

EXHIBIT 5

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NEW HOPE FAMILY SERVICES, INC.,

Plaintiff,

vs.

SHEILA J. POOLE, in her official capacity
as Acting Commissioner for the Office of
Children and Family Services for the State
of New York,

Defendant.

No.: 5:18-cv-1419 (MAD/TWD)

**AFFIDAVIT OF ELAINE
BLEUER IN SUPPORT OF
NEW HOPE FAMILY
SERVICES' MOTION FOR
PRELIMINARY INJUNCTION**

1. My name is Elaine Bleuer.
2. I am above the age of 18, of sound mind, and I have personal knowledge of the facts explained in this document.
3. I am the mother of three biological children and eleven adopted children.
4. We adopted two of our children through New Hope Family Services. We applied to adopt through New Hope because we heard that fewer families were willing to adopt babies across racial lines or babies who had come from difficult situations. We were. We adopted in the United States and internationally. We have children from Korea, Sierra Leone, Liberia, Guatemala, and the United States.
5. When we applied to New Hope, my husband and I did not think a birth mother would choose our family. We were older at the time and had many children. Amazingly, it was those two things that drew our birth mothers to us. One chose us because we had been married for so many years, and our age and length of marriage represented stability to her. The other wanted many siblings for her baby and chose us because we had so many kids.

6. Through our eleven adoptions, I worked with many secular agencies. The experience with New Hope was completely different. New Hope's faith impacted everything it did. The atmosphere was kind and loving. The staff members were professional in everything they did from the first meeting to the last hearing. I never worried about the handling of our finances or our confidentiality. And I knew that New Hope staff were doing everything they could to care for our adoptive son and daughter and their birth mothers.

7. I saw in our first meetings how special the pre-adoption classes were at New Hope compared to classes I attended at other agencies. Families come to adoption for many reasons and I saw New Hope staff minister to families during the process. Some of the adoptive families we met were dealing with the pain of infertility or miscarriage. Many of the birth moms were facing tough family situations. At every step, New Hope staff members were accessible. They were gentle and they were kind. Staff members recognized the loneliness that can come with adoption for the child, for the birth mother, and even for the adopting family. And they approached all of the struggles with genuine care inspired by their Christian faith.

8. My husband and I are both Christians and we loved the opportunity to talk about our Christian views on family and life with an agency that shared those beliefs. We were grateful to be able to pray with staff members and to know that they were regularly praying for us. Our shared religious beliefs bonded us together. And I was comforted to know that New Hope staff members were constantly praying over every adoption, that the right decision would be made for that child.

9. I never saw New Hope concerned about pushing an adoption through. What I saw was New Hope staff members caring deeply for the children and families who came to them, personally walking through struggles with them, and genuinely loving each baby, mother, and adoptive family. Those actions were inspired by New Hope's religious beliefs. I saw that in our two adoptions, and again more recently, when my son Justin and his wife Annie adopted their baby girl through New Hope. New Hope staff still ask me about our adopted children even though my daughter is now 24 and my son 20.

10. New Hope's faith-based approach to adoption is why I have continued to stay in touch with staff there, and it is why my husband and I continue to support New Hope through regular donations. We believe in the good work New Hope is doing and we want to support it. Unfortunately, if New Hope were forced to change its religious beliefs about family, we would no longer be able to donate to New Hope. Such a compromising of their Christian beliefs would mean a significant change in New Hope's identity—in what makes it different from the other New York adoption agencies. We would move our donations to another organization.

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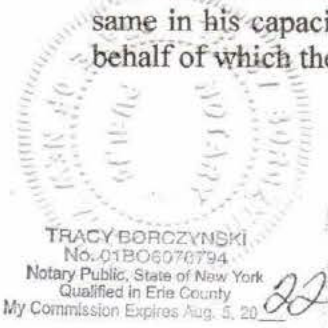
I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 7 day of December, 2018, at Williamsville New York.

Elaine Bleuer
Elaine Bleuer

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

On the 7th day of December, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Elaine J. Bleuer, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.



[Signature]
Notary Public