

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PASTORS PROTECTING)
YOUTH, *et al.*)
))
Plaintiffs,)
))
v.)
))
))
Lisa Madigan, Illinois Attorney)
General, in her Official)
Capacity,)
))
Defendant.)

CASE NO. _____

Judge _____

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiffs Pastors Protecting Youth, Civil Liberties for Urban Believers, Pastor Steven K. Stultz, Pastor Frank Teesdale, Pastor Brenda Bravatty, Pastor Enio Bravatty, and Pastor Arthurine Wilkinson, by their attorneys Mauck & Baker, LLC, hereby request a declaratory judgment against Defendant and in support state as follows:

THE CASE IN CONTROVERSY

1. Many pastors, including the Plaintiffs herein, are employed to preach, teach, and counsel people that human sexuality, as ordered by its Creator (God) and His Word, the Bible, is to be expressed and enjoyed only in a monogamous relationship between one man and one woman within the framework of marriage.

2. These pastors teach that homosexual conduct is contrary to God’s purpose for humanity and a disorder of God’s creation which can be resisted or overcome by those who seek to be

faithful to God and His Word. This is what they say to those who seek their counsel—including minors.

3. The First Amendment to the United States Constitution serves to protect the inalienable rights and interests of these pastors to both speak about and exercise these beliefs. The First Amendment further protects the rights of the pastors' counselees to receive speech, to make personal decisions, and to exercise their religious beliefs.

4. A majority of the Illinois General Assembly, however, declared in the newly enacted Youth Mental Health Protection Act (the "Act"), (**Exh. A, Act**), which became effective January 1, 2016, that "[b]eing lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming," 405 ILCS 48/5. The stated purpose of the Act is "to protect lesbian, gay, bisexual and transgender youth from sexual orientation change efforts, also known as conversion therapy." 405 ILCS 48/10.

KEY UNCONSTITUTIONAL PROVISIONS OF THE ACT

5. The Act defines "sexual orientation change efforts" to include:

any practices or treatments that seek to change an individual's sexual orientation, as defined by subsection (o-1) of Section 1-103 of the Illinois Human Rights Act, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex. 405 ILCS 48/15.

The definition excludes:

counseling or mental health services that provide acceptance, support, and understanding of a person without seeking to change sexual orientation or mental health services that facilitate a person's coping, social support, and gender identity exploration and development, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation. Id.

6. The Act, however, does not exclude counseling persons or minors who genuinely desire to change their sexual orientation, behaviors, or gender expressions or who wish to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex.

7. Section 25 of the Act further provides that:

No person or entity may, in the conduct of any trade or commerce, use or employ any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact in advertising or otherwise offering conversion therapy services in a manner that represents homosexuality as a mental disease, disorder, or illness, with intent that others rely upon the concealment, suppression, or omission of such material fact. A violation of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

405 ILCS 48/25. (Emphasis added).

8. Unlike similar laws which have been litigated, the Act goes beyond regulating licensed “mental health providers” who counsel minors, to more broadly prohibit “any person or entity . . . in the conduct of any trade or commerce” (emphasis added) from representing “homosexuality as a mental disease, disorder, or illness” with “intent that others rely upon the concealment, suppression, or omission of such material fact.” 405 ILCS 48/25.

9. Furthermore, Section 25 is not limited to counseling minors but prohibits offering such counseling services to any person, regardless of age.

10. A plain reading of Section 25 threatens the Plaintiffs with financial liability under the Illinois Consumer Fraud and Deceptive Business Practices Act if they continue to represent to others, in the course of their employment and counseling members of their congregation, that homosexuality is a disorder or illness.

11. The State’s broad attempt at criminalizing any dissenting views on homosexuality is evident from the beginning of the Act where the State asserts that “[b]eing lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming.” 405 ILCS 48/5. It is

apparent that the State seeks to regulate more than just medical opinion on homosexuality, it seeks to eliminate any and all negative views, including the view that homosexuality is a “shortcoming.”

12. The Act also effectively threatens to deprive minors and others with unwanted same-sex attraction the ability to hear speech or obtain pastoral counseling from those, like the pastor Plaintiffs, that they believe would help them to resist or overcome their unwanted attractions or behaviors and remain faithful to God’s created order.

13. Both the General Assembly and Governor Rauner through the Amendatory veto process failed to provide an exemption for pastoral counseling, thus necessitating this litigation seeking declaratory relief.

THE PARTIES

14. Plaintiff Pastors Protecting Youth, (“PPY”), is an unincorporated association comprised of pastors in Illinois which seeks to protect the rights of pastors to offer pastoral counseling on issues related to sexual identity according to Biblical principles and seeks to protect the rights of young people in the church, church members, and others.

15. Civil Liberties for Urban Believers, (“CLUB”), is an unincorporated association of churches organized to promote civil liberties for urban believers.

16. Plaintiff Pastor Steven K. Stultz is the lead pastor of Nu Church Ministry and Development House, a church located at 3501 W. Fillmore Street, Chicago, IL 60624.

17. Plaintiff Frank Teesdale is the lead pastor of Garfield Ridge Baptist Church located at 5520 South Narragansett Avenue, Chicago, IL 60638.

18. Plaintiff Pastor Brenda Bravatty is an assistant pastor at Casa Misericordia Elim located at 5921 West Dickens Avenue, Chicago, IL 60639.

19. Plaintiff Pastor Enio Bravatty is the lead pastor at Casa Misericordia Elim located at 5921 West Dickens Avenue, Chicago, IL 60639.

20. Plaintiff Pastor Arthurine Wilkinson is the lead pastor of Manifested Glory International Ministries located at 14130 South Indiana Avenue, Riverdale IL 60827.

21. These Plaintiffs provide pastoral counseling, which includes sexual identity counseling, as part of their ministries and all receive compensation for their pastoral work. Their counseling extends to both minors and adults and includes members and nonmembers of their congregations.

22. These pastors also have standing to assert the rights of those persons and minors in their congregations who seek their counseling in their efforts to resist, understand, or overcome any unwanted attractions or behaviors and remain faithful to God's created order. A more detailed description of interests and rights of these persons and minors is set forth below.

23. Defendant Lisa Madigan is the Illinois Attorney General responsible with enforcement of the State's laws.

JURISDICTION AND VENUE

24. This court has jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C. §1331 as it arises under the First Amendment and Fourteenth Amendment to the Constitution of the United States and under 42 U.S.C. §1983 and 28 U.S.C. §§2201 and 2202. This Court has authority to award attorney fees pursuant to 42 U.S.C. §1988, 775 ILCS 35/20, and 740 ILCS 23/5(c). The state law claims are so closely related to the federal claims as to create supplemental jurisdiction under 28 U.S.C. §1367(a).

25. Venue is proper in this court because all of the Plaintiffs are located in Cook, DuPage, Kane, and Will Counties, Illinois.

**GENERAL FACTUAL ALLEGATIONS ABOUT
PLAINTIFFS' BELIEFS, SPEECH, AND MINISTRIES**

26. The Plaintiffs' duties include pastoral counseling for their congregations. These counseling services span a wide range of issues including, but not limited to, marital counseling, addiction counseling, and financial counseling. A more detailed description of Plaintiffs' backgrounds, beliefs, and counseling activities is set forth in their declarations. (**Group Exh. B, Pastors' Declarations**).

27. The pastors do not charge for counseling services but they are compensated for their pastoral duties, which include pastoral counseling.

28. Some of the Plaintiffs currently counsel, or have counseled, individuals struggling with unwanted same-sex attraction. The pastors believe that they have an obligation and a calling to provide counseling on sexual identity to anyone seeking help with those issues and all of the Plaintiffs seek the right to perform sexual identity counseling in the future.

29. Plaintiffs engage solely in "talk therapy" and do not utilize medication or coercion.

30. For the Plaintiffs, the Bible is the final authority on all matters pertaining to sexuality. The Bible's teaching on the issue of gender identity and homosexuality spans the Old and New Testaments and informs the Plaintiffs' religious beliefs, convictions, teaching, and counseling.

31. The Plaintiffs believe, as the Bible teaches, that "all have sinned, and come short of the glory of God;" (Romans 3:23 (King James)). Therefore, every sin, including homosexual conduct, represents a shortcoming, disease, illness, or disorder in a fallen world.

32. While the Plaintiffs speak, teach, and counsel others that all types of sin are a disorder and a product of the Fall of mankind, the Act only prohibits the pastors from representing that homosexual conduct is a sin or disorder. The Act, therefore, dictates which parts of the Bible pastors may or may not use to counsel their counselees.

33. Because the Plaintiffs adhere to traditional Christian theology which teaches that homosexual conduct is contrary to the will and intended order of God, Plaintiffs also believe that homosexual conduct, like any other sin, can be overcome by the power of Jesus Christ.

34. Plaintiffs cite, for example, 1 Corinthians 6:9-11 which states:

“Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor homosexuals, nor sodomites, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners will inherit the kingdom of God. ***And such were some of you.*** But you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus and by the Spirit of our God.” (emphasis added).

35. This passage inspired the title of a documentary on this subject entitled “Such Were Some of You.” This documentary features interviews with leading researchers on this issue who have concluded that gender identity is fluid and is not an innate characteristic that an individual is born with. The film also features in-depth interviews and testimonials from formerly gay individuals who no longer identify themselves as homosexual.

36. Plaintiffs have seen the documentary and are in agreement with its premises, that one’s sexual identity can change and that there is hope for people with unwanted same-sex attraction. These pastors have recommended, and would continue to recommend, the documentary to their congregations and counselees.

37. Plaintiffs believe that it is in the best interest of their counselees to have victory over sin and intend for their counselees to rely upon the Biblical truth they impart to them.

38. Because of the Act, however, the Plaintiffs believe that their free speech rights are restricted and that they are deprived of the right to further minister to those who seek their help. The Plaintiffs believe that exercising their religious liberty to speak and counsel according to the Biblical principles subjects them to potential liability and penalties.

THE RIGHTS OF PLAINTIFFS' COUNSELEES

39. Plaintiffs also bring suit for a declaratory judgment protecting the rights of counselees in their congregations and others to receive pastoral counseling and teaching on matters of homosexuality, including whether the Bible treats homosexual conduct as a sin, disorder, or illness.

40. Because the Act creates and threatens legal penalties if Plaintiffs furnish counseling in contravention of Section 25, their counselees are deprived of pastoral counseling for unwanted same-sex attraction unless Plaintiffs willfully violate Section 25 and risk incurring the penalties therein. As a result, both the Plaintiffs and their counselees have suffered, and continue to suffer, an injury in fact.

41. Plaintiffs, as the spiritual leaders and authorities of their congregations, have a sufficiently close relationship with their members and counselees to act on their behalf. Illinois law acknowledges the special relationship between pastors and those whom they minister, especially young people and their families, by clothing that relationship with a clergy-penitent privilege. (*See*, 735 ILCS 5/8-803). That privilege recognizes and protects the inherent religious and privacy interests of the both the clergy and the penitent in their communications with one another.

42. Insisting that counselees bring suit individually would subject them to unnecessary hardship. A lawsuit of this nature would expose the counselees to loss of privacy and subject them to a prolonged and highly publicized trial. Counselees struggling with unwanted same-sex attraction, some of them minors, are particularly vulnerable emotionally, spiritually, or otherwise, and stand to lose the most from an arduous litigation process.

43. As such, Plaintiffs are in the best position to assert and protect the rights of their counselees. Singleton v. Wulff, 428 U.S. 106 (1976).

44. The Plaintiffs' counselees have several rights at stake in this litigation. The United States Supreme Court, for example, has decreed that “[a]t the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.” Planned Parenthood v. Casey, 505 U.S. 833, 851 (1992).

45. An individual's right to dignity, autonomy, and self-determination has been upheld as recently as the *Obergefell* same-sex marriage decision, in which Justice Kennedy stated that the liberties protected by the Fourteenth Amendment “extend to certain personal choices central to individual dignity and autonomy, *including intimate choices that define personal identity and beliefs.*” Obergefell v. Hodges, 135 S.Ct. 2584, 2597 (2015). (emphasis added).

46. Moreover, individuals who struggle with unwanted same-sex attraction are denied the opportunity to receive information and learn from counseling which would help them in their time of need. The Act prevents these individuals from learning about how others in the same situation managed to find victory over their struggles. The Act deprives some individuals who are told or think that they are “gay,” and who do not want to be gay, of information they need to make their own personal intimate choice defining their sexual identity.

47. By prohibiting any pastoral counseling which describes homosexual conduct as a disorder or sin, even to those who struggle with unwanted same-sex attraction and who willingly seek to benefit from such counseling, the Act infringes on counselees' rights to privacy, autonomy, dignity, self-determination and personal choice.

48. Furthermore, the Act violates the counselees' free exercise of religion. By prohibiting the Plaintiffs from speaking on sexual identity from a Biblical point of view, the Plaintiffs'

counselees are deprived of the same Biblical teaching they seek in order to conform their lifestyles to their religious faith.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

A. Enter a declaratory judgment that pastors, including those who are compensated for their pastoral work, fall outside “trade or commerce” and cannot be subject to the Act;

B. Enter a declaratory judgment that the Act, as applied to the Plaintiffs, violates the Free Speech Clause of the United States Constitution and the Constitution of the State of Illinois;

C. Enter a declaratory judgment that the Act, as applied to the Plaintiffs, violates the Free Exercise Clause of the United States Constitution and the Constitution of the State of Illinois;

D. Enter a declaratory judgment that the Act, as applied to the Plaintiffs, violates the Illinois Religious Freedom Restoration Act;

E. Enter a declaratory judgment that the Act, as applied to the counselees, violates the Free Speech Clause of the United States Constitution and the Constitution of the State of Illinois;

F. Enter a declaratory judgment that the Act, as applied to the counselees, violates the Due Process Clause as protected by the 14th Amendment to the United States Constitution;

G. Enter a declaratory judgment that the Act, as applied to the counselees, violates the Free Exercise Clause of the United States Constitution and the Constitution of the State of Illinois;

H. Enter a declaratory judgment that the Act, as applied to the counselees, violates the Illinois Religious Freedom Restoration Act;

I. Award attorney fees, expenses and costs to Plaintiffs pursuant to 42 U.S.C. §1988(b), 775 ILCS 35/20, and 740 ILCS 23/5(c), and

J. Grant other just relief.

Respectfully submitted this 11th day August, 2016.

**PASTORS PROTECTING
YOUTH ET AL.**

By: /s John W. Mauck
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EXHIBIT A

**MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
(405 ILCS 48/) Youth Mental Health Protection Act.**

(405 ILCS 48/1)

Sec. 1. Short title. This Act may be cited as the Youth Mental Health Protection Act.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/5)

Sec. 5. Legislative findings. The General Assembly finds and declares the following:

(1) Being lesbian, gay, or bisexual is not a disease, disorder, illness, deficiency, or shortcoming. The major professional associations of mental health practitioners and researchers in the United States have recognized this fact for nearly 40 years.

(2) The American Psychological Association convened a Task Force on Appropriate Therapeutic Responses to Sexual Orientation. The Task Force conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts and issued a report in 2009. The Task Force concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame towards parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources.

(3) The American Psychological Association issued a resolution on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts in 2009 that states: "The American Psychological Association advises parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and to seek psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increase family and school support, and reduce rejection of sexual minority youth."

(4) The American Psychiatric Association published a position statement in March of 2000 that states: "Psychotherapeutic modalities to convert or 'repair' homosexuality are based on developmental theories whose scientific validity is questionable. Furthermore, anecdotal reports of 'cures' are counterbalanced by anecdotal claims of psychological harm. In the last four decades, 'reparative' therapists have not produced any rigorous scientific research to substantiate their claims of cure. Until there is such research available, the American Psychiatric Association recommends that ethical practitioners refrain from attempts to change individuals' sexual orientation, keeping in mind the medical dictum to first, do no harm. The potential risks of reparative

therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction. The possibility that the person might achieve happiness and satisfying interpersonal relationships as a gay man or lesbian is not presented, nor are alternative approaches to dealing with the effects of societal stigmatization discussed. Therefore, the American Psychiatric Association opposes any psychiatric treatment such as reparative or conversion therapy which is based upon the assumption that homosexuality per se is a mental disorder or based upon the a priori assumption that a patient should change his or her sexual homosexual orientation."

(5) The American Academy of Pediatrics published an article in 1993 in its journal, Pediatrics, that states: "Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation."

(6) The American Medical Association Council on Scientific Affairs prepared a report in 1994 that states: "Aversion therapy (a behavioral or medical intervention which pairs unwanted behavior, in this case, homosexual behavior, with unpleasant sensations or aversive consequences) is no longer recommended for gay men and lesbians. Through psychotherapy, gay men and lesbians can become comfortable with their sexual orientation and understand the societal response to it."

(7) The National Association of Social Workers prepared a policy statement in 1997 that states: "Social stigmatization of lesbian, gay, and bisexual people is widespread and is a primary motivating factor in leading some people to seek sexual orientation changes. Sexual orientation conversion therapies assume that homosexual orientation is both pathological and freely chosen. No data demonstrates that reparative or conversion therapies are effective, and, in fact, they may be harmful."

(8) The American Counseling Association Governing Council issued a position statement in April, 1999 that states: "We oppose the promotion of 'reparative therapy' as a 'cure' for individuals who are homosexual."

(9) The American Psychoanalytic Association issued a position statement in June, 2012 on attempts to change sexual orientation, gender, identity, or gender expression that states: "As with any societal prejudice, bias against individuals based on actual or perceived sexual orientation, gender identity or gender expression negatively affects mental health, contributing to an enduring sense of stigma and pervasive self-criticism through the internalization of such prejudice. Psychoanalytic technique does not encompass purposeful attempts to 'convert', 'repair', change or shift an individual's sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging

internalized attitudes.".

(10) The American Academy of Child and Adolescent Psychiatry published an article in 2012 in its journal, Journal of the American Academy of Child and Adolescent Psychiatry, that states: "Clinicians should be aware that there is no evidence that sexual orientation can be altered through therapy, and that attempts to do so may be harmful. There is no empirical evidence adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness and caring, important protective factors against suicidal ideation and attempts. Given that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated.".

(11) The Pan American Health Organization, a regional office of the World Health Organization, issued a statement in May, 2012 that states: "These supposed conversion therapies constitute a violation of the ethical principles of health care and violate human rights that are protected by international and regional agreements.". The organization also noted that reparative therapies "lack medical justification and represent a serious threat to the health and well-being of affected people.".

(12) Minors who experience family rejection based on their sexual orientation face especially serious health risks. In one study, lesbian, gay, and bisexual young adults who reported higher levels of family rejection during adolescence were 8.4 times more likely to report having attempted suicide, 5.9 times more likely to report high levels of depression, 3.4 times more likely to use illegal drugs, and 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection. This is documented by Caitlin Ryan et al. in their article entitled Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults (2009), 123 Pediatrics 346.

(13) Illinois has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth and in protecting its minors against exposure to serious harms caused by sexual orientation change efforts.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/10)

Sec. 10. Purpose. The purpose of this Act is to protect lesbian, gay, bisexual, and transgender youth from sexual orientation change efforts, also known as conversion therapy.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/15)

Sec. 15. Definitions. For the purposes of this Act:

"Mental health provider" means a clinical psychologist

licensed under the Clinical Psychology Licensing Act; a school psychologist as defined in the School Code; a psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; a clinical social worker or social worker licensed under the Clinical Social Work and Social Work Practice Act; a marriage and family therapist or associate marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act; a professional counselor or clinical professional counselor licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act; or any students, interns, volunteers, or other persons assisting or acting under the direction or guidance of any of these licensed professionals.

"Sexual orientation change efforts" or "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation, as defined by subsection (O-1) of Section 1-103 of the Illinois Human Rights Act, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex. "Sexual orientation change efforts" or "conversion therapy" does not include counseling or mental health services that provide acceptance, support, and understanding of a person without seeking to change sexual orientation or mental health services that facilitate a person's coping, social support, and gender identity exploration and development, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/20)

Sec. 20. Prohibition on conversion therapy. Under no circumstances shall a mental health provider engage in sexual orientation change efforts with a person under the age of 18.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/25)

Sec. 25. Advertisement and sales; misrepresentation. No person or entity may, in the conduct of any trade or commerce, use or employ any deception, fraud, false pretense, false promise, misrepresentation, or the concealment, suppression, or omission of any material fact in advertising or otherwise offering conversion therapy services in a manner that represents homosexuality as a mental disease, disorder, or illness, with intent that others rely upon the concealment, suppression, or omission of such material fact. A violation of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/30)

Sec. 30. Discipline. Any sexual orientation change efforts attempted on a person under the age of 18 by a mental health provider may be considered unprofessional conduct. Mental health providers found to have engaged in a sexual orientation change effort on a patient under the age of 18 may be subject to discipline by the licensing entity or disciplinary review board with competent jurisdiction.

(Source: P.A. 99-411, eff. 1-1-16.)

(405 ILCS 48/90)

Sec. 90. (Amendatory provisions; text omitted).

(Source: P.A. 99-411, eff. 1-1-16; text omitted.)

EXHIBIT B

4. I am a graduate of Spertus College of Judaica in Chicago, IL with a Master of Science in Human Services Administration.
5. I have been in full-time Christian ministry since 1983, when I was ordained under the auspices of Praise Fellowship Church in Glen Ellyn, IL. I have at various times held ministerial credentials with the Assemblies of God, the Churches of God in Christ, the Evangelical Covenant Church, and with Christian International.
6. In fulfilling my ministry assignments, I have also administered and helped to provide Christian-based youth outreach, intervention and leadership development programs and services, and other community services involving thousands of youth for over thirty (30) years.
7. My current ministerial duties include my pastoral role with Nu Church Ministry and Development House, a church which is located in East Garfield Park on Chicago's west side at 3501 W. Fillmore Street, Chicago, IL 60624.
8. The Church has 60 members, including individuals ranging in age from babies, preschool children, elementary youth, teens, young adults, middle age adults, and senior citizens.
9. One of my pastoral duties at the Church includes counseling congregants and visitors to the Church on a wide range of life issues, including sexuality.
10. Church members, including parents and youth, reach out to me for pastoral counseling. I believe that providing Scripture-based counseling to my congregation and to others who ask for it is part of my duty and calling as a pastor.
11. In addition to my current pastoral duties, my ministerial responsibilities include the oversight of the Church's Victory Club youth development program for neighborhood children and our Teen-Town youth development program for community teens. These are

conducted as evangelistic and discipleship outreach initiatives of the Church, pursuant to Christ's commands to "preach the Gospel" to every person, to "make disciples" of every nation, and to bring the children to Him. Currently over 150 children and teens are involved in these Victory Club and Teen-Town initiatives.

12. I do not charge separately for my work with Teen-Town and Victory Club or for my church-based counseling services, but am compensated for them in my Church salary.
13. Upon enrollment in Victory Club and Teen-Town, parents and youth participants are made aware that these are Christian, Bible-based programs, and that we advocate for Biblical standards of morality including sexual behavior.
14. Biblical teaching and small group counseling regarding a full range of life issues, including sexuality, is an intrinsic part of the Victory Club and Teen-Town initiatives, and is provided to children, teens and parents as part of their general instruction.
15. In addition to large and small group interactions, one-to-one counseling is provided to program participants who request it.
16. As a minister of the LORD Jesus Christ, it is my duty to inform church congregants and Victory Club and Teen-Town youth concerning what the Bible teaches about any issue, including sexuality. I do this in both large group formats including preaching and teaching, and in small group formats including counseling.
17. In addition to myself, I lead a team of twelve ministers who participate in bringing Victory Club and Teen-Town to neighborhoods throughout Chicago's west side, and who are actively involved in Biblical preaching and counseling.
18. Biblical teaching is clear about homosexuality. There are numerous Scriptures which state that homosexuality is a sin. As with any other sin, the Bible also provides hope to

those who are struggling with same-sex attraction. When individuals come to Christ, they are transformed. They become a “new creation,” empowered to overcome every disease, and restored according to God’s design and purpose.

19. All of the counseling I offer is based on Biblical principles. The Bible is the final authority in all matters pertaining to human sexuality and it informs my beliefs, convictions, teaching, and counseling.
20. In the past year I have counseled more than twenty (20) people, two of whom were dealing with unwanted same-sex attractions.
21. In the course of pastoring the Church and conducting the Teen-Town and Victory Club programs, I have on various occasions been approached by junior high and high school-aged young people who had questions about homosexuality or who were struggling with unwanted same-sex attractions.
22. It is my responsibility before God as a Christian minister to tell them that homosexual practice is a sin, and to help them come into a Biblical belief system which will ultimately inform their behavior.
23. In addition to the use of Bible-based “talk therapy” in our counseling, we also teach that Jesus Christ is the healer of everyone who comes to Him for healing. Because man is separated from God – the Source of Life – due to sin, the human race has become diseased spiritually, socially and sexually. When people come to Christ – whatever their disease, including homosexual tendencies – they can be healed by calling on His name. As they received healing, they are further transformed by what the Bible refers to as the “renewing of the mind,” which comes through the teaching and personal application of Scriptures.

24. As a result of the ministry of Jesus Christ and His Word, we have witnessed testimonies of changed behavior and changed lives. These testimonies range from teens who no longer experience same-sex attractions and who no longer feel pressured by secular counselors and teachers to experiment with homosexuality, to young adults who have exchanged their homosexual experience for healthy heterosexual marriage.
25. My ministry experience on Chicago's west side includes a fourteen year period in which I founded and administered an award-winning youth outreach, intervention and leadership development program through a Christ-centered, Bible-based ministry known as Agape' Youth Development and Family Support Services (AYDFSS). At its height, AYDFSS in 2007-08, had an enrollment of nearly 2000 youth and a budget of nearly one million dollars.
26. Because AYDFSS was funded through public and other secular sources, the homosexual agenda that exists within these arenas began to require me to make decisions and take positions regarding sexuality that were contrary to the Bible. I was prohibited from teaching Biblical principles regarding homosexuality, while, at the same time, encouraged to teach Biblical values regarding other aspects of life, including "anger management" and "character education." Through their constantly updated application procedures, funders required me to encourage the practice of homosexuality among young people by requiring the hiring of staff who advocated for same-sex attraction, and by requiring us to use program designs affirming homosexual behavior as a prerequisite to receiving additional public and foundation funding. I believe that this was a use of public dollars to silence our voice, and to violate our freedom of speech and our religious rights as Christian service providers. Because of our commitment to be true to the LORD

Jesus Christ and His Word, and our responsibility before God to be truthful with children and youth we served, we decided to close the agency, at great personal and corporate cost, and terminate the services it provided, channeling these services through the local Church's evangelistic and discipleship ministries instead.

27. I now believe that the new statute, which prohibits any person from offering counseling and therapy in a way that represents homosexuality as a "disorder or illness," further deprives me both of my freedom of speech and of my religious rights. I believe it deprives my congregants as well as the youth we engage through Victory Club and Teen Town of needed Biblical wisdom and ministry needed to navigate puberty along with increasing social pressure to engage in what the secular world terms "sexual lifestyles" that are contrary to Scripture. Having taken over the public and secular arenas, it appears that those with an agenda to advance homosexuality now wish to silence the Church – including anyone with Biblical values.
28. I wish to continue providing pastoral counseling to those with same-sex attractions in the future as the opportunity may arise.
29. I wish to advertise our Victory Club and Teen-Town programs along with related educational and counseling components throughout our community.
30. Unless and until a declaratory judgment is issued stating that the law, as applied, is unconstitutional, or that the law does not apply to me, I fear that I am in violation of the law and subject to adverse legal repercussions from any person – congregant or non-congregant – I may counsel concerning unwanted same-sex attractions.

Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief

and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

August 9, 2016



STEVEN K. STULTZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PASTORS PROTECTING)
 YOUTH, *et. al*)
 Plaintiffs,)
))
 v.)
))
))
 Lisa Madigan, Illinois Attorney)
 General, in her Official)
 Capacity,)
))
 Defendant.)

CASE NO. _____

Judge _____

DECLARATION OF FRANK TEESDALE

I, Frank Teesdale, make this declaration pursuant to 28 U.S.C. §1746 based on my personal knowledge and upon information and belief:

1. I am an adult citizen of the State of Illinois currently residing at 8778 Canary Lane, Hodgkins, IL 60525.
2. I am a full-time salaried pastor of the Garfield Ridge Baptist Church (“Church”) located at 5520 S. Narragansett Ave., Chicago, IL 60638.
3. I have been a pastor since 1996 when I was officially ordained by the Independent Baptist denomination.
4. One of my pastoral duties at the Church includes counseling my congregants and visitors to our church on a wide range of issues, including but not limited to marital counseling, addiction counseling, and sexual counseling.



5. The Church has about 50 members and I maintain a close relationship with all of them, adults and minors, through teaching, preaching, prayer, and counseling.
6. My congregation reaches out to me for counseling services and I believe that counseling my congregation and others who ask for pastoral counseling is part of my duty and calling as a pastor.
7. I believe that everyone in my congregation, adults and minors, have a right to hear Biblical teaching and to be informed about what the Bible teaches regarding sexuality.
8. My counseling services are available for all of my congregants, adults and minors, and to non-congregants who ask for such service. I also teach a Bible class exclusively for minors.
9. I would like to advertise my Christian counseling services to those who struggle with unwanted same-sex attractions but I have not done so yet because I fear I will be liable under the new law.
10. I do not charge separately for counseling sessions, but I am compensated for them in my salary.
11. The Bible teaches that any minor who is old enough to make moral decisions and who can distinguish between right and wrong has reached the age of accountability. According to the Bible, even minors are old enough to recognize their sin, to repent, to be baptized, and to place their faith in Jesus

Christ. These minors, therefore, have a right to receive Biblical information on any issue in the Bible, including sexuality.

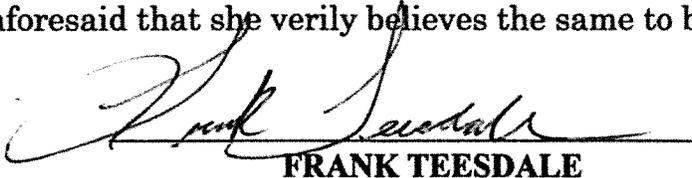
12. All of the counseling which I offer my congregants is rooted in Biblical principles. The Bible is the final authority on all matters pertaining to sexuality and it informs my beliefs, convictions, teaching, and counseling.
13. The counseling I offer consists solely of “talk therapy” and does not involve conduct of any kind.
14. On average, I offer formal counseling sessions to as many as ten individuals a year. I am currently offering pastoral counseling to an adult male who is struggling with unwanted same-sex attraction.
15. My counseling services reflect the Biblical teaching that all sinners can change and come into a right relationship with God and mankind, including those with same-sex attractions.
16. I believe that the Bible teaches that homosexual activity is a sin and same-sex attraction can be an acquired result of our “sin nature,” our fallen condition as human beings. The Bible teaches, in the Old and New Testaments, that sexual relationship between persons of the same sex is egregious and contrary to God’s plan. The Bible teaches that homosexuality conduct is contrary to the way God ordered sexuality and constitutes a disorder, a rebellion against God’s original plan.
17. Furthermore, the Bible also teaches that anyone who is struggling with sin can achieve victory over that sin through the power of Jesus Christ. Jesus

Christ offers hope and makes people new and anyone struggling with homosexuality can find healing and change. (1 Corinthians 6:9-11).

18. I believe the new law, which prohibits any person from offering counseling in a way that represents homosexuality as a disorder or illness, infringes upon my free speech and religious exercise rights. I believe it deprives my congregants, particularly youth who are experiencing sexual awakening through puberty, hormonal change and many social temptations, of needed wisdom and advice. I understand the law to state that my pastoral counseling, which is based on the Biblical teaching that homosexuality is a disorder, is now forbidden.
19. I wish to continue counseling those with same-sex attraction in the future if the opportunity arises.
20. Unless and until a declaratory judgment is issued stating that the law, as applied, is unconstitutional, or that the law does not apply to me, I fear that I am in violation of the law and subject to adverse legal repercussions from any person- congregant or non-congregant- I may counsel concerning unwanted same-sex attractions.

Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

August 9, 2016

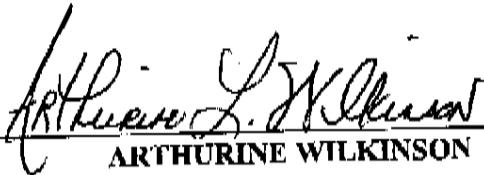

FRANK TEESDALE

4. The Church has about 50 members and I maintain a close relationship with all of them, adults and minors, through teaching, preaching, prayer, and counseling.
5. My congregation reaches out to me for counseling services and I believe that counseling my congregation and others who ask for pastoral counseling is part of my duty and calling as a pastor.
6. I believe that everyone in my congregation, adults and minors, have a right to hear Biblical teaching and to be informed about what the Bible teaches regarding sexuality.
7. According to the Bible, even minors are old enough to recognize their sin, to repent, to be baptized, and to place their faith in Jesus Christ. These minors, therefore, have a right to receive Biblical information on any issue in the Bible, including sexuality.
8. The counseling I offer consists solely of “talk therapy” and does not involve conduct of any kind. I am not currently counseling anyone with same-sex attraction.
9. All of the counseling which I offer my congregants is based upon Biblical principles. On average, I perform about four counseling sessions a month.
10. I would like to advertise my Christian counseling services to those who struggle with unwanted same-sex attractions.

11. I believe that the Bible teaches that homosexuality is a sin and contrary to the will of God. The Bible teaches that men and women were created for one another and that homosexual conduct is both a sin and a disorder.
12. The Bible also teaches that someone who is struggling with homosexuality, or any sin for that matter, can overcome that struggle by the power of the Word of God.
13. I believe the new law, which prohibits any person from offering counseling and therapy in a way that represents homosexuality as a disorder or illness, inhibits my free speech and religious exercise rights. I understand the law to state that my pastoral counseling, which is based on the Biblical teaching that homosexuality is a disorder, is now forbidden.
14. I would welcome the opportunity to offer pastoral counseling to someone with same-sex attraction in the future and want the freedom to do so if the opportunity arises.
15. Unless and until a declaratory judgment is issued stating that the law, as applied, is unconstitutional, or that the law does not apply to me, I fear that I may be subjected to State discipline.

Under penalties as provided by law, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

August 9, 2016


ARTHURINE WILKINSON