

‘BABY RUMI’ CUSTODY DISPUTE: SUPREME COURT RESPONSE FILED OPPOSING SURROGATE’S BID TO STRIP CHILD WITH INCURABLE HEART CONDITION AWAY FROM PARENTS

Attorneys for Parents of Baby with HLHS Argue That an Emergency Stay Would ‘Endanger Rather Than Safeguard Him’; GoFundMe Launched to Raise Money for Medical Expenses.

WASHINGTON DC – SEPTEMBER 18, 2026 – Attorneys for the parents of Baby Rumi submitted a response to the U.S. Supreme Court in the latest chapter in the custody dispute that has unfolded across courts in Alaska, California and Texas. Every legal proceeding to date has confirmed that Rumi’s parents are his legal and rightful guardians. The parents’ new filing responds to McKenna West’s September 9 emergency petition to challenge the parentage ruling in California.

The parents’ [response was submitted](#) to the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit. The filing lays out why the emergency stay should be denied, including West’s fabricated claims regarding Rumi’s healthcare, and the reality that a stay would in fact endanger Rumi instead of safeguard him by undermining his ability to receive the care he needs to survive and interfering with what has been described as excellent care his parents have provided.

Rumi’s parents are represented in the Supreme Court by Adam Wolf at Peiffer Wolf Carr Kane Conway & Wise (Peiffer Wolf); in Texas by Lee Budner and Alyssa Hernandez at Calabrese Budner; in Alaska by Julia D. Moudy and Meg Simonian at Dillon Findley & Simonian; and in California by Robert R. Walmsley at Jarrette & Walmsley.

McKenna West’s legal campaign is funded by the conservative Christian legal advocacy group, Alliance Defending Freedom (ADF), which describes itself as “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, parental rights, and God’s design for marriage and family.” Last year, ADF reported [over \\$123 million in revenue](#).

Lee Budner, partner at Calabrese Budner, said: **“While McKenna West has been conducting a publicity tour, Rumi’s parents have been quietly caring for their child and following the recommendations of Rumi’s medical team. West’s requested stay to the United States Supreme Court threatens the continuity of Rumi’s medical care. A stay would not change who Rumi’s parents are. It would only create confusion over medical decision-making authority and jeopardize the providers’ ability to rely on the parents’ consent to Rumi’s treatment. No parents should face such uncertainty and confusion regarding their child’s life.”**

ADF moved for emergency relief in multiple courts, including a second filing in the Supreme Court earlier this week, which the court didn’t act on or reply to. ADF filed a motion in the Dallas Court of Appeals, which denied the request immediately. ADF also filed a motion in the Texas Supreme Court, which as of September 17, 2026, denied the requested stay, stating that by all accounts Rumi’s parents have provided appropriate and necessary care for their son. To date, five different courts have rejected ADF’s requests for a stay: California Superior Court, California Court of Appeals, California Supreme Court, Dallas Court of Appeals, and now the Texas Supreme Court. These courts have seemingly sifted through the fabricated positions advanced by ADF and McKenna West.

Separately, West is also subject to a major lawsuit for breach of contract and emotional distress in Alaska filed by Rumi’s parents, which is ongoing.

Adam Wolf, partner at Peiffer Wolf, said: **“McKenna West fabricated an emergency. If the Supreme Court were to grant the application for an emergency stay, it would threaten Rumi’s ability to receive necessary healthcare, further stacking the deck against him. It’s time to stop playing politics. A child’s life is at stake.”**

BACKGROUND

McKenna West and Rumi’s parents entered into a gestational agreement, where West agreed to be the surrogate for their child.

On April 17, 2026, Rumi was diagnosed in utero with a rare, severe congenital heart condition, hypoplastic left heart syndrome (HLHS). Tragically, only 20-60% of babies with HLHS survive their first year of life. Surgical repairs for HLHS are not a cure, but if determined to be candidates, babies with this condition may undergo a multi-step surgical procedure called “staged palliation.” This entails three open-heart surgeries within the first few years of life, beginning with the Norwood procedure, which, if elected, must occur within days of birth. The Glenn Shunt surgery typically occurs within six months, and the Fontan surgery usually is performed within a few years later. Even with the surgeries, around 42% of all babies with HLHS may die in their first year of life. Children who successfully undergo surgical intervention remain at significant risk of cardiac arrest, liver disease, kidney malfunction, blood clots, and other serious heart conditions.

At first, Rumi’s parents told West that they would prefer that she terminate her pregnancy. This was an express option under the surrogacy contract negotiated by West’s lawyer that she had signed voluntarily and confirmed that she understood. West scheduled and rescheduled an appointment to terminate the pregnancy but ultimately changed her mind. Rumi’s parents did not attempt to force West to follow through with the appointment. Instead, they began to prepare for how they would care for their child’s extraordinary and life-threatening health issues. By that time, West had revoked the parents’ ability to see any medical information related to their unborn child.

On July 17, 2026, without the knowledge or consent of Rumi’s parents, West traveled from Alaska to Texas with plans to give birth in Texas. After learning West was going to be induced, Rumi’s parents quickly boarded a plane from California to Texas.

On August 10, 2026, Rumi’s parents filed a lawsuit in Texas based on West’s attempts to interfere with their parental rights. The Texas court heard competing requests for relief on August 11, 2026, and entered a temporary restraining order against West. Since then, Rumi’s parents have been making all the medical decisions on behalf of the child. The parents have followed all medical advice and are committed to life-saving treatment for Rumi. As the Supreme Court of Texas held, there is no evidence that casts any doubt on this conclusion.

The parents have never wavered from their dedication to do everything they can to make sure Rumi gets the medical care he needs. They moved from California to Texas when West moved to Texas. Since his birth, they have been a constant presence with their child in the hospital’s intensive care unit, ensuring that he receives all available life-saving treatment.

SUPPORT BABY RUMI

Rumi’s family and loved ones are organizing a GoFundMe page to raise money for his lifelong fight against HLHS. Donations will help support Rumi’s surgeries, medical care, medications, testing, therapy, prolonged hospital stays, future procedures, travel and living expenses, and the other needs that arise throughout his treatment and recovery. If Rumi’s condition ultimately requires a heart transplant or additional major procedures, his family will face yet another significant chapter of medical care. To learn more, visit: <https://gofund.me/bdbb10f9b>

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