

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anmarie Calgaro,

Plaintiff,

Court File No. 16-cv-3919 – PAM-LIB

vs.

**DECLARATION OF
ANMARIE CALGARO**

St. Louis County; Linnea Mirsch, individually and in her official capacity as Interim Director of St. Louis County Public Health and Human Services; Fairview Health Services, a Minnesota nonprofit corporation; Park Nicollet Health Services, a nonprofit corporation; St. Louis County School District; Michael Johnson, individually and in his official capacity as Principal of the Cherry School, St. Louis County School District; and J.D.K.,

Defendants.

I, Anmarie Calgaro, declare that the following statements are true to the best of my recollection and knowledge:

1. I have personal knowledge of the statements made within my declaration.
2. I am the biological mother and parent of J.D.K. At the present time, J.D.K. wishes to be called E. and for the convenience of the Court in this declaration I will do so.
3. I love E. E. is my child and is always welcomed in our home. I also believe our relationship, while strained at times, remains strong, but as of the filing of this action, I understand that he has been advised by his counsel not to speak with members of his family. E.

has for instance, gone on trips with the rest of our family and joined us to celebrate holidays, birthdays, and other events, and is invited to them and dinner as often as E. would like.

4. I understand E.'s conflict of gender identity. It would be dishonest of me to say I have always understood, however, as E.'s mother and parent, my primary concern has always been for his health and welfare. As E.'s mother and parent I want the best for E. Nevertheless, I want to be sure E.'s decisions — our decisions — whether it be regarding education or health care, to be well informed. This means an understanding of the consequences of any decision or any other ramification — good or bad.
5. E. is presently 17 years old. I have three other minor children. E. (J.D.K.) born on July 6, 1999; J.J.K. born on December 22, 2005; J.J.C. born on June 4, 2009; and a step-daughter M.R.C. born on October 10, 2003. As their parent, I make decisions regarding their care, custody, and management. This includes their education and health care. I have not relinquished any of parental rights over my minor children.
6. Under a paternity order dated April 14, 2008, I have sole physical custody and joint legal custody of E. (J.D.K.). A copy of the court order is attached to my declaration. My attorney, Erick G. Kaardal has marked is as **Exhibit A**. (Cty. of Benton v. Justin Gerald Karl, et. al., Ct. File. No. 05-FA-07-3058, Findings of Fact, Concl. of Law, Or. and Jdgmt, Benton Cty. Dist. Ct. (Apr. 14, 2008)).
7. In that order E.'s (J.D.K.'s) father, Justin Karl, also has joint legal custody.
8. I am not aware of E. ever obtaining a court order of emancipation. I have never attended a hearing or given notice of a hearing in which a court would have declared E. emancipated.
9. I do know however, that E. (as J.D.K.) obtained a "letter of emancipation from the Mid-Minnesota Legal Aid Clinic in June of 2015.
10. Also, E. (as J.D.K) has never been involved in Child In Need of Protection or Services (CHIPS) petition court proceedings, foster

placement court proceedings, child protection court proceedings, or subject to giving testimony in a child custody proceeding.

11. As I already mentioned, I have always offered a home to E. I have always made efforts to ensure a connection between her and J.D.K.
12. Important to me, I have never willingly or implicitly given up control or custody of E. However, E. in 2015, moved in with E.'s father and then moved out on his own. Although E. refused to come back home, I never surrendered my parental rights over E.'s actions or in any other way attempted to sever our relationship as mother and child.
13. Interestingly, I have continually helped E. financially a number of times and when E. has gone missing from school officials contacted me about E.'s truancy.
14. As I said, E. has been and remains an important part of our family. While living with E.'s dad Justin starting in January 2015, E. went with us for a two week vacation to Nevada, Arizona, and California in April of that year. Later in June, E. went to E.'s paternal grandfather's house to stay for part of the summer to work for a vehicle.
15. In July 2015, E. came home with a car E. said was earned from working. When asked about how E. got the license it was the first time I learned of this "emancipation."
16. In the same month, as I recall, E.'s dad Justin lost his house. We arranged for E. to stay with E.'s paternal grandmother's house in Waite Park to allow E. to attend Sauk Rapids schools and attend a technical school.
17. In August 2015, E. attended a Bluegrass Festival with us — an annual family event. Then in September he came with us to a wedding.
18. In November 2015, E. visited the school of my minor children. They returned home to tell me that they saw E. wearing make-up. I called E. and we talked about what was going on and E. told me that E.

had enrolled himself with the high school Cherry School. E. told me that E. had enrolled himself because he was emancipated.

19. I immediately contacted Cherry School officials to obtain information about E. They denied me my request about E.
20. I then drove up to Cherry School and met with the School's principal Matthew Hall. He refused to provide me with any information concerning my child E. I was informed that I could not look at any record regarding E. or likewise participate in any decision E. would make regarding his education. I was admittedly confused as to what had happened. But, I didn't stop trying. I met with Mr. Hall a number of times since that November 2015 day and received the same denial — "no, no, no. I cannot give you any information about your child E.'s education. He is able to decide for himself." I was also told that E. had presented to the School E.'s letter of emancipation, and it was this document Mr. Hall relied upon to deny me access to my child's records or to participate in any other educational decision E. might make.
21. Mr. Johnson is the present principal of Cherry School. He continues to carry out the decision Mr. Hall made regarding E.'s educational records and
22. In December 2015, I learned that E. had a hearing set to change his name in Stearns County. I eventually obtained documents for that hearing from the court and attended the hearing. I was able to speak before the judge and talked about my belief that "emancipation" to be illegitimate. The judge would deny E. a name change based, as I recall, on a statute that recognized E. as still a minor. Meanwhile, the judge also answered my question as to whether I was still E.'s legal guardian and directed me to St. Louis County to take the matter up with it.
23. At the hearing in Stearns County was the first time I saw E. dressed in girl's clothing.
24. It was also in December 2015 that I first saw the June 29, 2015 "letter of emancipation" drafted by a staff attorney with the Mid-Minnesota Legal Aid Clinic. No one from Mid-Minnesota Legal Aid ever contacted me about any of the statements made in the letter.

25. I noted that the letter from Mid-Minnesota Legal Aid claimed he had been living away from me for six months that was not true. Furthermore, he had been living with his biological father at the time with my permission, and as the April, 2008 court order reflects (See attached Ex. A) both E.'s biological father and I had joint legal custody.
26. Meanwhile, I did go to St. Louis County and asked officials about E. I contacted Laura Summers, a social worker with the County who was unable to help me.
27. In March 2016, I learned from a Cherry School employee that J.D.K. wanted to be called by "E." and their records reveal the change. I told her that the court had denied E.'s request and any name change by the school would be illegal. But she told me another application to the court was being made. I went to the judicial web site and found the case. I contacted the courthouse in St. Louis County and after being told I could not speak to the judge, I wrote a letter to the court objecting to the name change.
28. In April 2016, I received a notice from the St. Louis County District Court that the judge denied E.'s name change.
29. Since then, I have contacted St. Louis County officials about E. They have repeatedly denied my request regarding any information regarding my child. They stated I could not because my name was not listed on the County's documentation to allow disclosure.
30. I have also gone to the St. Louis County School District to seek a resolution to my issue of not having access to E.'s school records or allowed to participate in E.'s educational decisions. They repeatedly refused my requests recognizing E. as emancipated.
31. I did have conversations with E. about who was paying for what. E. told me that St. Louis County was paying for the medical services he had received from Fairview and Park Nicollet. He continues to receive medical services and treatment from these facilities paid for by the County.

32. I do know, from my conversations with E., that Fairview Health Services provided medical treatment to E. with narcotics.
33. I do know, from my conversations with E., that Park Nicollet Health Services provided E. with medical treatment relating to gender reassignment, assisting with a sex change from male to female with hormonal related drugs.
34. I also did not get any notice before about the decision to recognize E.'s emancipation or any opportunity for a hearing from the St. Louis School District to assert or restore my parental rights after they recognized E. as emancipated.
35. I did not get any notice before about the decision to recognize E.'s emancipation or any opportunity for a hearing from the Cherry School or Mr. Hall (nor from Mr. Johnson since his appointment as principal) to assert or restore my parental rights after they recognized E. as emancipated.
36. I did not get any notice before about the decision to recognize E.'s emancipation or any opportunity for a hearing from the Fairview Health Services to assert or restore my parental rights after they recognized E. as emancipated.
37. I did not get any notice before about the decision to recognize E.'s emancipation or any opportunity for a hearing from the Park Nicollet Health Services to assert or restore my parental rights after they recognized E. as emancipated.
38. I also did not get any notice before about the decision to recognize E.'s emancipation or any opportunity for a hearing from the St. Louis County to assert or restore my parental rights after they recognized E. as emancipated.
39. I believe that a sex change from male to female is a life-altering event and life-changing decision.
40. I believe that a sex change for E. (J.D.K.) from male to female is a life-altering event and life-changing decision.

41. My duty as a mother and parent is to ensure that decisions regarding the health and welfare of my minor children are made in their best interests. Thus, it requires a full appreciation of the medical treatment, risks, and consequences of receiving those treatments.
42. I am concerned E. did not have the capacity to provide “effective consent” and am unable to confront that issue.
43. I am concerned E. may have been subject to undue influence even by the medical providers because they have an interest in providing E. with the treatments E. has received.
44. While my concerns are legitimate, and while I would generally oppose a sex change, it is not my interest to reverse the treatment E. has been receiving. But, that does not mean I agree that I am or should not be entitled to a hearing to assert or restore my parental rights at the point a determination was made to declare E. emancipated or as having the capacity to give “effective consent.
45. My experience with E., St. Louis County, the School District, the School, Fairview, and Park Nicollet fills me with fear regarding my other minor children of having my parental rights terminated without notice or hearing to assert or to restore them because of these governmental determinations or decisions about my minor children without due process of law.

Under penalty of perjury, I believe each of my statements made in this declaration are true to the best of my recollection and knowledge.

Dated: December 15, 2016.

/s/Anmarie Calgaro
Anmarie Calgaro