UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE HENDERSON and RUBY HENDERSON a married couple, and L.W.C.H. by his parent and next friend Ruby Henderson, *et al.*,	)	
Plaintiffs,	)	Case No. 1:15-cv-00220-TWP-MJD
v.	)	
DR. JEROME ADAMS in his official capacity as Indiana State Health Commissioner, *et al.*,	)	
Defendants.		

MEMORANDUM IN SUPPORT OF DEFENDANT'S
MOTION TO ALTER OR AMEND JUDGMENT

Defendant Indiana State Health Commissioner Dr. Jerome Adams respectfully submits this memorandum in support of his motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the judgment of this Court entered June 30, 2016.

Statement of Background Facts

Plaintiffs are six minor Children, their Birth Mothers, and the Birth Mothers' same-sex Spouses. They argued at summary judgment that Indiana Code sections 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clauses for treating the children born to birth mothers who are legally married to a same-sex spouse differently than children of married opposite-sex couples by not allowing the same-sex spouse's name on the child's birth certificate and not applying a presumption of maternity to the non-birth mother's same-sex spouse. Plaintiffs sought three forms of relief: (1) for Spouses to be "presumed" the parents of the Children pursuant to the Paternity Presumption Statute, Ind. Code § 31-14-7-1; (2) for the

State to "recognize" Children as "born in wedlock" as that term is defined in the Wedlock Statutes, Ind. Code §§ 31-9-2-15, -16; and (3) for Spouses to be listed as parents on the Children's birth certificates. Pls.' Br. in Supp. of Mot. for Summ. J. [hereinafter, "Pls.' SJ Mem."] at 34–35 (ECF No. 80).

Defendants argued that under Indiana law, parental rights flow from only two sources: a biological parental relationship or a legal adoption proceeding. Plaintiffs here seek to create a new, third source of parental rights—a marriage relationship with a biological parent—solely for same-sex married couples. The Defendants further argued that the Plaintiffs lacked standing to challenge the Wedlock Statutes because they apply only to adoption proceedings, and that the Paternity Presumption Statute applies equally to all Indiana residents. Any difference in the outcome of that application is a result of biological reality, not discrimination.

On cross-motions for summary judgment, the Court declared that the Paternity Presumption and Wedlock Statutes violate both the Equal Protection Clause and Due Process Clause. Citing *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), the Court concluded that "there is no conceivable important governmental interest that would justify the different treatment of female spouses of artificially-inseminated birth mothers from the male spouses of artificially-inseminated birth mothers." Entry on Cross-Motions for Summary Judgement [hereinafter, "MSJ Entry"] at 29 (ECF No. 116).

The Court entered judgment for Plaintiffs and issued a final judgment that (1) declared that "Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clause of the Fourteenth Amendment to the United States Constitution"; (2) enjoined the "State Defendant . . . from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses

of birth mothers as to any child born during the marriage"; (3) enjoined the "State Defendant . . . to recognize children born to a birth mother who is married to a same-sex spouse as a child born in wedlock"; (4) enjoined the "State Defendant . . . to recognize each of the Plaintiff Children in this matter as a child born in wedlock"; and (5) enjoined the "State Defendant . . . to recognize each of the Plaintiff Spouses in this matter as a parent to their respective Plaintiff Child and to identify both Plaintiff Spouses as parents on their respective Plaintiff Child's birth certificate." Final Judgment Pursuant to Fed. R. Civ. Pro. 58 [hereinafter, "Final Judgment"] at 3 (ECF No. 118) (emphasis omitted).

The Commissioner has complied with the final judgment and injunctions as detailed in the attached declaration of State Registrar Brian Carnes. In particular, to the best of the State Registrar's knowledge, all Plaintiffs who have requested a new birth certificate listing the names of both the Birth Mother and her Spouse have been issued such a certificate by their local county health department. Ex. A, Decl. of Brian Carnes ¶ 7. Further, as of June 30, 2016, birth certificates listing both wives' names as parents are available for any child born while the couple is married. *Id.* at ¶¶ 8–9. ISDH is also working to establish both a Department form and policy to provide birth certificates to children born to married female, same-sex couples prior to this ruling. *Id.* at ¶ 9.

The Commissioner, however, is uncertain about the meaning and scope of the Court's declaration and injunction, particularly given Plaintiffs' apparent lack of standing to challenge the Wedlock Statutes. Accordingly, before appealing the Court's final judgment, the Commissioner has filed a motion under Rule 59(e) respectfully urging the Court to alter or amend its judgment in ways that provide greater clarity to the Commissioner, the Plaintiffs, the Court of Appeals, and all who may encounter similar issues in the future.

Rule 59(e) Standard

"A Rule 59(e) motion should be granted if there exists 'a manifest error of law or fact,' so as to enable 'the court to correct its own errors and thus avoid unnecessary appellate procedures.'" *Divane v. Krull Electric Co.,* 194 F.3d 845, 848 (7th Cir. 1999) (quoting *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996)).

Here, the Commissioner respectfully contends that any judgment of unconstitutionality is erroneous, and ultimately intends to appeal. Before doing so, however, the Commissioner wishes to call the Court's attention to a handful of manifest errors or uncertainties surrounding the judgment and injunction and urge the Court to alter or amend the judgment to address those manifest errors or uncertainties prior to the appeal.

I. The Court Lacks Jurisdiction to Adjudicate the Validity of Indiana Code Sections 31-9-2-15 and 31-9-2-16 and Should Alter or Amend Its Judgment Accordingly

The Court lacks jurisdiction to address the validity of Indiana Code sections 31-9-2-15 and -16, and it was manifest legal error to enter a judgment and injunction requiring the "State Defendant . . . to recognize children born to a birth mother who is legally married to the same-sex spouse as a child born in wedlock." Final Judgment at 3.

In their summary judgment brief, Defendants argued that Plaintiffs lacked Article III standing to challenge the Wedlock Statutes, which apply only to adoption proceedings. *See* Ind. Code §§ 31-9-2-15, -16 (describing wedlock "for the purpose of" Indiana Code Chapter 9, detailing adoption consent requirements, Indiana Code section 31-19-4-4, requiring notice to an unnamed father in adoption proceedings, and Indiana Code section 31-19-3-1, requiring pre-birth notice to the putative father in instances of adoption). Both sections 31-9-2-15 and -16 are expressly "for the purpose of" requiring that notice of adoption proceedings be given to the

biological father in order for him to have the opportunity to consent. *See* Ind. Code §§ 31-9-2-15, -16.

On this subject, the Court observed in its summary judgment entry only that "[t]he State Defendant responds that purpose of these statutes is limited only for the purpose of determining who must be notified and given an opportunity as a biological father to consent to an adoption procedure[.]" MSJ Entry at 18. Without further comment, it then grouped sections 31-9-2-15 and -16 together with 31-14-7-1 and characterized them as the "Parenthood Statutes." *Id.* It then proceeded to review the "Parenthood Statutes" under intermediate scrutiny. *Id.* The Court did not address the State's argument about standing, which has not to do with *the purpose* of the Wedlock Statutes—meaning the policy justification for them—but instead to do with their application, or more precisely their lack of application to Plaintiffs. For by using the term "purpose," the text of the statutes makes plain that they apply only in the adoption context.

In short, no Plaintiff claims that sections 31-9-2-15 and -16 unconstitutionally apply to her adoption proceedings. Indeed, the gravamen of this lawsuit is for Plaintiffs to acquire parental rights without resorting to adoption proceedings *at all*, not to utilize the adoption process without providing notice as determined in part by sections 31-9-2-15 and -16.[1]

Nor do Plaintiffs explain how the Wedlock Statutes could apply to them in any other way. To be sure, the Court does mention in its summary judgment entry that the term "child born out of wedlock" is used, without definition, in the Surname Statute, Ind. Code § 16-37-2-13. MSJ Entry at 8. It observes that, "[r]egardless of how the birth mother answers [the Indiana Birth Worksheet], Indiana law requires that a 'child born out of wedlock' be given the mother's

[1] In fact, only a single Plaintiff even filed a petition for adoption. Bush-Sawyer Affidavit at 3 (ECF No. 79-01). Yet even for them, the Wedlock Statutes would actually expedite the adoption process, as the father's consent is not required if the child is born "out of wedlock," *see* Ind. Code ch. 9, and the notification requirements are less stringent, *see* Ind. Code §§ 31-19-4-4, 31-19-3-1.

surname unless a paternity affidavit dictates to the contrary." *Id.* (quoting Ind. Code § 16-37-2-13). Yet Plaintiffs have never purported to challenge the Surname Statute and would once again seem to lack standing to do so unless, absent an injunction, they would be denied the opportunity for the Child's surname on the birth certificate to be that of the Birth Mother's Spouse.

Because sections 31-9-2-15 and -16 do not injure Plaintiffs, the Court lacks jurisdiction to review the constitutionality of those statutes. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 564 (1992) (holding that the respondents lacked Article III standing to challenge the Endangered Species Act of 1973 because the act neither regulated them directly nor interfered with declared future plans); *Schirmer v. Nagode*, 621 F.3d 581, 585 (7th Cir. 2010) (no Article III standing to challenge statute "because the failure-to-disperse provision clearly did not apply to the plaintiffs' actions").

What is more, because neither sections 31-9-2-15 and -16 nor the Surname Statute are implicated by Plaintiffs' claimed injuries, the Commissioner has no way to "recognize each of the Plaintiff Children in this matter as a child born in wedlock[.]" Permanent Injunction Enjoining the Enforcement of Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 [hereinafter Permanent Injunction] at 1 (ECF No. 117). The Plaintiffs have, of course, all been issued birth certificates bearing the names of each spouse, as described in more detail in the attached declaration. But the legal barrier to doing that was never the definition of "born in wedlock" under sections 31-9-2-15 and -16 or even "born out of wedlock" in the Surname Statute. Rather, it was section 31-14-71-1, which allows a presumption of biological paternity not applicable to female, same-sex spouses of birth mothers. Defendant's inability to carry out this precise directive of the Court to "recognize each of the Plaintiff Children in this matter as a child born in

wedlock," *id.*, confirms the lack of any case or controversy over the meaning of "out of wedlock" in the Indiana Code.

Accordingly, it was manifest legal error for the Court to adjudicate the constitutionality of Indiana Code sections 31-9-2-15 and -16. The Court should alter or amend the judgment to address that error.

II. The Court Should Alter or Amend Its Judgment to Clarify Whether It Has Declared Indiana Code Sections 31-9-2-15, 31-9-2-16, and 31-14-7-1 Facially Invalid or Merely Invalid As Applied to Wives of Birth Mothers

Unfortunately, the Commissioner is unclear as to scope of the judgment, and to the extent the Court meant to invalidate Indiana Code sections 31-9-2-15, 31-9-2-16, and 31-14-7-1 on their face, it was manifest legal error for it to do so.

In the final judgment, the Court states in broad terms that "Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment[.]" Final Judgment at 3 (emphasis omitted). Taken by itself, this statement sounds like a declaration of facial invalidity. However, in both its final judgment and its injunction, the Court states that the Commissioner is enjoined "from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses of birth mothers," and is also enjoined to "recognize children born to a birth mother who is married to a same-sex spouse as a child born in wedlock." Final Judgment at 3; Permanent Injunction at 1. These statements suggest that, perhaps, the Court intended to declare sections 31-9-2-15, 31-9-2-16, and 31-14-7-1 invalid only as applied to wives of birth mothers.

For their part, the Henderson Plaintiffs formally requested "a declaratory judgment that I. C. § 31-9-2-15, § 31-9-2-16 and § 31-14-7-1 on their face *and* as applied to Plaintiffs" violate the

Equal Protection and Due Process Clauses. Second Am. Compl. at 22 (ECF No. 38) (emphasis added). The Allen Plaintiffs, on the other hand, formally requested only a "declaratory judgment that §§ I. C. § 31-9-2-15 and-16 and § 31-14-7-1, *as applied to Plaintiffs*," violate the Equal Protection and Due Process clauses. *Allen v. Adams*, No. 1:15-cv-01929-RLY-MJD, Compl. at 16 (*Allen* ECF No. 1) (emphasis added). In their motion for summary judgment, the combined Plaintiffs requested a declaratory judgment that the statutes violate the Constitution both on their face and as applied. Pls.' Mot. Summ. J. at 3–4.

The significance of a facial rather than merely as-applied declaration is obviously great. If the statutes are unconstitutional on their face, they cannot be applied under any circumstances. In effect, the law would cease to afford a presumption of paternity in any case, and the only presumption that would apply at birth would be that required by the Court's order. And in the context of an adoption petition, there would be no paternal consent required and only minimal, if any, notice requirements to a person that might be the child's father.

On the other hand, if the statutes are invalid only as applied to wives of birth mothers, the statutory presumption of biological paternity would continue to apply, albeit with a new presumption of legal parentage solely for wives of birth mothers. Male same-sex married couples would enjoy no presumption of parentage when a child is born to their marriage, even if one of them is actually the biological father. The biological father could file an affidavit of paternity using the Indiana Birth Registration System to receive legal recognition as a parent, but the husband would have to file a petition for step-parent adoption to acquire parental rights. So, while an as-applied declaration would save many applications of Indiana Code section 31-14-7-1, it would leave male same-sex married couples on seemingly unequal footing compared with female same-sex married couples.

The Commissioner respectfully submits that it would be manifest legal error to invalidate these statutes on their face, when so many valid applications would seem to be available. *See United States v. Salerno*, 481 U.S. 739, 745 (1987) (stating that a successful facial challenge "must establish that no set of circumstances exists under which the [law] would be valid"). The Commissioner therefore requests that the Court alter or amend the judgment to clarify whether Indiana Code sections 31-9-2-15, 31-9-2-16, and 31-14-7-1 are declared invalid in all applications or only insofar as they apply to wives of birth mothers.

III. The Court Should Alter or Amend Its Judgment to Clarify Whether It Applies to Wives of All Birth Mothers or Only Wives of Birth Mothers Who Conceived Through Artificial Insemination by Anonymous Donor

In its summary judgment entry, the Court was deliberate in stating that "there is no conceivable important governmental interest that would justify the different treatment of female spouses of *artificially-inseminated* birth mothers from the male spouses of *artificially-inseminated* birth mothers." MSJ Entry at 29 (emphasis added). In both its final judgment and its injunction, the Court enjoins the Commissioner "from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses of birth mothers." Final Judgment at 3; Permanent Injunction at 1. The Court does not specify, however, whether it intends for this order to apply to wives of *all* birth mothers or only to wives of birth mothers who conceived through artificial insemination by anonymous donor.

With respect to mothers who conceived through artificial insemination by anonymous donor, the biological father has perhaps at least executed a release similar to that used by NW Cryobank Therapeutic. *See* NW Cryobank Therapeutic Donor Insemination (TDI) Donor Consent, Testing, and Compensation Agreement at ¶ 1 (ECF No. 85-9). While the enforceability

of such a release remains an open question in Indiana (and, indeed, under the U.S. Constitution), it perhaps does provide some comfort that the father intended never to exercise parental rights.

With respect to mothers who conceive through sexual intercourse or by artificial insemination from a known donor, however, the rights and obligations of the biological father are even more assuredly implicated. Even if the father in that circumstance signed a release, courts typically would not give effect to it. *See Straub v. B.M.T by Todd*, 645 N.E.2d 597, 601 (Ind. 1994) (finding sperm donation contract "void and unenforceable" where no doctor was involved and the contract was rudimentary); *In the Interest of R.C.*, 775 P.2d 27, 35 (Colo. 2005) (refusing to bar donor-father's claim to establish parental rights based on oral agreement between donor and unmarried recipient and parties' subsequent conduct); *Mints v. Zoernig*, 198 P.3d 861, 864 (N.M. Ct. App. 2008) (finding that the Uniform Parentage Act did not apply, so the donor father was liable for child support regardless of an agreement to absolve the father of responsibility). In such cases, the biological father's rights cannot be terminated without notice and an opportunity to be heard and a judicial determination, and without such a termination, the father's obligation to support the child continues. *See* Ind. Code § 31-16-6-6.

Moreover, a mother cannot waive the father's support obligations. *Sexton v. Sedlak*, 946 N.E.2d 1177, 1185 (Ind. Ct. App. 2011) ("An agreement to forego child support is unenforceable because the parent has no right to contract away the child's support benefits." (quoting *Schrock v. Gonser*, 658 N.E.2d 615, 616 (Ind. Ct. App. 1995))). And Title IV-D prosecutors have a federal obligation to pursue unpaid support. *See* Ind. Code § 31-25-4-13.1 (stating that "activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), includ[es the] . . . enforcement, and modification of child support orders").

Accordingly, even if the Court rejects the other relief requested in this motion, it should alter or amend its judgment to clarify whether its declaration and injunction apply to *all* wives of birth mothers or only to wives of birth mothers who conceived through artificial insemination by anonymous donor in order to ensure the judgment is precise and provides clear standards for application. *See also* Rule 65(d); *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974) ("[t]he Rule was designed to prevent uncertainty and confusion on the part of those faced with injunctive orders, and to avoid the possible founding of a contempt citation on a decree too vague to be understood.").

IV. The Court Should Alter or Amend Its Judgment to Clarify Whether the Presumption of Parentage It Requires Is Conclusive or Whether Instead It Is Rebuttable Under Indiana Code Section 31-14-7-1

The Court's final judgment and permanent injunction each state that the "State Defendant and its officers, agents, servants, employees, and attorneys . . . are enjoined from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses of birth mothers." Final Judgment at 3 (emphasis omitted); Permanent Injunction at 1. The Court appears to intend to give wives of birth mothers comparable rights to husbands of birth mothers. MSJ Entry at 30; Final Judgment at 3; Permanent Injunction at 1. But the Court does not mention whether its new legal presumption is rebuttable, and if it is, how it might be rebutted.

This is important because in the case of opposite-sex married couples, the presumption of biological paternity can be rebutted by clear and convincing evidence that the *presumed* biological father is not, in fact, the *actual* biological father. *See* Ind. Code § 31-14-7-1 (specifying DNA test as one way to rebut the presumption); *Fairrow v. Fairrow*, 559 N.E.2d 597, 600 (Ind. 1990) (finding absence of sickle-cell trait sufficient to rebut presumption of

paternity); *Whitman v. Whitman*, 215 N.E.2d 689, 691 (Ind. Ct. App. 1966) (finding that evidence of sterility is sufficient to rebut the presumption of paternity); *Pilgrim v. Pilgrim*, 75 N.E.2d 159, 162 (Ind. Ct. App. 1947) (finding that a husband having no access to his wife during the period of conception is sufficient to rebut the presumption of paternity); *Phillips v. State*, 145 N.E. 895, 897 (Ind. Ct. App. 1925) (finding that impotence or "clear and satisfactory proof that there was no sexual intercourse" would rebut the presumption paternity).

The ability to rebut the presumption safeguards constitutional rights where, for example, a sperm donor has not released his parental rights via enforceable agreement or where the father is a friend or even paramour who seeks to exercise parental rights over the child. *See Santosky v. Kramer*, 455 U.S. 745, 753 (1982) (recognizing the "fundamental liberty interest of natural parents in the care, custody, and management of their child" engendered by "blood relationships").

Here, however, the Court does not specify whether or how the "presumption of parenthood" it has created could ever be rebutted. Nor does it account for the apparent extinction of the parental rights of anonymous or known biological fathers of the Children in this case. Accordingly, in order to ensure the Court's intentions are clear, the Court should alter or amend its judgment to clarify whether this new legal presumption is rebuttable and if so, how it can be rebutted.

CONCLUSION

For the reasons set forth above, under Federal Rule of Civil Procedure 59(e), this Court should alter or amend its judgment entered on June 30, 2016.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 2016, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

s/ Thomas M. Fisher
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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE HENDERSON and RUBY HENDERSON a married couple, and L.W.C.H. by his parent and next friend Ruby Henderson., *et al.*,	)	
Plaintiffs,	)	Case No. 1:16-cv-763-TWP-DML
v.	)	
DR. JEROME ADAMS in his official capacity as Indiana State Health Commissioner, *et al.*,	)	
Defendants.	)	

DECLARATION OF BRIAN CARNES IN SUPPORT OF DEFENDANTS' MOTION TO ALTER OR AMEND JUDGMENT

I, Brian Carnes, pursuant to 28 U.S.C. § 1746, declare the following to be true:

1. I am over 18 years of age and a resident of the State of Indiana.

2. This declaration is made on my personal knowledge and I am competent to testify and will testify to the matters stated herein.

3. I am the Indiana State Registrar and Director of Vital Records at the Indiana State Department of Health (ISDH). I have held this position since March 17, 2014. Pursuant to Indiana Code section 16-37-1-2, I am responsible for keeping the files and records pertaining to vital statistics; administering the putative father registry; and maintaining records of paternity determinations. Additionally, I am responsible for adoption records, terminated pregnancy reports, marriage records, and any other duties prescribed by the Department.

4. I am also responsible for supervising ISDH's implementation of the Permanent Injunction (ECF No. 117) and Final Judgment (ECF No. 118) in this matter, both of which were

issued by this Court on June 30, 2016. I am making this declaration to demonstrate how compliance with the injunction and final judgment is proceeding to date.

5. The Indiana Birth Registration System currently generates a birth certificate with spaces labeled "mother" and "father." At the time the Court issued its June 30 injunction and final judgment, ISDH was in the process of renegotiating its contract with Genesis, the company that designs and maintains the system, to implement sex-neutral labeling on Indiana birth and death certificates. In the case of birth certificates, the new labeling will read "parent" and "parent."

6. Following the Court's June 30 final judgment and injunction, each of the plaintiff couples in this case had the option of either (1) waiting until the "parent" and "parent" labeling is implemented to receive a new birth certificate listing both same-sex spouses' names, or (2) immediately receiving a new birth certificate that would still retain the "mother" and "father" labeling, but would list both spouses' names (with one of the spouses necessarily being listed in the space for "father").

7. To the best of my knowledge, all plaintiffs who have requested a new birth certificate listing the names of both the birth mother and her wife have been issued such a certificate by their local county health department (albeit with the "mother" and "father" labeling).

8. Furthermore, as of June 30, 2016, a child born to a married, female, same-sex couple will receive a birth certificate listing both spouses' names as parents.

9. A birth certificate listing both female spouses' names can be obtained from ISDH or county offices for children born prior to this ruling if the couple presents a marriage certificate demonstrating they were married at the time of the child's birth. ISDH is working on

establishing a form and a Department policy to ensure that in such cases both spouses consent to the birth certificate amendment and that the couple was married prior to the birth of the child.

10. I am unclear whether the Court's June 30 final judgment declares Ind. Code § 31-14-7-1 invalid on its face or only as applied to wives of birth mothers. If it is facially invalid, that would affect the ability of ISDH to issue birth certificates listing a father's name without a court order since no presumption of paternity could apply.

11. I am unclear whether the Court's June 30 final judgment and injunction apply to all wives of birth mothers or only to wives of birth mothers who conceived via artificial insemination by an anonymous donor.

I declare under penalties for perjury that the foregoing is true and correct to the best of my knowledge. Executed on the 18th day of July, 2016.

Brian Carnes
State Registrar
Indiana State Department of Health