No. 25-840

In the
Supreme Court of the United States

INTERNATIONAL PARTNERS FOR ETHICAL CARE, INC., et al.,

Petitioners,

v.

BOB FERGUSON, GOVERNOR OF WASHINGTON, et al.,

Respondents.

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

BRIEF OF *AMICUS CURIAE* S.P. IN SUPPORT OF PETITIONERS

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INTEREST OF AMICUS[1]

S.P. is a Wisconsin parent whose daughter, E.S., ran away from home in March of 2025 after making suicidal statements at school. Over the next year, multiple actors in one Wisconsin county helped E.S. remain out of S.P.'s home in repeated violation of S.P.'s constitutional, parental, and statutory rights. Unlike Washington, Wisconsin has no law permitting the State to confiscate or delay the return of a runaway child in order to provide "gender affirming treatment." Nevertheless, various actors in Wisconsin have repeatedly weaponized and applied the full force of Wisconsin law against S.P. on increasingly frivolous grounds, in what S.P. believes to be an anti-religious, ideologically motivated attempt to keep E.S. out of S.P.'s home *permanently*.

S.P. submits this brief to illustrate that parents are under a very real threat of harm from legal systems (and the actors within them) that are supposed to honor parental rights and facilitate family reunification but, instead, actively promote the opposite.

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[1] Pursuant to Supreme Court Rule 37.6, Amicus states as follows: No counsel for a party authored this brief in whole or in part. No counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than Amicus or its counsel made such a monetary contribution. Counsel of record received timely notice of intent to file this brief under Supreme Court Rule 37.2.

INTRODUCTION AND SUMMARY OF ARGUMENT

In 2023, Washington enacted legislation authorizing the State to exclude parents and assume the parental role if a runaway child seeks "gender affirming treatment." Plaintiffs-Petitioners are two organizations and ten parents who are concerned about this legislation being applied against them. Amicus curiae S.P. is a Wisconsin mother whose experience over the past year illustrates what will happen if Washington's law is allowed to stand.

Just a few weeks ago, this Court reaffirmed that "[u]nder long-established precedent, parents—not the State—have primary authority with respect to 'the upbringing and education of children.'" *Mirabelli v. Bonta*, 607 U.S. ___, 803, 146 S. Ct. 797 (2026) (per curiam) (citations omitted). This Court then went on to state that "[t]he right protected by these precedents *includes the right not to be shut out of participation in decisions regarding their children's mental health*." *Id.* (citing *Parham v. J.R.*, 442 U.S. 584, 602, 99 S. Ct. 2493 (1979) (emphasis added)).

In blatant violation of this and other well-established constitutional rights, Washington's "Family Reconciliation Act" ("FRA")[2] does exactly what this Court has said States cannot do: exclude parents from notification and knowledge about their runaway child if the child seeks "protected health care services" including "gender affirming treatment." Wash. Rev. Code § 13.32A.082(1)(b)(i), (2), (3).

[2] The FRA was enacted in 2023 through HB1406, 68th Leg., Reg. Sess. § 2 (Wash. 2023) and SB5599, 68th Leg., Reg. Sess. (Wash. 2023).

Additionally, the FRA permits *State actors* to refer runaway children "seeking or receiving protected health care services"—including "gender-affirming treatment"—"for appropriate behavioral health services" without the parents' knowledge or consent. Wash. Rev. Code § 13.32A.082(2)(d), (3)(b)(i).

But parental rights include the right to make decisions about "medical care or treatment." *Parham*, 442 U.S. at 603. And the mere fact that a child disagrees with a parent's medical decisions "does not diminish the parents' authority to decide what is best for the child," nor does it allow the state to "transfer the power to make that decision" to itself. *Id.* at 603–604. Furthermore, "there is a presumption that fit parents act in the best interests of their children." *Troxel v. Granville*, 530 U.S. 57, 68, 120 S. Ct. 2054 (2000). Therefore, when a parent is fit, "there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent's children." *Id.* at 68–69 (citation omitted).

Amicus curiae S.P.'s harrowing battle for the return of her daughter, which is outlined in this brief, illustrates the lengths a State can (and will) go to when it decides that it—not the parent—knows best. And in a State like Washington, with a law that *explicitly* gives the State "permission" to deprive parents of their constitutionally protected rights, the threat of State action that mirrors the actions taken against S.P. is particularly strong.

In *Mirabelli*, this Court concluded both that parents likely had standing *and* that they were likely to succeed in their challenge to California policies

designed to exclude them from notification and information about their children's gender transition activities at school. *See generally Mirabelli*, 607 U.S. ___ (2026). And much like the policies challenged in *Mirabelli*, Washington's FRA *categorically excludes* parents from notification and knowledge about their runaway children (including the child's location) if the child seeks "protected health care services" such as "gender affirming treatment." Wash. Rev. Code § 13.32A.082(1)(b)(i), (2), (3). Therefore, and in the interest of protecting parental rights, this Court should grant the petition and reverse.

ARGUMENT

The following is an abbreviated version of S.P.'s story, but even the condensed version illustrates the shocking extent of the abuse that can be inflicted upon parents when a relatively unchecked system believes it can operate without consequence, becomes controlled by ideology, or both.

At a high level, S.P.'s involvement with the system began when E.S. (who was then thirteen years old) made suicidal statements at school, ran away from home, and was committed for mental health treatment. Since that time, S.P. has faced a total of five separate petitions seeking to permanently remove E.S. from her custody—none of which have prevailed. For the better part of a year, the primary allegation against S.P. was that she failed to provide some kind of medical care to E.S., but in January of 2026, that theory was rejected by a unanimous jury. Furthermore, rather than helping S.P. and E.S. work toward reunification, multiple actors (including personnel at the public defender's office, district attorney's office, and department of children and

families) engaged in what appears to have been a concerted effort to keep S.P. and E.S. apart for more than a year.

S.P. is E.S.'s biological mother and has sole legal custody of E.S. E.S. is S.P.'s only child. S.P. raised E.S. as a single mom, though E.S.'s grandmother lived with them for the first twelve years of E.S.'s life until the grandmother died. S.P. was a classically trained chef, and loved that career, but left it during COVID to be more available for her daughter. S.P. is Catholic, and E.S. was brought up in a Catholic home.

S.P. recently married B.P., a retired military servicemember. They were initially planning to take longer to get married, to give E.S. time to adjust. But after the events in this story began, they decided to move up their marriage so that they could be united in their battle against the system, give E.S. even more stability when she came home, and provide even more resources for E.S.'s care because, as a retired servicemember, B.P. has Tri-Care Insurance—one of the best insurance plans in the country.

Throughout this story, various actors, documents, and other materials have referred (and still refer) to E.S. by transgender names. And while names and pronouns are not part of the legal allegations in *any* of the cases involving S.P and E.S., ideological fervor may explain some of the bizarre behavior by various actors in the system. Notably, E.S. did not adopt these identities until after she entered the system in March of 2025. And for more than a year, S.P. simply wanted E.S. back so that she could provide E.S. with the mental health care she was not receiving from the system that took her away.

S.P.'s saga with the legal system began in late February/early March 2025, when E.S. made suicidal statements at school. S.P. realized this was a cry for help and decided to get E.S. into an inpatient treatment facility, but within minutes of arriving home from school on March 7, 2025, E.S. ran away (she was found by the police at a friend's house shortly thereafter). S.P. had intended to take E.S. to a hospital for mental health treatment on her own that day. But because of the statements made at school and the fact that E.S. ran away, the system was activated, and the situation quickly became a nightmare.

On March 8, 2025, a petition for involuntary commitment was filed against E.S pursuant to Chapter 51 of the Wisconsin statutes. Contrary to Wisconsin law regarding such commitments[3] and in violation of her constitutional rights, S.P. was excluded from a truncated and superficial process that ultimately ended with a "settlement" agreement between E.S. and the County. That settlement agreement included E.S. "agreeing" to comply with treatment recommendations and to take prescribed psychotropic medications. But again, this "settlement" occurred without S.P. (despite her repeated efforts to find out what was going on), and at one point, S.P. was even told (erroneously) that she had no right to

[3] *See* Wis. Stat. § 51.20(2)(b) & (5)(a). In relevant part, Wis. Stat. § 51.20(2)(b) provides: "The individual who is the subject of the petition, his or her counsel and, *if the individual is a minor, his or her parent or guardian*, if known, shall receive notice of all proceedings under this section." (emphasis added). In relevant part, Wis. Stat. § 51.20(5)(a) provides, "*The parent or guardian of a minor who is the subject of a hearing* shall have the right to participate in the hearing and to be represented by counsel." (emphasis added).

participate. As mentioned above, this was only the first in a long line of violations against S.P.

In addition to being unlawfully excluded from the Chapter 51 case, S.P. has also faced a total of five legal proceedings (all petitions) seeking to permanently remove E.S. from her custody on increasingly frivolous grounds. The first of those petitions was filed on March 25, 2025, pursuant to Wis. Stat. § 48.13(9). The second petition was filed under the same statute on March 28, 2025. A third petition was filed by the State on May 8, 2025, pursuant to Wis. Stat. § 48.13(10). A fourth petition, which sought emergency guardianship of E.S. was filed on July 2, 2025. A fifth petition was filed on February 13, 2026, pursuant to Wis. Stat. § 938.13(7) and is still outstanding. S.P. maintains that the attorney(s) who filed the first, second, and fifth petitions did not (and do not) have lawful authority to represent E.S. because they were never appointed by the Court as required by statute[4] and children cannot consent to counsel under Wisconsin law. *E.g., Dostal v. Magee*, 272 Wis. 509, 514, 76 N.W.2d 349 (1956); *Dostal v. St. Paul Mercury Indem. Co.*, 4 Wis. 2d 1, 9, 89 N.W.2d 545 (1958).

Further details about a few of these petitions will be provided later in this brief, but for now, S.P. points out that the first petition was dismissed by the Court almost immediately after filing; the second petition was defeated through a *unanimous* jury verdict in S.P.'s favor on January 22, 2026; the third petition was voluntarily dismissed by the State on the first day

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[4] *See* Wis. Stat. §§ 48.23(1m)(b)1 & (3m); 938.23 & 938.23(1m)(b)1.

of the scheduled trial; and the fourth petition was dismissed by the Court almost immediately after it was filed. But the legal proceedings have not stopped, and the fifth petition is still pending.

In March of 2025, when E.S. was committed for mental health treatment pursuant to the Chapter 51 petition, S.P. was told that she was required to select a mental health treatment facility within the County where the petition was filed.[5] S.P. chose a hospital, and E.S. was sent to that hospital on March 8, 2025. However, S.P. quickly became concerned about the care E.S. was receiving there because the hospital would not answer S.P.'s basic questions about E.S.'s care and gave E.S. medications that S.P. had not consented to.

S.P. then attempted to have E.S. transferred to a different hospital, but her attempts to do so were repeatedly interfered with and ultimately unsuccessful. To be clear, S.P. wanted a *higher* level of care for her troubled daughter[6] than the system insisted upon. S.P. wanted her daughter to go to an *in-patient* program to address her mental-health struggles. The system, on the other hand, only recommended an *out-patient* program, which would require E.S. live outside S.P.'s home.

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[5] When E.S. was committed, S.P. spoke with a physician at the emergency mental health center E.S. was taken to, and during that conversation, S.P. indicated that she believed E.S.'s actions were a cry for help and wanted her to receive treatment.

[6] E.S. has experienced significant trauma, including the deaths of two close relatives and two sexual assaults. Given all this trauma, S.P. has spent countless hours trying to find the best possible mental health care for her daughter.

Indeed, in April 2025, an attorney at the state public defender's office (whom S.P. maintains did not have lawful authority to represent E.S.) filed a request for a "temporary physical custody" order directing S.P. to follow the hospital's recommendations—the same hospital that S.P. believed was mistreating her daughter—and the Court granted it over S.P.'s objection. But this attorney wanted more than that. When E.S.'s stay at the hospital came to a close, the attorney also asked for an out-of-home placement based on the hospital's recommendation for *only* out-patient care. And on May 8, 2025, with very little evidence and over S.P.'s repeated objections, that request was granted, and E.S. was placed in an LGBTQ foster home. At the time, E.S. was just thirteen years old.

The foster home was terrible, and during her time there, E.S. was subjected to filthy living conditions, verbal abuse, and sexual harassment (among other things). Then, in the fall of 2025, E.S. was transferred to an LGBTQ group home. S.P. immediately objected to E.S.'s placement there but was denied a hearing on that objection until January 5, 2026. And at the hearing on January 5, the Court ignored S.P.'s objections and continued E.S.'s placement at the LGBTQ group home.

S.P.'s concerns about the group home were valid. For example, E.S. was caught drinking alcohol behind the group home just before Christmas and S.P. did not receive a satisfactory explanation for how that occurred or what would be done to prevent recurrence. Further, staff at the group home failed to bring E.S. to her family therapy sessions in the week before the placement hearing, even though that therapy was critical to E.S.'s healing process. Then, in late January

2026, there was an egregious incident at the group home. Another resident was using a laptop to virtually communicate with an adult who was encouraging self-harm. The police were called, and after searching the rooms, small blades and cups containing dry blood were found. The FBI is now investigating. Nevertheless, E.S. continued to live at the LGBTQ group home until S.P. finally regained full custody of E.S. on March 10, 2026.

Throughout most of this saga, the primary allegation against S.P. was that she failed to provide some kind of medical care to E.S. And while the second and third petitions (the only two that proceeded during that time) both invoked that theory, neither one clearly specified *what kind* of medical care S.P. was failing to provide, because if they did, it would have been immediately obvious that there was no legitimate basis for the petitions. In truth, S.P. had provided *every* kind of medical care for E.S.—counseling, medications, therapy, out-patient programs, and more.

S.P. testified to all of this during the trial on the second petition. And even though the jury unanimously, quickly, and decisively returned a verdict in favor of S.P., the system was not done and immediately persuaded the Court to take temporary physical custody of E.S. again. Myriad violations of S.P.'s constitutional, parental, and statutory rights followed, and a trial on the third petition was eventually scheduled for March 10–12, 2026.

On March 10, 2026, the State conceded that it could not prevail at the trial and moved to dismiss. A hearing on the fifth and final petition was held immediately afterward, and during that hearing, E.S.

was finally returned home after nearly one year in the system.

Despite its stated goal of "reunification," the system made no real effort to reconcile S.P. and E.S. at any point. S.P. repeatedly attempted to contact E.S. throughout this process, but was usually told E.S. did not want to speak with her and/or that whether contact would be made was up to E.S. And in the ten months the system had custody of E.S., S.P. was not allowed to visit E.S. at the LGBTQ foster home or at the LGBTQ group home. In fact, S.P. was permitted only *two* unsupervised visits with her daughter between late December 2025 and the trial in January because the system—in particular, E.S.'s case manager—withheld its consent for such visitation from S.P. until December 17, 2025.

In addition to this and many other actions that were not at all helpful to the reunification process, E.S.'s case manager gave E.S. three books by Andrew Joseph White in December 2025: "Compound Fracture," "Hell Followed With Us," and "The Spirit Bares Its Teeth."

According to the content warnings on the author's own website (https://andrewjosephwhite.com), these books contain the following, among other things:

<u>Compound Fracture</u>:

- "Graphic violence"
- "Queerphobia and transphobia"
- "Opioid dependency"
- "Physical force and emotional manipulation by intimate partner"
- "Animal harm (butchering deer, off-page revenge killing of a dog)"

- "Emetophobia (vomiting) warning"

Hell Followed With Us:

- "Violence (explicit gore, arson, murder and mass murder, warfare, terrorism)"
- "Body horror"
- "Transphobia"
- "Religious abuse/Christian terrorism, combined with elements of eco-fascism"
- "Abusive parents and domestic partner violence"
- "Self-injury (including attempted suicide of a side character)"
- "Emetophobia (vomiting) warning throughout"

The Spirit Bares Its Teeth:

- "Graphic violence"
- "Sexual assault - implied, attempted, and on-page"
- "Medical gore, including an on-page Cesarean section"
- "Transphobia"
- "Medical/psychiatric abuse, including dubious diagnosis and treatment"

E.S. was fourteen years old at the time and has a history of trauma, including sexual assault. S.P. would never have permitted E.S. to have these books at her age and with her history. E.S.'s case manager did not consult with S.P. before giving these books to E.S. and apparently thought these were an appropriate gift despite her knowledge of E.S.'s history.

These events—and more—demonstrate that the system went out of its way to keep E.S. from S.P. S.P. believes that some (if not most) of her experience was due to anti-religious, ideological bias that depended on one assumption: the system thought it knew better than S.P., especially regarding gender dysphoria, which was not an issue until after E.S. entered the system. Now that S.P. has full custody of E.S. and they are (almost) free from the control of a system that decided it knew better than S.P., the family is finally on a path toward healing and reconciliation. But the case is not quite over because of a fifth petition that S.P. must still defeat.

S.P.'s experience illustrates what the State can (and will) do to interfere with a parent's rights. And this interference will be substantially worse in a State like Washington, which is attempting to override parental rights through legislation. Indeed, Plaintiffs-Petitioners are rightly concerned about Washington's FRA being applied against them because through it, the State has not only threatened but *formally committed* to carrying out serious constitutional and parental rights violations.

The constitutional and parental rights violations imposed by Washington's FRA should not be tolerated, and this Court should clear the path to standing on this issue through definitive action.

CONCLUSION

This Court should grant the Petition.

Dated: March 30, 2026.

Respectfully submitted,

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