . . commensurate with the task that the parents ask the school to perform”—namely, to educate their children. *Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 200 (2021)

(Alito, J., concurring); *see also Vernonia Sch. Dist. 47 v. Acton*, 515 U.S. 646, 654-55 (1995). Under that authority, schools generally have the freedom to (1) control “the information to which [students]” are exposed as part of the curriculum and (2) decide “how” students are taught, including things like “the hours of the school day, school discipline, [and] the timing and content of examinations.” *Fields I*, 427 F.3d at 1200, 1206, *opinion amended on denial of reh’g sub nom. Fields v. Palmdale Sch. Dist. (PSD)*, 447 F.3d 1187 (9th Cir. 2006) (“*Fields II*”). But socially transitioning students is not within the scope of that inferred delegation—parents do not hand children off to schools to facilitate changing their gender identity.

Instead, parents retain the right to decide whether their children are socially transitioned despite sending them to public school, just as parents retain the right to direct their children’s religious upbringing despite sending them to public school. *Mahmoud*, 145 S. Ct. at 2351 (noting that parents’ rights “would be an empty promise if [they] did not follow . . . children into the public school classroom” (cleaned up)). As with Free Exercise rights, parents’ rights do not stop at “the threshold of the school door.” *C.N.*, 430 F.3d at 185 n. 26; *Fields II*, 447 F.3d at 1190-91 (deleting language from opinion stating otherwise). “It is not educators, but parents who have primary rights in the upbringing of children,” *Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000), and the state’s authority to educate children does not turn them into “mere creature[s] of the state.” *Pierce*, 268 U.S. at 535.



### **C. Parents have the right to maintain the integrity of their families**

AB 1955 also violates parents’ rights to “family integrity.” *Marsh v. Cnty. of San Diego*, 680 F.3d 1148, 1154 (9th Cir. 2012); *see also Kelson v. City of Springfield*, 767 F.2d 651, 653–54 (9th Cir. 1985). This right protects against state action that constitutes an unwarranted interference with parents’ ability to “maintain[] a tight familial bond” with their children. *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir. 1987), *overruled on other grounds by Hodgers-Durgin v. de la Vina*, 199 F.3d 1037 (9th Cir. 1999); *see also Lee v. City of L.A.*, 250 F.3d 668, 686 (9th Cir. 2001).

From the toys parents give their children, to the friends that parents allow their children to have, to the clothes parents dress their children in, the parent-child relationship is deeply shaped by the child’s gender identity. By forcing schools to socially transition school-aged children without their parents’ consent or notice, AB 1955 threatens to fundamentally alter the nature of the “familial bond” between them. *Smith*, 818 F.2d at 1418. In addition, AB 1955 deprives parents of “the opportunity to counter influences on” their children that they disagree with, *Arnold v. Bd. of Educ. of Escambia Cnty.*, 880 F.2d 305, 313 (11th Cir. 1989), “obstruct[s] the parental right to choose the proper method of resolution” of the question of whether the child should undergo a social transition, *Gruenke*, 225 F.3d at 306, and creates “mistrust” in their children by causing them to view their parents as the

enemy, *Patel v. Searles*, 305 F.3d 130, 134, 137 (2d Cir. 2002).

**D. Parents have the right to name their children.**

Finally, AB 1955 also violates parents’ rights to name their children. *See Sydney v. Pingree*, 564 F. Supp. 412, 413 (S.D. Fla. 1982) (holding that parents have the right to name their children); *O’Brien v. Tilson*, 523 F. Supp. 494, 496 (E.D.N.C. 1981) (same); *Jech v. Berch*, 466 F. Supp. 714, 718–19 (D. Haw. 1979) (same); *cf. Henne v. Wright*, 904 F.2d 1208, 1213 (8th Cir. 1990) (holding that parents have no right to give children a “*surname* . . . with which the child has no legally established parental connection” (emphasis added)). The name parents give their children is indisputably “an aspect of speech.” *Henne*, 904 F.2d at 1216 (Arnold, J., concurring); *see also Salaam v. Lockhart*, 905 F.2d 1168, 1170 n.4 (8th Cir. 1990) (noting an individual’s name change is an exercise of “first amendment speech” (*quoting Felix v. Rolan*, 833 F.2d 517, 518 (5th Cir. 1987))).

By authorizing children to change their names at school by way of a social transition without parental consent or notice, AB 1955 violates parents’ rights to name their children. Children’s names are an aspect of parental speech, and authorizing children to change that name—and to have state actors honor that change—violates parents’ right to decide how their children are known.

\* \* \*

In sum, AB 1955 undermines core constitutional protections long recognized

by this Court. By authorizing schools to facilitate student social transitions without parental consent and notice, the law disregards parents' rights to direct their children's healthcare, make important life decisions for them, preserve the integrity of the family bond, and intrudes on parents' authority to name their children. Each of these violations independently confirms that AB 1955 cannot stand.

### CONCLUSION

For the foregoing reasons, this Court should reverse.

Dated: September 9, 2025

s/Josh Dixon

Josh Dixon

Courtney Corbello

Center for American Liberty

PO Box 200942

Pittsburgh, PA 15251-0942

(703) 687-6212

[jdixon@libertycenter.org](mailto:jdixon@libertycenter.org)

[ccorbello@libertycenter.org](mailto:ccorbello@libertycenter.org)

*Counsel for Amicus Curiae*

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*s/Josh Dixon*

Josh Dixon