

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. As a mother to my child, I should never have to express to this Court or to anyone, the love I have for my child in a declaration no less, but must do so. My love for J.D.K. has never wavered. No one can prove otherwise. My house has always been open to him to live with his family. Whether or not I agree or disagree with J.D.K.'s chosen lifestyle is immaterial to fact that I gave him life, have provided for him, and he remains a member of my family. Of course, adjusting to a sex gender change to E. is a monumental change, not only for E.,

but for me personally. Shock indeed, but there has been no rejection. Adjustment, indeed, for everyone. But, I cannot be silent to the manipulation of facts that are less than truthful.

The School District and Scott Hall

3. I have reviewed the declaration of Scott Hall and contest the factual representations he made regarding me and my interaction with him and the School District.
4. When I first became aware of J.D.K.'s enrollment at the Cherry School in November of 2015, J.D.K. was not homeless. My home, my house, his home was open to him. J.D.K. chose to live with a friend and his friend's mother and boyfriend. I expected that at some point he would come home.
5. As to paragraph 4 of Mr. Hall's declaration, when he made the decision to enroll J.D.K., I can tell this Court that no one from the School, including Mr. Hall, or the School District, contacted me to check the authenticity of the "emancipation".
6. As to paragraph 6 of Mr. Hall's declaration, he did not contact the District until I requested J.D.K.'s records. He instead told me that he accepted the "emancipation" in "good faith. Even the School's secretary told me she could not tell me anything, not even if J.D.K. was enrolled. She was very apologetic and asked if I wanted to speak with the principal. This was my first contact regarding J.D.K. and it was by phone. I then requested to meet with Mr. Hall and he agreed. Nothing was mentioned about homelessness until later when I was contacted by a St. Louis County Sheriff.
7. The St. Louis County Sheriff was notified by the counselor at the Cherry School that J.D.K. had been kicked out of the friend's house in which he had been residing. At this time I told the sheriff to "yes, J.D.K. is welcome here and to bring him home." The sheriff then called me back after speaking with J.D.K. and told me he is refusing to live at our home. This is when J.D.K. went to stay temporarily at another friend's home.
8. As to paragraph 7 of Mr. Hall's declaration, again Mr. Hall said to me that he accepted the "emancipation" in "good faith". He

- empathized with us (my husband and I) and I continued to request J.D.K.'s records, including but not limited to how he was able to enroll himself, such as the "emancipation letter". During one of our visits at some point Mr. Hall said he had heard a "Calgaro" had contacted a certain employee with the School District in a questioning tone. I then told him my husband made a phone call to someone in the District inquiring about how matters such as these are legally handled being we were denied access to J.D.K.'s records.
9. As to paragraph 8 of Mr. Hall's declaration, it is true that I was familiar with Mr. Hall because I am actively involved in school functions and I am also a volunteer tutor there.
 10. As to paragraph 9 of Mr. Hall's declaration, I had Mr. Hall's first name confused, calling him Matt instead of Scott.
 11. As to paragraph 10 of Mr. Hall's declaration, during another meeting with Mr. Hall, I was expressing (venting) my personal feelings as far as J.D.K. wearing make-up in a K-12 school and how this could potentially confuse the elementary children. I also addressed bathroom access concerns as well. I never, not once asked Mr. Hall or the Cherry School to ask, force or suggest that they stop J.D.K. from wearing make-up, I completely understand they don't have that authority. At one of the later meetings with Mr. Hall he did express to me that they weren't going to continue contacting the school's attorney because it was costing so much money, he even said a price, which was \$200.00 a minute, which he may have been exaggerating to make a point, he may have even said an hour not per minute.
 12. As to paragraph 11 of Mr. Hall's declaration, yes, it's obvious Mr. Hall was confused. But it is most certainly truthful that I was surprised that he could deny me access to my child's records. Again, nothing was said about homelessness. I also asked why I was removed from accessing the "parent portal" on the "infinite campus" page.
 13. As to paragraph 12 of Mr. Hall's declaration, Mr. Hall totally and absolutely denied me any access to J.D.K.'s records and apologized for not being able to help us but also said he completely empathized with us.

14. As to paragraph 13 of Mr. Hall's declaration, not only did Mr. Hall decide to deny me receiving a copy of the "emancipation letter" but also of all records, attendance, grades and all such information.
15. As to paragraph 14 of Mr. Hall's declaration, I have NEVER, not even once said that I did not want J.D.K. to live with us. When County Sheriff's Department contacted me as I mentioned before, I said to "bring him home." They told me J.D.K. didn't want to come home and thus, the Sheriff did not bring him home as I requested. I had expressed why I understood why J.D.K. did not want to live with us because he has difficult time abiding in rules and we have many in our home which conflicted with not just his preferred lifestyle but any teenagers preferred lifestyle, which I found out is why he was kicked out of the home of his friend's house by her mother's boyfriend because J.D.K. refused to take part in the responsibility of doing chores and helping out.
16. As to paragraph 16 of Mr. Hall's declaration, why would I have to renew my request for the legal aid letter, I was already denied and didn't think that was even an option, otherwise I would've continued to do so.
17. As to paragraphs 16, 17, 18, and 19 of Mr. Hall's declaration, contrary to Mr. Hall's statement of "never" making a request, I did request ALL records, but was denied repeatedly, hence the reason for several visits. Again, I specifically asked why I had been removed from being able to access J.D.K.'s "parent portal" on the "infinite campus" page.
18. As to paragraph 20 of Mr. Hall's declaration, I was continually denied my requests for any information about J.D.K.'s education, even after Mr. Hall contacted the District's attorney and superintendent.
19. As to paragraph 21 of Mr. Hall's declaration regarding the District's general practices, I did meet with the school counselor, and during our visit he informed me that he would not allow J.D.K. access to the girls bathroom which frustrated J.D.K. They did provide an alternate solution providing J.D.K. access to a private bathroom. He also informed me that some point J.D.K.'s name was changed in the computer but that when he became aware he advised the secretary

to change it back because J.D.K.'s name had not been legally changed.

20. As to paragraph 22 of Mr. Hall's declaration, J.D.K. was not reported truant but Mr. Hall wrote a letter and had the secretary send me a copy of it which was a warning that if J.D.K. were to continue missing school he was on the verge of truancy. Both secretaries remember this but for some reason are unable to access the letter, they believe it is because it was on Mr. Hall's computer only. She admits to being surprised when Mr. Hall gave it to her and advised her to send it to me but did follow through with his request.

E.J.K.'s Declaration

21. I know my son, J.D.K., is a very intelligent child. And it pains me to attest that J.D.K. has made misrepresentations of fact in the declaration filed with this Court. It is one thing to support my child in the needs of the future, to help as a family, and to ensure his health and well-being is of my paramount concern, however, to be less than truthful is not part of the principles I bestowed as a guide of life for J.D.K.
22. In response to E.'s statement under paragraph 1, J.D.K. did not simply "decide" to go live with his father. He had been asking to do so for over a year and there were certain things that needed to take place before I would ALLOW that to happen. After much discussion and sitting down to speak with J.D.K.'s father I agreed to allowing J.D.K. to move to Sauk Rapids with his father, although I was not happy about doing so but J.D.K.'s father had straightened out his life (from my perception and J.D.K.'s persuasion) which was one of the reasons I did not allow this to happen sooner.
23. J.D.K.'s father had kept the same job, place to live and was paying his child support more regularly than in the past. J.D.K., his father and I discussed rules and education expectations if I were to agree to allowing J.D.K. to live there. J.D.K.'s desire to attend a larger school with more educational opportunities was also influential in my final decision. So J.D.K went to live with his father and girlfriend (now wife). I then contacted the Cherry School in regard to transferring his school records and enrollment. J.D.K.'s father wanted to handle the enrollment process in Sauk Rapids,

meeting with staff there. I paid for J.D.K.'s deposit for the lap top computer the school provided J.D.K. with.

24. Having read paragraph 3 of E.'s declaration, J.D.K. did have a job but lost that job after being warned about his work ethics, and other employees complaining about him.
25. In October, 2015 J.D.K. did NOT move to Hibbing, J.D.K. moved back to Iron, approximately 2 miles from our home. Here he stayed with a friend and her mother and her boyfriend. This is when my other minor children came home saying they saw J.D.K. at the Cherry School. I contacted J.D.K. who told me he was just visiting with a day pass at the school because he came to visit his friend because they were on a break from school. Then the children came home saying they saw J.D.K. again and this time J.D.K. was wearing make-up. I then again contacted J.D.K. concerned J.D.K. was missing too much school, this is when J.D.K. informed me he enrolled himself at the Cherry School.
26. This is when I contacted social services and they informed me not to worry because first of all, "Minnesota does not emancipate", and then proceeded to tell me that there was a court date in Stearns County that J.D.K. had applied for a name change. Social Services told me to call the courthouse and request certain documents pertaining to the upcoming hearing, which I did. This is when I was able to finally get a copy of this so called "emancipation" letter from the legal clinic because J.D.K. used it in his court filings, making it then public information. I contacted an attorney and was advised to show up to the hearing and object to the name change on the basis that I believed the "emancipation" to be illegitimate, which I did, and the judge denied J.D.K. the name change based on the statute that he was still a minor.
27. J.D.K. was not employed at this time. Then it was brought to my attention by the St. Louis County Sheriff's department that J.D.K. was claiming to be homeless because he had been kicked out of where he was staying in Iron. He was not homeless. He had a home with me. J.D.K. simply did not want to abide by rules in our house — a disgruntled teenager who didn't like or want to do chores around the house or abide by curfews.

28. Meanwhile, when J.D.K. went to school he apparently told the school counselor that he was homeless. I later learned that the counselor informed J.D.K. that because he was a minor and homeless, the counselor had to notify the St. Louis County sheriff's department. The sheriff then contacted me and I told him our situation and told him that J.D.K. was not homeless and to bring him to my home. The sheriff called me back and informed me that J.D.K. was refusing to come to my home.
29. The Sheriff also told me that J.D.K. had a friend in Hibbing, Minnesota that said J.D.K. could stay with him temporarily. The sheriff also informed me that he had spoke with the young man by the name of Brennan and that he seemed to be a nice young man who was working and going to school. The sheriff was very understanding and even apologetic.
30. J.D.K. NEVER showed signs of "gender dysphoria" in fact, when J.D.K. told me he was gay, we discussed the transgender issue and he laughed stating he knew he was a male but that he was attracted to males and saying that was something not to even worry about. This was all very shocking because there was never any behavior throughout his childhood that would cause me to believe this would be something J.D.K. would be pursuing. It wasn't until November of 2015 that J.D.K. claimed to identify as the opposite gender.
31. Although I was at first shocked, as I think other parents would also be, I did not reject my child. Adjusting to the lifestyle is an admission I would have to make, but was acceptable to the change, if true. Importantly, we did not fail to communicate (as we are now because of advice of J.D.K.'s present attorney – which I find disturbing and inane).
32. It wasn't just sporadic communication, text messages, phone calls and witnesses can attest to the fact it was consistent communication and in fact we were speaking daily, sometimes several times a day until he was advised by legal counsel not to speak with his family.
33. In addition, I know about the hormone replacement therapy J.D.K. is receiving because J.D.K. told me along with J.D.K.'s friends. Also the mother of the friend J.D.K. was living with took pictures of the drugs they gave J.D.K. and she herself was concerned

about the side effects, she and I spoke on the phone on more than one occasion.

34. In one conversation, J.D.K. shared with me the way he believes the hormones were affecting him and his emotional well being. I asked him if he informed his doctor of these radical, even suicidal feelings and J.D.K. told me that he had shared with the doctor, and that her response was that it was perfectly normal for him to be experiencing such emotions. Also, one of his lifetime friends contacted me and told me that she was very concerned about J.D.K. because when J.D.K. would miss a dose of his prescribed hormone replacement drugs he would double up on them which caused her great concern.

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: January 12, 2017.

/s/Anmarie Calgaro
Anmarie Calgaro