

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 21-0521

PLANNED PARENTHOOD OF MONTANA, and JOEY BANKS, M.D., on
behalf of themselves and their patients,

Plaintiffs and Appellees,

v.

STATE OF MONTANA, by and through AUSTIN KNUDSEN, in his official
capacity as Attorney General,

Defendant and Appellant.

**MOTION FOR LEAVE OF THE ASIAN PACIFIC INSTITUTE ON
GENDER-BASED VIOLENCE; ASPEN; CAMINAR LATINO; CUSTER
NETWORK AGAINST DOMESTIC ABUSE, INC.; DISTRICT 4 HUMAN
RESOURCES DEVELOPMENT COUNCIL; DOMESTIC AND SEXUAL
VIOLENCE SERVICES; IDAHO COALITION AGAINST SEXUAL &
DOMESTIC VIOLENCE; LATINOS UNITED FOR PEACE AND
EQUITY; LEGAL VOICE; MONTANA COALITION AGAINST
DOMESTIC & SEXUAL VIOLENCE; NATIONAL COALITION
AGAINST DOMESTIC VIOLENCE; NATIONAL NETWORK TO END
DOMESTIC VIOLENCE; RICHLAND CO. COALITION AGAINST
DOMESTIC VIOLENCE; SAFE IN THE BITTERROOT; SAFE SPACE;
SANDERS COUNTY COALITION FOR FAMILIES; SEXUAL ASSAULT
COUNSELING CENTER; UJIMA, INC.; VICTIM-WITNESS
ASSISTANCE SERVICES; WA STATE COALITION AGAINST
DOMESTIC VIOLENCE; YWCA GREAT FALLS; AND YWCA
MISSOULA TO APPEAR AS AMICI CURIAE**

On Appeal from the Montana Thirteenth Judicial District Court, Yellowstone
County, The Honorable Michael G. Moses, Presiding

APPEARANCES:

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Attorney for *Amicus Curiae*

The above-listed organizations respectfully request leave to submit a brief as *amici curiae* in support of Plaintiffs-Appellees, Planned Parenthood of Montana and Joey Banks, M.D., pursuant to Montana Rule of Appellate Procedure 12(7).

STATEMENTS OF INTEREST

Amici are organizations from Montana and around the country dedicated to serving victims of intimate partner violence (“IPV”). Each organization has a strong interest in ensuring that IPV survivors have full access to reproductive health options, including abortion. These experts are united in their opposition to HB 171 and HB 136, which create unnecessary barriers for obtaining medical abortions and ban abortions after 20 weeks.

The Asian Pacific Institute on Gender-Based Violence (“API-GBV”) is a national resource center that supports a network of advocates and community-based service and advocacy programs working with Asian and Pacific Islander and immigrant and refugee survivors of many forms of gender-based violence.

ASPEN serves residents of Park, Sweet Grass, and Meagher Counties experiencing IPV, sexual violence, and stalking with emergency shelter, 24-hour support and crisis counseling, support groups, legal advocacy, safety planning, community outreach and education, and medical exam support.

Caminar Latino is a nonprofit organization that addresses domestic and sexual assault from a culturally specific lens. It is Georgia’s first and only comprehensive domestic violence intervention program for Latino families. **Latinos United for Peace and Equity** is Caminar Latino’s national counterpart, and engages in public policy, systems change, and research at the intersection of gender-based violence and Latino identity.

Custer Network Against Domestic Abuse Inc. (“CNADA”) serves those victimized by domestic violence, sexual assault and stalking in seven remote Eastern

Montana counties over 19,000 square miles: Custer, Rosebud, Carter, Fallon, Treasure, Garfield, and Powder River. CNADA's provides services that empower victims of violent and abusive behavior and educates the community to change these conditions.

The District 4 Human Resources Development Council ("HRDC"), located in Havre, Montana, is a Community Action Program with the mission to partner with people with low income in their efforts to achieve economic security and to advocate for social and economic advancement. HRDC is committed to breaking the cycle of poverty in Hill, Blaine, and Liberty Counties and the Fort Peck & Rocky Boy Reservations.

Domestic and Sexual Violence Services ("DSVS"), located in Red Lodge, offers a range of services for Carbon & Stillwater County residents affected by IPV. Since 1999, DSVS has helped survivors through direct services, therapy, and temporary housing support.

The Idaho Coalition Against Sexual & Domestic Violence is a nonprofit organization that works to end gender violence that is interconnected to and sustained by systemic oppression.

Legal Voice is a nonprofit public interest organization that works to protect and advance reproductive rights for women and LGBTQ+ people to improve protections for survivors of IPV.

The Montana Coalition Against Domestic and Sexual Violence ("MCADSV") represents a statewide coalition of individuals and organizations working together to uproot violence and oppression with the objective of ending domestic and sexual violence in Montana.

The National Coalition Against Domestic Violence ("NCADV") provides a voice to victims and survivors of domestic violence. NCADV's mission is to lead, mobilize and raise our voices to support efforts that demand a change of conditions

that lead to domestic violence such as patriarchy, privilege, racism, sexism, and classism.

The National Network to End Domestic Violence (“NNEDV”) is a nonprofit organization with a mission to end domestic violence. Consisting of a network of the 56 statewide and territorial coalitions against domestic and sexual violence, NNEDV serves as the national voice of millions of women, children, and men victimized by domestic violence, and their advocates.

Richland County Coalition Against Domestic Violence (“RCCADV”), located in Sidney, serves Richland, Daniels, Sheridan, Roosevelt, and McCone Counties— a service area of 10,287 square miles in NE Montana. RCCADV provides shelter, crisis counseling, advocacy services, and therapeutic support to survivors of domestic violence, sexual assault, stalking, and dating violence in a demographically shifting area of Montana.

SAFE in the Bitterroot located in Hamilton, is the only provider of emergency shelter and services for survivors of domestic and sexual violence in Ravalli County. SAFE advocates provide a variety of housing programs, advocacy services, a crisis hotline and community programs all geared toward creating a future free from violence.

Safe Space, located in Butte, addresses the complex and specific needs of survivors of IPV and sexual assault in Silver Bow County through secure shelter, counseling, advocacy, and safety planning.

Sanders County Coalition for Families, located in Thompson Falls, exists to provide a safe-haven and supportive services to victims and survivors of domestic violence, sexual assault, and stalking throughout Sanders County and the Confederated Salish & Kootenai tribal nation.

Sexual Assault Counseling Center located in Bozeman, Montana, provides trauma-based medical, legal, and personal advocacy, and on-going

counseling/therapy to reduce the long term mental and physical health effects of sexual abuse.

Ujima, Inc.: The National Center on Violence Against Women in the Black Community was founded in 2015 in the District of Columbia. The mission of Ujima Inc. is to mobilize the community to respond to and end domestic, sexual, and community violence in the Black community.

Victim-Witness Assistance for Services, located in Great Falls, is a nonprofit organization providing free and confidential advocacy services for victims of crime in Cascade County.

The Washington State Coalition Against Domestic Violence (“WSCADV”) is a nonprofit network of over 70 domestic violence programs. WSCADV organizes its work around core values of bodily autonomy, self-determination, and the right to live and love freely without harm.

The YWCA of Great Falls is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom, and dignity for all. In support of this mission, the YWCA provides services intended to meet critical needs, promote self-sufficiency, reduce violence, and achieve equal opportunities for all people.

The YWCA of Missoula works to end domestic and sexual violence, help unsheltered families obtain stable housing, and ensure all people, regardless of their race or gender, have opportunities for growth, leadership, and power. The YWCA also advocates for change of societal systems and norms that result in Black, Indigenous, and other people of color being disproportionately affected by poverty, housing instability, and violence.

REASONS WHY THE *AMICUS* BRIEF IS DESIRABLE

Amici have a strong interest in this case and can assist the Court in the resolution of the significant issues of public importance that it raises. In particular,

amici can provide the Court with expertise on the burden HB 136 and HB 171 present to an often overlooked but critically impacted group of individuals—survivors of intimate partner violence. *Amici*’s extensive experience working with survivors from groups who are particularly impacted by intimate partner violence, such as Communities of Color, indigenous groups, individuals with disabilities, and the LGBTQ community, can assist the Court in considering the impact on all people.

IDENTITY OF THE PARTY WHOSE POSITION THE *AMICI* SUPPORTS

Amici support the position of Plaintiffs-Appellees, Planned Parenthood of Montana and Joey Banks, M.D.

THE PROPOSED DATE FOR FILING THE *AMICUS* BRIEF

If this Motion for Leave to Participate is granted, *Amici* propose to file an *amicus* brief on the same date on which Plaintiffs-Appellees’ opening brief is due (currently March 24, 2022). *Amici* will conform to any schedule adopted by the Court.

CONTACT WITH DEFENDANT-APPELLANT

Counsel for Defendant-Appellant, David Dewhirst and Katie Smithgall, have been contacted and take no position on this Motion.

DATED this 24th day of March, 2022.

Respectfully submitted,

/s/ Matthew Gordon

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify this Motion to Appear as Amici is printed with a proportionately spaced Times New Roman typeface in 14 point font, is double spaced, and the word count calculated by the word processing software does not exceed 1,220 words, excluding the cover page, tables, and certificates.

/s/ Matthew Gordon
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CERTIFICATE OF SERVICE

I, Matthew Prairie Gordon, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus to the following on 03-24-2022:

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