No. 24-745

# In the Supreme Court of the United States

MONTANA, et al.,

*Petitioners,*

v.

PLANNED PARENTHOOD OF MONTANA, et al.,

*Respondents.*

*On Petition for a Writ of Certiorari to the Montana Supreme Court*

## BRIEF *AMICUS CURIAE* OF AMERICANS UNITED FOR LIFE IN SUPPORT OF PETITIONERS


STEVEN H. ADEN
*Counsel of Record*
CAROLYN MCDONNELL
DANIELLE PIMENTEL
CATIE BYRD KELLEY
AMERICANS UNITED FOR LIFE
1150 Connecticut Ave NW,
Suite 500
Washington, DC 20036
*Steven.Aden@aul.org*
Tel: (202) 741-4917

*Counsel for* Amicus Curiae

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## STATEMENT OF INTEREST OF *AMICUS CURIAE*[1]

Americans United for Life (AUL) is the original national pro-life legal advocacy organization. Founded in 1971, before the Supreme Court's decision in *Roe v. Wade*, 410 U.S. 113 (1973), AUL has committed over fifty years to protecting human life from conception to natural death. Supreme Court opinions have cited briefs and scholarship authored by AUL attorneys. *See*, *e.g.*, *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2266 (2022) (citing Clarke D. Forsythe, *Abuse of Discretion: The Inside Story of* Roe v. Wade 127, 141 (2013)). AUL is an expert on pro-life litigation and public policy, tracking and analyzing bioethics cases across the nation and publishing life-affirming model legislation, including parental involvement laws that safeguard minors' informed consent and health. *Life Litigation Reports*, Ams. United for Life, https://aul.org/topics/life-litigation-reports/ (last visited Mar. 26, 2025); *Pro-Life Model Legislation and Guides*, Ams. United for Life, https://aul.org/law-and-policy/ (last visited Mar. 26, 2025). The law at issue in this case—Montana's Parental Consent for Abortion Act of 2013—is based upon AUL model legislation.

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[1] No party's counsel authored this brief in whole or in part. No person other than *Amicus Curiae* and its counsel contributed any money intended to fund the preparation or submission of this brief. Counsel for all parties received timely notice of the intent to file this brief.

## SUMMARY OF ARGUMENT

The United States has a rich legal history of protecting parental rights. As the Supreme Court recognized in *Wisconsin v. Yoder*, "[t]he history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." 406 U.S. 205, 232 (1972). Our Constitution reflects this legal tradition, and "[i]n a long line of cases, [the Supreme Court] ha[s] held that . . . the 'liberty' specially protected by the Due Process Clause includes the right[] . . . to direct the education and upbringing of one's children." *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997) (citing *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Soc'y of Sisters*, 268 U.S. 510 (1925)). Yet, there is a widespread split in federal and state courts over whether parental rights encompass "a right to know and participate in decisions concerning their minor child's medical care." Pet.i. This disagreement is especially apparent in abortion jurisprudence.

For nearly fifty years, the Supreme Court extended *Roe v. Wade*'s abortion right to minors. *See* 410 U.S. 113. To advance the minor's purported right to abortion, caselaw limited parents' rights to be involved in their minor's medical decision. Even though this Court overturned *Roe* in *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228, the distortion of parental rights jurisprudence still exists.

States are advancing state constitutional and statutory rights to abortion, which are clashing with parental involvement laws and the fundamental rights of parents under the U.S. Constitution. These legal threats to parental rights will continue until this Court intervenes to determine the question presented.

*Amicus* urges the Court to grant the petition for a writ of certiorari.

## ARGUMENT

### I. *ROE V. WADE* INFLICTED "DAMAGING CONSEQUENCES" ON PARENTAL RIGHTS JURISPRUDENCE.

Although "[i]t is cardinal with us that the custody, care and nurture of the child reside first in the parents," *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944) (citing *Pierce*, 268 U.S. 510), the Supreme Court used *Roe v. Wade*'s purported abortion right to impose novel limits on parents' fundamental rights to know and participate in their minor child's abortion decisions. *Dobbs*, 142 S. Ct. at 2271 (citing cases). Consequently, parental involvement caselaw created a patchwork of holdings, with stringent requirements for a judicial bypass procedure but different standards depending upon whether the law required parental consent versus notification or involved one parent versus two parents. *See Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 946–47 (1992) (Rehnquist, C.J., concurring in the judgment in part and dissenting in part).

In *Planned Parenthood of Central Missouri v. Danforth*, the Supreme Court struck down a statute requiring parental consent before an abortion provider performed an abortion upon a minor. 428 U.S. 52 (1976). The Court held, "[t]he State does not have the constitutional authority to give a third party [*i.e.*, parent] an absolute, and possibly arbitrary, veto over the decision of the physician and his patient to terminate the patient's pregnancy, regardless of the reason for withholding the consent." *Id*. at 74. Even though the Court recognized that parents have constitutional rights over the care and upbringing of their children, the Court nevertheless held that "[a]ny independent interest the parent may have in the termination of the minor daughter's pregnancy is *no more weighty* than the right of privacy of the competent minor mature enough to have become pregnant." *Id*. at 75 (emphasis added).

The same day the Court issued the *Danforth* decision, the Supreme Court invoked abstention doctrine in *Bellotti v. Baird* ("*Bellotti I*"), remanding a challenge to a Massachusetts parental consent law so that the lower court could certify state law questions to the Massachusetts Supreme Judicial Court. 428 U.S. 132 (1976). After further proceedings, the Supreme Court reviewed the same Massachusetts law three years later in *Bellotti v. Baird* ("*Bellotti II*"), 443 U.S. 622 (1979). The Court acknowledged the fundamental rights of parents in *Bellotti II*, reasoning:

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

*Id.* at 638–39. So even as the Court extended *Roe*'s purported right to abortion to minors, the Court expressed that the constitutional rights of minors "cannot be equated with those of adults." *See id.* at 634. The Court identified three reasons for this holding: (1) "the peculiar vulnerability of children;" (2) "their inability to make critical decisions in an informed, mature manner;" and (3) "the importance of the parental role in child rearing." *Id.*

Even though the *Bellotti II* Court affirmed the importance of parental rights, the Court held the Massachusetts parental consent law was unconstitutional for not including proper judicial bypass requirements—a process where the minor may petition a court to obtain an abortion without parental involvement. The Court held that "if the State decides to require a pregnant minor to obtain one or both parents' consent to an abortion, it also must provide an alternative procedure whereby authorization for the abortion can be obtained." *Id.* at 643. The Court directed that during a judicial bypass

proceeding, the pregnant minor could demonstrate either: "(1) that she is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independently of her parents' wishes; or (2) that even if she is not able to make this decision independently, the desired abortion would be in her best interests." *Id.* at 643–44. The Court also provided that the judicial bypass proceeding must "be completed with anonymity and sufficient expedition to provide an effective opportunity for an abortion to be obtained." *Id.* at 644. This judicial bypass "scheme . . . *looked* like legislation, and the Court provided the sort of explanation that might be expected from a legislative body," not a judicial body. *Dobbs*, 142 S. Ct. at 2268 (emphasis in original).

The *Bellotti II* guidelines led to inconsistent treatment of parental rights. Although the Court upheld a one-parent consent law for having a sufficient judicial bypass process in *Planned Parenthood Ass'n of Kan. City, Mo., Inc. v. Ashcroft*, 462 U.S. 476 (1983), it struck down a one-parent consent law because the judicial bypass option did not meet *Bellotti II*'s standards in *Akron v. Akron Ctr. for Reprod. Health, Inc*, 462 U.S. 416 (1983).

As the years under *Roe*'s "highly restrictive regime" continued, *Dobbs*, 142 S. Ct. at 2241, the Supreme Court began to evaluate the constitutionality of parental consent laws based on whether the law required the consent or notification of *both* parents versus *one* parent. For example, in *H.L. v. Matheson*,

the Supreme Court upheld the constitutionality of Utah's two-parent notification law, stating, "[w]e have recognized on numerous occasions that the relationship between parent and child is constitutionally protected," and "constitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society." 450 U.S. 398, 410 (1981) (citations omitted).

But later in *Hodgson v. Minnesota*, the Supreme Court determined a two-parent notice requirement was unconstitutional because it lacked a judicial bypass option. 497 U.S. 417 (1990). Under this holding, "although the Constitution might allow a State to demand that notice be given to one parent prior to an abortion, it may not require that similar notice be given to *two* parents, unless the State incorporates a judicial bypass procedure in that two-parent requirement." *Casey*, 505 U.S. at 946 (Rehnquist, C.J., concurring in the judgment in part and dissenting in part) (citing *Hodgson*, 497 U.S. 417) (emphasis in original). The *Hodgson* Court noted, "[t]he constitutional protection against unjustified state intrusion into the process of deciding whether or not to bear a child extends to pregnant minors as well as adult women." 497 U.S. at 435. And as Justice Stevens, joined by Justice O'Connor, acknowledged in a part of the opinion, "[t]hree separate but related interests—the interest in the welfare of the pregnant minor, the interest of the parents, and the interest of

the family unit" as "relevant" to its decision on the two-parent notification requirement. *Id.* at 444.

Although the *Hodgson* Court permitted the law to require notification for one parent of a minor's intent to obtain an abortion, the Court decided, "[i]t is equally clear that the requirement that *both* parents be notified, whether or not both wish to be notified or have assumed responsibility for the upbringing of the child, does not reasonably further any legitimate state interest." *Id.* at 450 (majority opinion) (emphasis in original); *but see Ohio v. Akron Ctr. for Reprod. Health*, 497 U.S. 502 (1990) (upholding a one-parent notification law with a judicial bypass option). And the *Hodgson* Court stated, "[n]or can any state interest in protecting a parent's interest in shaping a child's values and lifestyle overcome the liberty interests of a minor acting with the consent of a single parent or court." 497 U.S. at 452.

In *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Supreme Court struck down a spousal consent law while upholding a parental consent law. 505 U.S. 833. The Court surmised it is a "quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart," but rejected "a parallel assumption about adult women." *Id.* at 895 (plurality opinion); *see id.* at 898 ("A state may not give to a man the kind of dominion over his wife that parents exercise over their children"). The Court concluded, "[w]e have been over most of this

ground before. Our cases establish, and we reaffirm today, that a State may require a minor seeking an abortion to obtain the consent of a parent or guardian, provided that there is an adequate judicial bypass procedure." *Id.* at 899 (citations omitted).

Thus, "[d]espite *Roe*'s weaknesses, its reach was steadily extended in the years that followed." *Dobbs*, 142 S. Ct. at 2271. As the Court sought to harmonize *Roe*'s abortion right for minors with the fundamental rights of parents, the caselaw ultimately curtailed the rights of parents to know and participate in their minor's medical decisions.

The Supreme Court may have overruled *Roe* and *Casey*, but *Roe*'s "damaging consequences" have deeply permeated parental rights jurisprudence. *Id.* at 2242–43. It is true that without *Roe*'s abortion right, Courts no longer balance a minor's purported federal constitutional right to abortion against the parents' federal constitutional rights. However, some courts now elevate a minor's *state* constitutional right to abortion above parents' *federal* constitutional rights. *See Planned Parenthood of Mont. v. State*, 554 P.3d 153 (Mont. 2024). This inverse Supremacy Clause analysis is egregiously wrong, *contra* U.S. Const. art. VI, cl. 2, deepens the split between federal circuit courts and state courts, Pet.15–21, and departs with this Court's precedent, *id.* at 22–25. And unfortunately, this legal issue will keep occurring as state rights to abortion conflict with federal parental rights.

## II. State Constitutional and Statutory Rights to Abortion Pose Significant Legal Threats to the U.S. Constitution's Protection of Parental Rights.

States commonly require parental involvement in minors' abortion decisions. In fact, thirty-nine states currently have parental involvement laws, and approximately thirty-four of these parental involvement laws are enforceable.[2] These laws fall

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[2] Ala. Code §§ 26-21-1 to -8 (2014); Alaska Stat. § 18.16.020 (2022), *enjoined by Planned Parenthood of the Great Nw. v. State*, 375 P.3d 1122 (Alaska 2016); Ariz. Rev. Stat. Ann. § 36-2152 (2021); Ark. Code Ann. §§ 20-16-801 to -817 (2015); Colo. Rev. Stat. §§ 13-22-701 to -708 (2018); Del. Code Ann. tit. 24 §§ 1780 to 1789B (1995); Ga. Code Ann. §§ 15-11-680 to -688 (2013); Fla. Stat. § 390.01114 (2020); Idaho Code § 18-609A (2015); Ind. Code § 16-34-2-4 (2022); Iowa Code §§ 135L.1 to .8 (2023); Kan. Stat. Ann. § 65-6705 (2014); Ky. Rev. Stat. Ann. § 311.732 (2022); La. Stat. Ann. § 40:1061.14 (2022); Md. Code Ann., Health-Gen. § 20-103 (2022); Mass. Gen. Laws ch. 112 § 12R (2021); Mich. Comp. Laws §§ 722.901 to .908 (1991); Minn. Stat. § 144.343 (2020), *enjoined by Doe v. Minnesota*, No. 62-CV-19-3868 (Minn. Dist. Ct. July 11, 2022); Miss. Code Ann. §§ 41-41-51 to -63 (1986); Mo. Rev. Stat. § 188.028 (2019); Mont. Code Ann. §§ 50-20-501 to -511 (2013), *enjoined by Planned Parenthood of Mont.*, 554 P.3d 153; Neb. Rev. Stat. §§ 71-6901 to -6911 (2011); Nev. Rev. Stat. § 442.255 (1985), *enjoined by Glick v. McKay*, 937 F.2d 434 (9th Cir. 1991); N.H. Rev. Stat. Ann. §§ 132:32 to :36 (2012); N.J. Stat. Ann. §§ 9:17A-1.1 to .12 (1999), *enjoined by Planned Parenthood of Cent. N.J. v. Farmer*, 762 A.2d 620 (N.J. 2000); N.C. Gen. Stat. §§ 90-21.6 to .10 (2023); N.D. Cent. Code §§ 14-02.1-03 to -03.1 (2023); Ohio Rev. Code § 2919.121 (2012); Okla. Stat tit. 63, §§ 1-740 to -740.6 (2022); Okla. Stat. tit. 63, §§ 1-744 to -744.6 (2013) 18 Pa. Cons. Stat. § 3206 (1992); R.I. Gen. Laws § 23-4.7-6 (1982); S.C. Code Ann. §§ 44-41-31 to -37 (1990); S.D. Codified Laws § 34-23A-7 (2005); Tenn. Code Ann. §§ 37-10-301

into three traditional categories that require the abortion provider to: (1) obtain the consent of a parent or legal guardian,[3] (2) provide notice to a parent or legal guardian,[4] or (3) fulfill a mixture of consent and notification—two separate processes—requirements for a parent or legal guardian.[5] Usually, abortion providers must comply with these provisions twenty-four to forty-eight hours prior to the abortion procedure. All states offer an exception for medical emergencies. Likewise, all states have a judicial bypass option, *supra* note 2, often modeled after the Supreme Court's requirements in *Bellotti II*, 443 U.S. at 643–44.

Parental involvement laws both vindicate the fundamental rights of "parents in the care, custody, and control of their children," *Troxel v. Granville*, 530 U.S. 57, 65 (2000), and safeguard the informed consent of minors. *See Matheson*, 450 U.S. at 411 ("The medical, emotional, and psychological consequences of an abortion are serious and can be

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to -308 (1988); Tex. Fam. Code §§ 33.001 to .014 (2017) and Tex. Occ. Code § 164.052(a)(19) (2023); Utah Code Ann. §§ 76-7-304 to -304.5 (2023); Va. Code Ann. § 16.1-241(W) (2024); W. Va. Code §§ 16-2F-1 to -9 (2017); Wis. Stat. § 48.375 (2022).

[3] These states include Alabama, Arizona, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, and Wisconsin. *Id*.

[4] These states include Alaska, Colorado, Delaware, Georgia, Iowa, Maryland, Minnesota, Nevada, New Hampshire, New Jersey, South Dakota, and West Virginia. *Id*.

[5] These states include Florida, Oklahoma, Texas, Utah, and Virginia. *Id*.

lasting; this is particularly so when the patient is immature."). Yet many states have strengthened protections for abortion at the state level, especially after the *Dobbs* decision "return[ed] the issue of abortion to the people's elected representatives," 142 S. Ct. at 2243, much to the detriment of parental rights. As petitioners highlight, "state experimentation with the scope of a minor's state constitutional [or statutory] right to seek an abortion threatens to erode parents' federal fundamental rights." Pet.29.

Ten states, including Montana, have enumerated a right to abortion within their state constitution since 2022.[6] These state constitutional rights are broad. Five states recognize this right up to fetal viability (unless the mother's life or health is at risk).[7] The remaining five states recognize abortion as a fundamental right throughout pregnancy,[8] which extends well beyond *Roe*'s now-repudiated trimester framework, and *Casey*'s unworkable viability line. *See Dobbs*, 142 S. Ct. at 2266. None of these state constitutional rights distinguish between adults and unemancipated minors. *See supra* note 6. Rather, they confer upon every "individual" or "person" a

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[6] Ariz. Const. art. II, § 8.1; Cal. Const. art. I, § 1.1; Colo. Const. art. II, § 32; Md. Const., Decl. of Rts. art. 48; Mich. Const. art. I, § 28; Mo. Const. art. I, § 36; Mont. Const. art. II, § 36 (eff. July 1, 2025); Ohio Const. art. I, § 22; N.Y. Const. art. I, § 11; Vt. Const. ch. I, art. 22.

[7] These states are Arizona, Michigan, Missouri, Montana, and Ohio. *Id*.

[8] These states are California, Colorado, Maryland, New York, and Vermont. *Id*.

fundamental right to abortion. For example, once effective this July, Montana's Constitution will recognize that "[t]here is a right to make and carry out decisions about one's own pregnancy, including the right to abortion." Mont. Const. art. II, § 36(1). Likewise, none of these state constitutional rights recognize, let alone consider, the U.S. Constitution's protection of parental rights. *See supra* note 6.

In twelve states, courts have recognized unenumerated protection for abortion within the state constitution.[9] In states that have an

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[9] *Valley Hosp. Ass'n, Inc. v. Mat-Su Coal. for Choice,* 948 P.2d 963 (Alaska 1997); *People v. Belous*, 458 P.2d 194 (Cal. 1969); *Hope Clinic for Women, Ltd. v. Flores*, 991 N.E.2d 745 (Ill. 2013); *Hodes & Nauser, MDS, P.A. v. Schmidt*, 440 P.3d 461 (Kan. 2019); *Moe v. Sec'y of Admin. & Fin.*, 417 N.E.2d 387 (Mass. 1981); *Women of the State of Minn. ex rel. Doe v. Gomez*, 542 N.W.2d 17 (Minn. 1995); *Pro-Choice Miss. v. Fordice*, 716 So. 2d 645 (Miss. 1998); *Armstrong v. State*, 989 P.2d 364 (Mont. 1999); *Right to Choose v. Byrne*, 450 A.2d 925 (N.J. 1982); *Hope v. Perales*, 634 N.E.2d 183 (N.Y. 1994); *Planned Parenthood S. Atl. v. State*, 882 S.E.2d 770 (S.C. 2023), *abrogated by Planned Parenthood S. Atl. v. State*, 892 S.E.2d 121, 131 (S.C. 2023); *State v. Koome*, 530 P.2d 260 (Wash. 1975). Some of this caselaw relied upon *Roe*'s analysis of a federal constitutional right to abortion, and, thus, might no longer be good law but most of these courts have not revisited their respective decisions. *See*, *e.g.*, *Jackson Women's Health Org. v. Dobbs*, No. 25CH1:22-cv-739, slip op. at 6 (Miss. Ch. Ct. July 5, 2022) ("Since *Roe* and *Casey* are no longer the law of the land . . . it is more than doubtful that the Mississippi Supreme Court will continue to uphold *Fordice*."). This list does not include cases which decided abortion funding questions under state Equal Rights Amendments but failed to find a state constitutional right to abortion or declined to answer. *See N.M. Right to Choose/NARAL v. Johnson*, 975 P.2d 841, 844–45 (N.M. 1998); *Allegheny Reprod. Health Ctr. v. Pa. Dep't of Hum. Servs.*, 309 A.3d 808, 892 n.84 (Pa. 2024).

enumerated constitutional right to abortion, this caselaw (*i.e.*, unenumerated right) provides a distinct, additional layer of protection for abortion, such as in Montana's *Armstrong v. State* decision. 989 P.2d 364. Under these unenumerated constitutional rights to abortion, courts have upheld an Illinois parental notification law and Mississippi parental consent law,[10] but struck down Alaska, Minnesota, and New Jersey parental notification laws as well as California, Montana, and Washington parental consent laws.[11] This caselaw deepens the split between federal circuit courts and state courts over "the scope of parents' federal fundamental rights to know and participate in their minor child's medical decisions." Pet.15.

At least fourteen states plus the District of Columbia have enacted a statutory right to abortion or provided anti-discrimination protection for the practice.[12] Again, some of these statutory rights

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[10] *Hope Clinic for Women*, 991 N.E.2d 745; *Fordice*, 716 So. 2d 645.

[11] *Planned Parenthood of the Great Nw.*, 375 P.3d 1122; *Doe*, No. 62-CV-19-3868; *Planned Parenthood of Cent. N.J.*, 762 A.2d 620; *Am. Acad. of Pediatrics v. Lungren*, 940 P.2d 797 (Cal. 1997); *Planned Parenthood of Mont.*, 554 P.3d 153; *Koome*, 530 P.2d 260.

[12] Cal. Health & Safety Code §§ 123462, 123466 (2023); Conn. Gen. Stat. § 19a-602 (2022); D.C. Code § 2-1401.05 (2020); Haw. Rev. Stat. § 453-16(b) (2023); 775 Ill. Comp. Stat. 55/1-1 to -97 (2019); Me. Stat. tit. 22 § 1598 (2023); Md. Code Ann., Health-Gen. § 20-209 (2022); Mass. Gen. Laws ch. 112 §§ 12L (2021); *id.* § 12N (2022); Minn. Stat. § 145.409 (2023); N.J. Stat. Ann. §§ 10:7-1 to -2 (2022); N.Y. Pub. Health Law §§ 2599-AA to -BB (McKinney 2019); Or. Rev. Stat. § 435.240 (2023); R.I. Gen. Laws §§ 23-4.13-1 to -2 (2019); Vt. Stat. Ann. tit. 18 §§ 9493 to 9494 (2019); *id.* §§ 9496 to 9498 (2019); Wash. Rev. Code §§ 9.02.100 to .110 (2022).

bolster existing state constitutional rights to abortion, creating a hodgepodge of abortion-protective laws. While nine of these states permit the state to regulate abortion after fetal viability (except if the mother's life or health is at risk, or another exception applies to the situation),[13] six jurisdictions (including the District of Columbia) protect abortion throughout pregnancy.[14] Only one state—New Jersey—contemplates the youth of the individual seeking an abortion by determining "[a]n unplanned pregnancy can disrupt educational . . . plans." N.J. Stat. Ann. § 10:7-1(d). However, New Jersey uses this finding to support their determination that "[e]very individual present in the State . . . shall have the fundamental right to . . . choose whether. . . to terminate a pregnancy." *Id.* § 10:7-2(a). The remaining states do not distinguish between adults and minors seeking an abortion, let alone consider parents' fundamental rights over the care and upbringing of their minor. *Supra* note 12.

All told, at least twenty-five states plus the District of Columbia recognize a right to abortion under state law, most of which have virtually no regard for the U.S. Constitution's protection of parental rights. *Supra* notes 6, 9, 12.

State-level abortion rights are colliding with parental involvement laws and the U.S.

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[13] These states include California, Connecticut, Hawaii, Maryland, Massachusetts, Maine, New York, Rhode Island, and Washington. *See id.*

[14] These states include Illinois, Minnesota, New Jersey, Oregon, and Vermont. *See id.*

Constitution's protection of parental rights, creating legal uncertainty and conflicting obligations. As Petitioners highlight, under these laws, "parents are[] left to navigate a patchwork of federal and state jurisdictions to exercise a fundamental federal right." Pet.28. Likewise, abortion providers do not have "clear guidance . . . on their legal duties to parents" and have "conflicting legal obligations to parents depending on whether they're sued in federal or state court." *Id*. at 28–29.

This Court should resolve these widespread conflicts over parental rights and abortion providers' legal duties to parents.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

STEVEN H. ADEN
*Counsel of Record*
CAROLYN MCDONNELL
DANIELLE PIMENTEL
CATIE BYRD KELLEY
AMERICANS UNITED FOR LIFE
1150 Connecticut Ave NW,
Suite 500
Washington, DC 20036
*Steven.Aden@aul.org*
Tel: (202) 741-4917

*Counsel for* Amicus Curiae

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