

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 CHELSEA TORRES

I, Chelsea Torres, hereby state as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I am a 36 year old woman.
3. I live in Madison, Dane County, Wisconsin.
4. I am the Operations Manager for a local business.
5. I met my wife, Jessamy Torres, in 2001, and we have been in a loving, committed relationship since 2010.
6. We were married in New York, New York on September 7, 2012, in front of friends and family. A true and correct copy of our Certificate of Marriage Registration (with required redactions) is attached hereto as Exhibit A.
7. From the beginning of our relationship, Jessamy and I knew that we wanted to be parents and have children together.

8. In or around September 2013, Jessamy and I began working with a fertility clinic, and I eventually became pregnant at the clinic via artificial insemination, using sperm from an anonymous donor.

9. I had always wanted to have the experience of pregnancy, and Jessamy and I decided that I would carry the child. If I had been unable to carry the child for any reason, Jessamy would have carried the child.

10. Jessamy and I both considered ourselves partners in the process, including with respect to selecting the anonymous sperm donor.

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

12. There were complications during the birth, and I lost a significant amount of blood and our son was temporarily deprived of oxygen.

13. Fortunately, our son, A.T., and I both survived. However, we were both required to spend several days in the hospital following the birth. A.T. was placed in the intensive care unit for the first few days of his life.

14. On or around March 14, 2015, while I was still in the hospital, Jessamy 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 A.T. and I were released from the hospital, I received a “Notification of Birth Certificate Registration” from DHS in the mail. Without explanation, the notification omitted all of my wife’s information and only listed me as A.T.’s parent. A true and

correct copy of this document (with necessary redactions) is attached hereto as Exhibit B. (This document includes my handwritten request to add my wife Jessamy Torres as our son's second parent, which was included with my attorney's April 24, 2015 letter to DHS.)

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

18. The lack of an accurate two-parent birth certificate for our son causes significant harm to our family and makes us vulnerable to future harm.

19. Without an accurate birth certificate for A.T., our family is unable to comply with legal identification requirements for our son. If we are required to produce a birth certificate to establish Jessamy's rights as A.T.'s mother and her ability to make decisions on his behalf, such as enrolling him in school or extracurricular activities or authorizing medical treatment, we are unable to do so.

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/ Chelsea Torres
Chelsea Torres

THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MARRIAGE LICENSE BUREAU

License Number

M-2012-2

M-2012-23159

Certificate of Marriage Registration

This Is To Certify That JESSAMY FLAHERTY New Surname : TORRES

residing at 205 N. Main Street , Edgerton, WI 53534, United States

born on [REDACTED] 1980 at Syracuse New York United States

and CHELSEA ANDIAR TORRES

residing at 205 N. Main St. , Edgerton, WI 53534, United States

born on [REDACTED] 1979 at Caracas Venezuela

Were Married

on 09/07/2012 at The Office of the City Clerk
By JOSEPHINE TAGLIARINI at 141 WORTH STREET
NEW YORK, NY 10013
United States

as shown by the duly registered license and certificate of marriage of said persons on file in this office.

CERTIFIED THIS DATE AT THE CITY CLERK'S OFFICE

Manhattan

September 07, 12

N. Y.

20

PLEASE NOTE: Facsimile Signature
and seal are printed pursuant
to Section 11-A, Domestic
Relations Law of New York.



[Signature]
Michael McSweeney
City Clerk of the City of New York

CET-F

M0050677

Exhibit A

NOTIFICATION OF BIRTH CERTIFICATE REGISTRATION

This document is NOT a birth certificate and CANNOT be used for identification purposes.

A birth certificate for your baby was registered with the Wisconsin Vital Records Office on 03/18/2015. 2015012710

Please review the birth certificate information below and enter any corrections.

Enter current address here, if incorrect:

TO: CHELSEA TORRES
4705 SPLINT RD
MADISON WI 53718

INSTRUCTIONS: Enter corrections if any, sign, and return immediately. Corrections requested after 365 days may require a court order and fee. You will not be notified of corrections unless you purchase a birth certificate. See the back of this form for instructions on ordering your child's birth certificate. You cannot use this form to request a name change for your child, only to correct an error. You can request a name change form by writing to the address on the back of this form.

Child's Information **As it Appears on the Birth Certificate Now** **Enter Corrections/Incorpore las Correcciones**

First Name:	A [REDACTED]	_____
Middle Name:	[REDACTED]	_____
Last Name:	T [REDACTED]	_____
Sex:	MALE	_____
Date/Time of Birth:	[REDACTED]	Contact the hospital if this is incorrect.

Mother's Information

Current First Name:	CHELSEA	_____
Current Middle Name:	ANDIAR	_____
Current Last Name:	TORRES	_____
Birth First Name:	CHELSEA	_____
Birth Middle Name:	ANDIAR	_____
Birth Last Name:	TORRES	_____
Date/State of Birth:	[REDACTED] 1979 VENEZUELA	_____

Father's Information may be added to the birth certificate if both parents sign a 'Voluntary Paternity Acknowledgment' (VPA) form or if they go to court to establish paternity. You can request a VPA form by writing to the address on the back of this form. If the VPA process has been completed, the father's information will appear on your child's certified birth certificate, but not on this form.

The birth certificate incorrectly omits the mother's spouse, Jessamy Torres, as the child's second parent. Please add the information for Jessamy Torres included the attachment on the birth certificate as the second parent.
Second parent information: Current name: Jessamy Torres
Birth Name: Jessamy Erin Flaherty
Date/State of Birth: [REDACTED] 1980, New York

A Social Security Card was ordered for your child through the birth registration system. The card should arrive within 6 weeks from the date you receive this notice. Any questions about the Social Security card, call 1-800-772-1213.

I authorize the change(s) as indicated above. I affirm that I am the parent of the above named child, all the information is true and correct, and I have legal custody of this child. **PENALTIES:** Any person who willfully and knowingly supplies any false information to be used in the preparation or amendment of a birth certificate shall be fined not more than \$10,000 or imprisoned not more than 3 years and 6 months or both.

[Signature] 4-23-15
SIGNATURE of Parent (for corrections) Today's Date



1396174

Exhibit B