

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHELSEA TORRES and JESSAMY
TORRES, individually and as next friends and
parents of A.T., a minor child, on behalf of
themselves and all others similarly situated,

Plaintiffs,

versus

KITTY RHOADES, in her official capacity as
Secretary of the State of Wisconsin
Department of Health Services,

Defendant.

CASE NO. 3:15-cv-00288

HON. BARBARA B. CRABB

DECLARATION OF JESSAMY TORRES

I, Jessamy Torres, hereby state as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I am a 35 year old woman.
3. I live in Madison, Dane County, Wisconsin.
4. I am a Deputy with the Dane County Sheriff's Office.
5. I met my wife, Chelsea Torres, in 2001, and we have been in a loving, committed relationship since 2010. Chelsea has also provided a declaration and we will try not to repeat each other.
6. We were married on September 7, 2012 in front of our friends and family in New York, New York. I was born and raised in New York, and much of my family remains there, so it was wonderful for them to be able to share in our wedding.
7. When we began discussions about having children, Chelsea expressed a desire to experience pregnancy and we agreed that she would carry our child. If she had been unable to

conceive, I would have been happy to carry the child. We saw ourselves as partners throughout the process, including with respect to selecting the anonymous sperm donor.

8. We worked with a fertility clinic in order to conceive, using artificial insemination. I wholly supported and agreed for my wife to be inseminated with the sperm of an anonymous donor to accomplish conception.

9. On or around March 13, 2015, Chelsea was admitted to Meriter Hospital in Madison, Wisconsin to give birth.

10. There were complications during the birth, and I watched as my wife lost blood and our newborn son turned blue due to lack of oxygen. I was terrified that something horrible might happen and my wife or our child might not survive.

11. During these tense moments, I feared that if something were to happen to Chelsea, I might not be able to prove that I am A.T.'s parent, thus losing everything that I hold dear.

12. Fortunately, both our son and Chelsea survived. However, they were required to spend several days in the hospital following the birth.

13. While they were both hospitalized, I stayed by their sides, moving often between the floors to care for both Chelsea and A.T. The hospital staff treated me just like any other parent, and referred to me as Big Mom, as I'm 6'3", and Chelsea as Little Mom, as she is 5'6". I was more grateful than they knew for their support during this stressful time, as I knew that I might not be as lucky in future health emergencies.

14. On or around March 14, 2015, while Chelsea and A.T. were still in the hospital, Chelsea and I filled out a Wisconsin Department of Health Services ("DHS") birth certificate worksheet with our personal information in order to receive a birth certificate for our son.

15. On the paperwork, we indicated that we are married and that we are both the parents of A.T.

16. On March 30, 2015, after Chelsea and A.T. were released from the hospital, Chelsea received a "Notification of Birth Certificate Registration" from DHS in the mail. The notification omitted all of my information and listed only Chelsea as A.T.'s parent. I was stunned and deeply hurt.

17. As of today, we have not received a copy of A.T.'s birth certificate that lists both me and my wife as his parents.

18. I worry that if something happens to my wife or our son, including a medical emergency, I might not be able to prove that I am A.T.'s parent. Even if I can explain why I am not listed on the birth certificate, simply explaining that to someone invades my family's privacy by revealing that Chelsea has the genetic connection to our son, and I do not.

19. Despite the joy of our newborn son, this experience has been painful, because the State refuses to recognize that I am a parent to our son. As our son grows older, I worry that he might internalize the State's message that I am somehow less his parent than Chelsea is or that his family is not legitimate. It hurts that my love and contributions and our relationship are erased from his birth certificate. As he grows up, I am concerned that he will feel the same hurt that I feel as he observes people treating us as though we are not related because I cannot prove that I am his parent through a birth certificate. I also worry that his birth certificate may invite discrimination against him or my family or make him feel ashamed because it shows that the State does not see the three of us together as a family.

20. I hereby declare, under penalties of perjury, that the facts stated in this declaration are personally known to me, and that they are true.

/s/ Jessamy Torres
Jessamy Torres