

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
SIXTH DIVISION

MARISA N. PAVAN and TERRAH D. PAVAN,  
individually and as parents, next friends, and  
guardians of T.R.P., a minor child

PLAINTIFFS

LEIGH D.W. JACOBS and JANA S. JACOBS,  
individually, and as parents, next friends, and  
guardians of F.D.J., a minor child

COURTNEY M. KASSEL and KELLY L. SCOTT,  
individually, and as parents, next friends, and  
guardians of A.G.S., a minor child

VS.

CASE NO. 60CV-15-3153

NATHANIEL SMITH, MD, MPH  
Director of the Arkansas Department of Health,  
in his official capacity, and his successors in office

DEFENDANT

**INJUNCTION**

On the 8<sup>th</sup> day of December, 2017, this matter came on for consideration and from all things and matters properly before the court, the court doth find and order as follows:

1. The United States Supreme Court has ruled that the Arkansas statutory scheme concerning the issuance of birth certificates contained in A.C.A. § 20-18-401 and A.C.A. § 20-18-406 is unconstitutional as being violative of the equal protection clause of the Constitution of the United States. The Arkansas Supreme Court has ordered certain portions of those statutes stricken.

2. The Arkansas Supreme Court, in its mandate to this court has ordered that this court issue such, “injunctive relief as necessary to ensure same sex spouses are afforded the same right as opposite sex spouses to be listed on a child’s birth certificate.”

3. Pursuant to the mandate of the United States Supreme Court and the Arkansas Supreme Court, the defendant, his successors and assigns are hereby immediately enjoined from the issuance of any and all birth certificates pursuant to either A.C.A. § 20-18-401 or A.C.A. § 20-18-406 unless and until such time as the defendant, his successors, and assigns, are able to issue birth certificates to all same sex spouses and opposite sex spouses in accordance with the mandate from the United States Supreme Court and the Arkansas Supreme Court..

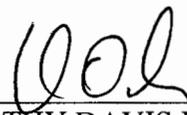
4. If the defendant is unable to comply with such injunction with the remaining constitutional portions of such statutes, then the defendant, his successors, and assigns, are enjoined from the issuance of any and all birth certificates.

5. The court is hopeful that the executive branch may have the authority to issue such curative executive regulations as are necessary to allow for the issuance of birth certificates under the remaining constitutional portions of A.C.A. § 20-18-401 or A.C.A. § 20-18-406 in a constitutional manner, but expresses no opinion on those issues because they are not before the court.

6. In the event the defendant is unable to comply with this injunction with the remaining constitutional portions of A.C.A. § 20-18-401 or A.C.A. § 20-18-406 and the executive branch does not have the authority to issue curative regulations, then the defendant, his successors, and assigns, are enjoined from the issuance of any and all birth certificates until such time as the General Assembly can meet, in special or general session, and pass curative legislation.

7. The injunctive relief ordered herein is effective immediately upon the filing of this *Order*.

IT IS SO ORDERED.



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TIMOTHY DAVIS FOX  
CIRCUIT JUDGE

12/8/17

DATE