

No. 24-539

In the Supreme Court of the United States

KALEY CHILES, PETITIONER

v.

PATTY SALAZAR, in her official capacity as Executive
Director of the Colorado Department of Regulatory
Agencies, ET AL., RESPONDENTS

*ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT*

**BRIEF OF RELIGIOUS ORGANIZATIONS AS
AMICI CURIAE SUPPORTING
RESPONDENTS**

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BRIEF OF RELIGIOUS ORGANIZATIONS AS *AMICI CURIAE* SUPPORTING RESPONDENTS

INTERESTS OF THE *AMICI CURIAE*¹

Amici are religious organizations that represent a wide diversity of faith and belief. *Amici* share a commitment to protecting children from the harmful effects of conversion therapy and ensuring that all children receive accepted standards of care from mental healthcare professionals.

Amici write to express our support for the Minor Conversion Therapy Law (MCTL) and dispute the picture painted by Petitioner and her *amici* that the MCTL is anti-religion. We cherish freedom of speech and religion, and we do not believe those freedoms are offended by the MCTL.

The *amici* are:

Alliance of Baptists is a faith community formed by a long tradition of dissent and historic Baptist freedoms. Celebrating this heritage, we seek to cultivate beloved community, claiming our identity within the body of Christ in the world and our solidarity with all creation. We welcome and affirm all persons with full respect to gender, sexual, racial, and ethnic identities.

Association of Welcoming and Affirming Baptists' mission is to create and support a community of churches, organizations, and individuals

¹ No counsel for a party authored this brief in whole or in part, and no person other than *amici*, their members, or their counsel made a monetary contribution to fund the brief's preparation or submission.

committed to the inclusion of lesbian, gay, bisexual, and transgender persons in the full life and mission of Baptist churches.

Bend the Arc is the nation's leading progressive Jewish voice empowering Jewish Americans to fight for justice and equality for all and is the only national Jewish organization focused exclusively on social change in the United States. Bend the Arc mobilizes Jewish Americans beyond religious and institutional boundaries through bold leadership development, innovative civic engagement, and robust advocacy.

Covenant Network of Presbyterians—confident in God's hopeful future and grateful for the ever-widening welcome of the Presbyterian Church (U.S.A.)—seeks an equity still not fully realized for LGBTQIA+ people in church and society.

Denver Community Church is a courageous community of lifelong learners rooted in God's love for us. We find joy in discovering the depths of God's heart alongside others. We explore and participate in the life of Jesus, so that we can be a healing presence in our world.

Dignity Denver, a chapter of DignityUSA, is a community for LGBTQ+ people who were raised in, or otherwise found themselves a part of, the Catholic tradition. We work for justice and equality through education and by supporting social and legal reforms.

DignityUSA is the world's oldest organization of Catholics working for justice, equality, and full inclusion of LGBTQ+ people in our church and society. We represent the majority of Catholics in the United States who support civil and religious equality for LGBTQ+ people.

Highlands Church Denver believes God's welcome into love is extravagant, and for all. Extending this welcome is the desired outcome for the mission to which we are called: to do justice, love kindness, and walk humbly with God.

Hindu American Foundation (HAF) seeks to promote and protect religious liberty by advancing the understanding of Hinduism and Hindu Dharma traditions in the United States. HAF engages in advocacy and education aimed at securing the rights and dignity of Hindu Americans for current and future generations.

Hindus for Human Rights advocates for pluralism and civil and human rights in North America and South Asia, rooted in the values of our faith: *shanti* (peace), *nyaya* (justice), and *satya* (truth).

Interfaith Alliance is a network of people of diverse faiths and beliefs from across the country working together to build a resilient democracy and fulfill America's promise of religious freedom and civil rights for all.

Interfaith Alliance of Colorado promotes justice, religious liberty, and interfaith understanding by building relationships in order to educate, advocate, and catalyze positive social change.

Jewish Council for Public Affairs serves as the national convenor of Jewish coalitions working to build a just and inclusive democracy. We bring together national and local partners to address the issues that most deeply affect our community and advance our most essential values.

Keshet envisions a world in which all LGBTQ+ Jews and our families can live with full equality, justice, and dignity.

Methodist Federation for Social Action is an intersectional social justice nonprofit that mobilizes justice-seeking people of faith to take action on issues of peace, poverty, and people's rights within the church and the world.

Metropolitan Community Churches believes that all people are created in God's image without exception. We provide a safe and welcoming space for people of all backgrounds, cultures, gender identities, and sexual orientations.

Muslims for Progressive Values envisions a world that reflects Islam as a source of dignity, justice, compassion, and love for all. Our mission is to inculcate a culture rooted in human rights through public education, advocacy, and the arts.

National Council of Jewish Women is a 132-year-old Jewish feminist civil rights organization working for equity and justice for women, children, and families in the United States and Israel.

New Ways Ministry is a Catholic outreach organization that educates and advocates for equity, inclusion, and justice for LGBTQ+ persons, equipping leaders to build bridges of dialogue within the church and civil society.

Sadhana: Coalition of Progressive Hindus empowers Hindu American communities to live out the values of their faith through service and community transformation.

Society for Humanistic Judaism inspires, organizes, and advocates for secular individuals and congregations to celebrate Jewish identity and culture independent of supernatural authority and aligned with the values of Humanist Judaism.

Union for Reform Judaism, Central Conference of American Rabbis, and Women of Reform Judaism are committed to the well-being of all God's children and to all people's treatment with full equality and dignity in society and under law.

Unitarian Universalist Association is the central organization for the Unitarian Universalist religious movement in the United States. Our mission is to equip congregations for health and vitality, to support and train lay and professional leaders, and to advance Unitarian Universalist values in the world.

INTRODUCTION AND SUMMARY OF ARGUMENT

The First Amendment protects freedom of speech and religion, but these rights do not prevent the government from regulating professional conduct to protect patients from substandard care. In prohibiting mental healthcare professionals from seeking to change a minor client's sexual orientation or gender identity, the Minor Conversion Therapy Law (MCTL) properly regulates professional healthcare treatment. The MCTL is also neutral and generally applicable and was not enacted to target religious exercise.

Amici support the MCTL because we share a commitment to protecting children from the detrimental effects of conversion therapy and ensuring that all children receive accepted standards of care from healthcare professionals. Accordingly, *amici* write to respectfully urge the Court to affirm the Tenth Circuit Court of Appeals' decision. The Tenth Circuit correctly recognized that the MCTL was enacted to protect minors from the dangerous, ineffective, and medically discredited practice of conversion therapy. A reversal of the Tenth Circuit's decision would permit mental healthcare professionals to bypass professional standards of care and significantly harm LGBTQ minors seeking counseling.

ARGUMENT

I. The MCTL does not violate the First Amendment.

Petitioner asserts that the MCTL violates her First Amendment rights, but the law does no such thing. The MCTL does not violate the Free Speech Clause of the First Amendment for the reasons set

forth by the Respondents. Resp. Br. 23–54. In addition, the MCTL does not violate the Free Exercise Clause. Though a free exercise claim is not before this Court, *amici* briefly address the issue here because Petitioner’s *amici* attempt to portray the MCTL as hostile to religion and not religiously neutral. They are wrong. The MCTL is a neutral, generally applicable law that only incidentally burdens religion.

A. The MCTL is a neutral and generally applicable law.

The constitutional guarantee of religious freedom is not an entitlement to “general immunity from secular laws.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 746 (2020). “[T]he right of free exercise does not relieve an individual of the obligation to comply with a ‘valid and neutral law of general applicability on the ground that the law proscribes (or prescribes) conduct that his religion prescribes (or proscribes).’” *Employment Div., Dep’t of Hum. Res. v. Smith*, 494 U.S. 872, 879 (1990) (quoting *United States v. Lee*, 455 U.S. 252, 263 n.3 (1982) (Stevens, J., concurring in judgment)). Further, “[t]he right to practice religion freely does not include liberty to expose * * * [a] child to * * * ill health or death.” *Prince v. Massachusetts*, 321 U.S. 158, 166–67 (1944).

Petitioner’s *amici* argue that the MCTL is not religiously neutral because the law happens to be consistent with some religious beliefs but not others. See, e.g., Br. NC Values Institute 28–31; Br. Manhattan

Institute 5–12; Br. Erin Brewer 10–12; Br. Certified Biblical Counselors 2.² These arguments are wrong.

There is nothing in the record to support the argument that the MCTL was enacted with anti-religious animus or to target religion.³ Instead, the MCTL was enacted to address secular concerns—protecting minors from harmful and ineffective mental health treatment. Pet. App. 74a–79a. The MCTL does not restrict practices “because of their religious nature,” *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021), or “for religious reasons,” *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993). That the law, which applies to all licensed and registered mental health professionals, has “the incidental effect” of burdening one’s exercise of religion does not create a First Amendment violation. *Smith*, 494 U.S. at 878; cf. *Catholic Charities Bureau, Inc. v. Wisconsin Lab. & Indus. Rev. Comm’n*, 605 U.S. 238, 250 (2025) (explaining that the mere fact that a law “happen[s] to have a disparate impact upon different religious organizations” does not raise constitutional concerns) (citation omitted).

² Before this Court, Petitioner and her *amici* do not argue that the MCTL is not generally applicable, and for good reason. The MCTL does not “invite[] the government to consider the particular reasons for a person’s conduct” or otherwise give leeway to favor secular conduct over religious conduct. *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021) (citation and internal quotation marks omitted); see also *Tandon v. Newsom*, 593 U.S. 61, 62 (2021).

³ In fact, the MCTL expressly exempts “[a]ny person engaged in the practice of religious ministry.” Colo. Rev. Stat. § 12-245-217(1).

B. The MCTL prohibits mental health treatment that is proven to cause harm to youth.

The record evidence of harm before the Colorado legislature and before this Court supports the constitutionality of the MCTL under any level of First Amendment scrutiny. Indeed, this Court has “sustained legislation aimed at protecting the physical and emotional well-being of youth even when the laws have operated in the sensitive area of constitutionally protected rights.” *New York v. Ferber*, 458 U.S. 747, 757 (1982); see also, *e.g.*, *Free Speech Coal., Inc. v. Paxton*, 145 S. Ct. 2291, 2317 (2025) (holding that shielding children from harmful sexual content online “is important, even ‘compelling,’” despite impact on adults’ free-speech rights) (citation omitted).

The record before this Court is replete with scientific research and medical evidence of how conversion therapy is ineffective and harmful to LGBTQ minors. Pet. App. 63a–67a. Conversion therapy “has the potential to ‘increase [minors]’ isolation, self-hatred, internalized stigma, depression, anxiety, and suicidality.” Pet. App. 77a (quoting Pet. App. 164a) (alteration in original). An expert licensed psychologist who is also a lecturer and clinical supervisor at Rutgers University testified in her declaration that those who reported undergoing conversion therapy were more than twice as likely to report having attempted suicide and having multiple suicide attempts. J.A. 17, 69–70. The Trevor Project, a nonprofit dedicated to suicide prevention for LGBTQ youth, similarly reported that the attempted suicide rate for LGBTQ youth who underwent conversion therapy was more than twice the rate of their LGBTQ peers who had not been subjected to conversion therapy, with multiple suicide

attempts in one year being more than three times as likely for those subjected to conversion therapy. Trevor Project C.A. Br. 12–13. The American Psychological Association (APA) as amicus below also reported increased suicide attempts among individuals who have been subjected to conversion therapy. American Psychological Association C.A. Br. 20.

Additional harms, as the APA explains, include anger, confusion, grief, guilt, hopelessness, deteriorated relationships with family, loss of social support, loss of faith, poor self-image, intimacy difficulties, intrusive imagery, and increase in substance abuse. American Psychological Association C.A. Br. 15–16. Children are particularly vulnerable to the harm of conversion therapy because they are exposed to it at a young age. *Id.* at 19–20.

Amici understand well the harms of conversion therapy from our own experiences in our communities. We have cared for LGBTQ people who have been shamed, ostracized, and wounded by conversion therapy. Conversion therapy has caused our members to feel profound shame, live in very limited, restricted conditions, and repress their identities with alcohol or other substances. When those LGBTQ members accept their full selves, however, *amici* have witnessed them thriving and developing healthy relationships and spiritual lives.

A member of one of *amici*'s congregation anonymously and bravely shared his experience: I am a proud Christian, father, son, husband, and gay man. I am also a survivor of conversion therapy and can personally attest to its harm and ineffectiveness. It is called therapy, but it is not. Conversion therapy is abuse.

Twenty years ago, a counselor advised me to undergo conversion therapy in an attempt to “get rid of” my attraction to men. At that time, I was ashamed of my sexuality and felt that God would love me more if I were not gay (as if it was a choice). I attended church regularly, praying for God to remove this “thorn” from my life. Conversion therapy filled me with even more shame, and its restrictive conditions were devastating to my physical and mental health. Each week, I attended conversion therapy sessions, attempted to suppress my sexuality, failed, and my depression and shame worsened. I was on the brink of killing myself and wrestling with how to do it.

Then, one night in the depth of my despair, God spoke to me. I am not one to say I believe in the audible voice of God, but it was clear and present. He said to me, “You are my Child, I have created you in my image! Have no fear!” At that moment—knowing I was a child of God, created uniquely and exquisitely in His image—I chose to live. I accepted my true self and stopped conversion therapy. As a result, I am alive today and grateful for my strong, healthy relationships with my husband and three children.

II. *Amici* support the MCTL.

Conversion therapy is of particular concern to *amici* because of the harm it does to our beloved communities. *Amici* come from different faith traditions and have varying perspectives on the interpretation and meaning of religious texts, the contexts of such texts, and historic traditions. But all of us share a commitment to building and fostering a community that celebrates diversity and embraces humanity in its fullest; a community where all members feel safe, included, and supported.

We express our beliefs here not to debate which set of beliefs are right or to provide special legal justification for the MCTL. Rather, we do so to underscore that the MCTL is not anti-religious and to express our support for the MCTL as Christians, Jews, Hindus, Muslims, and Unitarian Universalists.

Those of us who are Christians from various denominations believe that all people are created in God's image and are worthy of dignity, safety, and love. Our faith teaches that Jesus's vision is for all people to have abundant life, and our faith calls upon us to stand for and fight for all people to live free from discrimination, violence, and every form of injustice. It counsels us to welcome all of God's children—of all gender identities and sexual orientations—into a safe and healing space where they feel affirmed and loved. We stand against conversion therapy, which we believe is extremely harmful to individuals' well-being. The deeply damaging practice runs counter to the will of God and the scriptures that call us simply to love each child of God.

Similarly, those of us who are members of various Jewish communities share the core value of *b'tzelem Elohim*—the belief that every person is created in the image of God. Our tradition compels us to recognize that the wide diversity of people in our world is a reflection of the most holy and sacred facets of the Divine. To try to erase a fundamental identity of a person is an affront to the very act of creation. Conversion therapy not only damages one's spirit, dignity, and physical health, it increases the risk of suicide, in contravention of Judaism's highest value, *pikuach nefesh*—saving lives. By demonstrably harming the mental and physical health of many subjected to it, conversion therapy stands in direct violation of

Jewish ethics that call on us to choose life—*uvacharta bachayim*—a sacred imperative that requires us to protect and preserve life in all its forms, guiding our moral responsibility to promote health, dignity, and justice.

Those of us who are Hindus celebrate the diversity of the human experience and oppose any practice that seeks to erase or punish LGBTQ identities. Our dharma teaches us to center non-harm (*ahimsa*), truth (*satya*), and compassion (*karuna*). These values compel us to affirm the rights of LGBTQ people, including LGBTQ minors, to exist and thrive. Hindu teachings recognize a spectrum of gender and sexual identities across time and scripture, from the fluidity embodied by deities like Ardhanarishvara to the existence of a third nature (*tritiya prakriti*) in ancient texts. Conversion therapy imposes shame where our faith encourages self-realization and violates our spiritual obligation to protect children from psychological harm.

Those of us who are Muslims believe that God is the Creator of all human beings, and that diversity, including in gender and sexuality, is part of His purposeful creation. Our faith also affirms that “God does not burden a soul beyond its capacity” (Quran 2:286), a principle that calls on us to avoid placing unbearable burdens on others. Forcing someone to deny or change their innate nature is such a burden, and coercive practices like conversion therapy cause harm and violate the Islamic principles of mercy (*rahma*), justice (*adl*), and human dignity (*karama insaniyya*). Protecting minors from such harm, and celebrating and affirming all of God’s creation, including LGBTQ youth, is a moral imperative.

Those of us who are Unitarian Universalists center our faith around love and embrace the humanity of people across the spectrums of gender and sexuality. The imperative to care for the most vulnerable is a defining religious commitment in our history. We believe that a child's life is sacred and commit to protect and honor LGBTQ youth. This includes ensuring that all children have access to quality healthcare, such as mental health professionals who meet accepted standards of care, not dangerous and substandard practices like conversion therapy.

In sum, *amici* support the MCTL. Our faiths counsel us to welcome people of any and all gender identities and sexual orientations, and to protect children from harm. Allowing Petitioner or any other licensed or registered mental health counselor to engage in conversion therapy in violation of the MCTL would fly in the face of science, sanction substandard care for LGBTQ minors, and give license to inflict grievous harm on vulnerable children.

CONCLUSION

The judgment of the Tenth Circuit should be affirmed.

Respectfully submitted.

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