

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APRIL DEBOER, individually and as parent
and next friend of N.D.-R, R.D.-R., and J.D.-R,
minors, and JAYNE ROWSE, individually and as parent
and next friend of N.D.-R, R.D.-R., and J.D.-R,
minors,

Plaintiffs,

ED Mi No. 12-10285
Honorable Bernard A. Friedman
United States District Judge

-vs-

Honorable Michael J. Hluchaniuk
United States Magistrate Judge

BILL SCHUETTE, in his official capacity as
Michigan Attorney General,

Defendant.

DECLARATION OF KATHI NELSON, M.S.W., L.M.S.W., UNDER 28 USC §1746

I, Kathi Nelson, do declare as follows:

1. The statements made in this declaration are based on personal knowledge, I am competent to testify to them and, if called as a sworn witness, my testimony would be consistent with them.
2. I hold a Masters in Social Work from the University of Michigan (1995); I am also a Licensed Master Social Worker.
3. I am presently the Executive Director at Hands Across The Water (HATW), a licensed, not-profit adoption, foster care, and social service agency. I have held this position since 1999. Our organization processes infant domestic and international adoptions, state ward children adoptions, and foster care. Part of our work involves completing adoption assessments, in which we evaluate the stability and ability of a family to be adoptive parents. We are COA (Council on Accreditation) Hague Accredited. As Executive Director, my responsibilities include overall management of the agency, interfacing with all of our programs, and establishing procedures based on the policies set by our Board of Directors.
4. I am also currently on the faculty at Baker College and the University of Phoenix, teaching Human Services and Psychology courses. I am also a Field Instructor for

interns in the MSW program at Wayne State University and the University of Michigan.

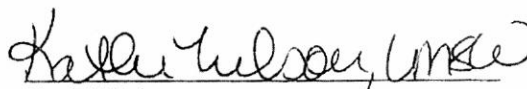
5. I have previously worked as a foster care placement supervisor and adoption supervisor. I worked at the Downriver Guidance Center as an in-home therapist working with foster and adopted children and their families.
6. I currently am a member of the National Association of Social Workers and the U of M School of Social Work Alumni Association. I was previously a Board Member of the Michigan Federation for Children and Families and I have spoken at various institutions and organizations on adoption issues and parenting.
7. At HATW we are involved in both State/Department of Health Services and private adoptions. Both processes involve the adopting/foster family to complete a home study, which involves meeting with a social worker a number of times, requiring them to participate in a training program, discussing each of their own family of origin, how they were parented and a number of other relevant topics in order to assess their financial, medical and emotional stability. Over the past 13 years, I have been responsible or have participated in the placement of many hundreds of children into adoptive homes.
8. HATW has had extensive experience working with the gay and lesbian community over the past 13 years. HATW has placed children for adoption with gay and lesbian couples and singles. HATW has also received the Human Rights Campaign All Children All Families seal of approval for our work with the LBGT community.
9. Based on my professional knowledge, my previous studies and experiences involving adoption in both the gay and straight communities as well as adoption with both singles and couples, on interviews I have conducted with countless prospective parents and children, I have reached the following conclusions:
 - a. There is a crisis surrounding the adoption in Michigan. All agencies are in desperate need of placing children in suitable families for foster care and adoption. In 2010, there were 16,406 children, aged 0-17, in foster care. These children need and deserve to be placed with families who will love and care for them, regardless of the sexual orientation of their perspective parents.
 - b. Regardless of sexual orientation, basic parenting skills are no different between gay and straight individuals and couples. Each group has individuals and couples who will make good and bad parents.
 - c. Heterosexual couples most often come to adoption after experiencing infertility, so their "needs" for parenting and to adopt are based on grief, loss and loss of control that infertility brings. They come to adoption "needing" to adopt, wanting to bring in the "missing" element that they themselves were unable to create. Over the years I have noticed that gay and lesbian couples

approach adoption with a different mindset and different expectations. For these couples, they enter their relationships with the knowledge that a biological child is not an expectation. Instead of approaching it with the grief and loss previously mentioned, they view adoption as a natural and exciting choice rather than a second choice. Same-sex couples also tend to be more accepting of "imperfections" in the children they wish to adopt. These children are often more difficult to place with heterosexual couples, who tend to want to adopt the "perfect" child.

- d. There are many gay couples in Michigan who wish to become foster parents, but choose not to do so because they know that they will be unable to jointly adopt their foster children. Instead of taking in foster children or adopting as single persons, many of these couples choose to go to other states, where same-sex couples can jointly adopt, and they adopt children in those states. This is especially unfortunate considering the number of children waiting to be adopted in the State of Michigan. See above Subparagraph a.
- e. The prohibition of gay and lesbian parents from adopting a child jointly poses serious problems to the child and the parents. Having only one legal parent creates issues regarding the child's education (to whom teachers and administration are permitted to speak), medical care (who is able to consent to medical treatment), and even medical insurance (the adopted parent must have a job so that the child can gain access to their insurance). Most significantly, if the adoptive parent dies the other parent has no legal rights to the child, thereby not only depriving them of one, but both parents. By taking this child away from the non-adoptive parent the child is forced to suffer more emotional trauma and severe distress.
- f. There are no reasons that I have ever heard, come across, or that I consider supported by any evidence to suggest why children should not be placed with gay or lesbian couples.

10. I declare under penalty of perjury under the laws of the United States that the foregoing statements are true.

Dated: March 12, 2012



Kathi Nelson

Director and Founder

Hands Across The Water, Adoption & Social Services