

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT
WINDHAM DIVISION**

**BRIAN WUOTI; KAITLYN WUOTI;
MICHAEL GANTT; and REBECCA
GANTT,**

Plaintiffs,

v.

CHRISTOPHER WINTERS, in his
official capacity as Commissioner of
the Vermont Department for Children
and Families, **ARYKA RADKE**, in her
official capacity as Deputy
Commissioner of the Family Services
Division, and **STACEY EDMUNDS**,
in her official capacity as Director of
Residential Licensing & Special
Investigations,

Defendants.

Case No.: 2:24-cv-614

**DECLARATION OF KAITLYN
WUOTI IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Kaitlyn Wuoti, under penalty of perjury, declare as follows:

1. I am over the age of eighteen and a resident of Windham County, Vermont. I am competent to testify and make this declaration based on personal knowledge of the information below.

Our Christian faith

2. I, Katy, am a Christian.
3. I am married to Brian, who is also a Christian.
4. We are the parents to five children: three biological and two adopted through foster care.
5. The Christian faith is very important to our family.
6. My husband, Brian, is now the Senior Pastor of our church, where our entire family is very involved.
7. We always attend church as a family, and our church seeks to include children during the services to make families with children feel welcome.
8. I also lead a Bible study for women.
9. Our faith is not just about Sunday mornings; it's intertwined throughout our lives and is the foundation for our marriage and how we raise and educate our children.
10. We prioritize spending time together to worship through prayer, reading biblical or missionary stories, and attending church.
11. We intend to live according to our religious beliefs and will not say or do anything that contradicts our Christian faith.
12. It is particularly important for us to model our faith to our children. We aim to represent Christ's love and pass on our religious beliefs to them.
13. For example, our faith has inspired me to homeschool our children.

14. We strive to ensure that our children are critical thinkers, receive a well-rounded education, and, most importantly, that they love God. So in addition to the core homeschool curriculum, like math and science, we also read devotionals and stories of missionaries from around the world. My children particularly love the missionary stories and often request them.

15. Our faith often comes up in daily conversations.

16. Brian often discusses sermon ideas with the family at dinner and asks the older children for their opinions.

17. On car rides, we listen to Bible readings or faith-centered podcasts, frequently leading to discussions about faith with our children.

18. We never want our children to follow God simply because their parents did. We give our children the freedom to ask questions and decide what they believe for themselves.

19. All four of my older children have chosen to follow God and love Jesus.

20. Before bed each evening, we pray as a family for our own needs and the needs of other families in our community and church. This has helped my children gain maturity and empathy by focusing on the needs of others.

Our desire to care for children in need

21. The Bible says we are called to care for orphans. Isaiah 1:17.

22. I knew for a long time that God was calling me to adopt children, and I felt further convicted after hearing about Vermont's dire need for families due to the opioid problem in our community and throughout the state.

23. Despite already having two young boys, I felt led to foster and adopt and began praying about it.

24. As Brian has explained it to me, he also felt called to foster and adopt after listening to a sermon describing how God has adopted us into His family

through salvation. This was one of the few moments in his life where he felt strongly burdened by the Lord.

25. We believe those who receive the Holy Spirit and profess their belief in His Son are adopted into God's Heavenly family. Romans 8:12–17; Galatians 3:26–29; 4:4–7.

26. Just as God adopted us into His family when we called upon His name, we felt called to adopt children into our family, especially since there is such a great need in our community.

27. We were and still are open to receiving any child regardless of the child's race, nationality, ethnicity, cultural identity, spiritual beliefs, sexual orientation, gender identity, or gender expression.

The foster-care licensing process

28. After researching all the options, we pursued adoption through Vermont's Department of Children and Families ("Department").

29. The Department was the only option for us because of costs. While private agencies typically charge fees in the amount of tens of thousands of dollars, adopting through the Department doesn't cost anything.

30. Families must first obtain a foster-care license to adopt or to care for any child through the Department.

31. We first applied for our license in 2014.

32. Foster-care licenses are typically valid for three years, after which the license can be renewed.

33. After filling out a general application, we completed background checks, training, and a home study.

34. The home study is a holistic evaluation that includes home inspections to make sure the house is safe for children, as well as interviews with the applicant

and the applicant's family to ensure they meet the Department's minimum qualifications.

35. If there are any areas of concern during the licensing process, the social worker usually addresses them with the applicant during the home study.

36. The licensing process is very individualized.

37. During our licensing process, the Department asked us what kind of children we felt equipped to care for, what age of children we were willing and able to take in, and if we could take in children with special needs or conditions.

38. The Department encourages foster parents to decline a placement if they feel that the child's age, sex, religion, or special needs are for some reason incompatible with the family's capacity or ability to care for the child. After all, the Department's Foster Parent Guide encourages foster parents to ask a child about their religion and says foster parents "HAVE THE RIGHT TO SAY NO." Pls.' Mot. for Prelim. Inj. ("MPT"), Ex. B at 11, Doc. 17-7.

39. Based on my experience as a foster parent and going through the licensing process, it is my understanding that it is common for foster parents to indicate that they will only take children who are under a certain age, often because they want the foster child to be younger than their biological children at home.

40. Similarly, in my experience, I found out it is very common for foster parents to indicate that they will only take boys or girls.

41. We were also informed that foster parents can decline to take children with specific disabilities, like physical or cognitive/learning disabilities, because the parents do not feel like they are well-equipped to meet all of the child's special needs like weekly doctor's appointments, physical therapy, or other medical or therapeutic needs.

42. This individualized process allows the Department to try and match children and prospective foster parents for success.

43. We passed the home study without any issues.

44. At no point during the initial licensure process did the Department raise any concerns about our fitness as parents or our ability to lovingly care for any child that could be placed in our home.

Our experience caring for and adopting vulnerable kids

45. In November 2014, before the Department had issued us a license, the Department placed a four-month-old boy in our home.

46. Initially, we knew that the goal was reunification with one or both of the boy's biological parents. We intended to wholeheartedly love him whether he was with us for only a few weeks or several years, and we worked closely with the Department and the child's biological parents to try and make reunification possible.

47. But reunification was not possible, and this precious boy became a permanent part of our family in August 2016.

48. Then, in 2017, the Department asked if we would be willing to take in our first adopted son's fifteen-month-old half-brother.

49. Just as we do with every decision, we prayed as a family, and it quickly became clear that we needed to take this little boy into our home.

50. We would always strive to do what is best for an individual child in our care. If the goal is reunification, our goal is to love the child until they can return to a biological family member.

51. But again, reunification was not possible for this boy.

52. We finalized his adoption in 2019, although he was already our son in our hearts.

53. We renewed our foster-care license in 2018 without any issues. The Department did not raise any concerns about our fitness to parent or adopt.

54. After our second adoption, we welcomed our third biological child, a girl, into our family.

55. We feel blessed that our five children are so close and have lifelong best friends in each other.

56. We want to keep providing foster care for vulnerable kids, especially if someone in our church or community has a pressing need.

57. For example, recently I received a message from another foster mom in Vermont who has a young child in her care. This child wanted a Bible and kept asking to go to church like he used to with his natural family. This mom reached out to me for advice because she knew I was a Christian. I happily gave her the best advice I could about picking out a Bible for a child who wanted to practice his Christian faith.

58. While I do not doubt this mom is a great parent, I fear that Vermont is blocking children from even having the opportunity to be placed in a Christian or other religious home—even if the child wants to go to a Christian, Jewish, or Muslim home—because the State no longer allows families like ours to provide foster care just because of our religious beliefs about sexual and gender identities.

Vermont asks about our views on human sexuality

59. In 2021, we sought to renew our license again.

60. Our licensor was Christopher Murphy.

61. We learned after the fact, that Mr. Murphy had received positive feedback about us during this renewal process.

62. For example, Mr. Murphy asked the local DCF office for input on our performance as foster parents.

63. In fact, at one point, Family Services Supervisor named Kelli Kilanski even said, “Oh my gosh. . . they are AMAZING!!!!”

64. Ms. Kilanski also said there was “never a single concern about their ability as parents. They are very kind and respectful. They had the child’s best interest, always. Very welcoming of me into their home, never felt like they had anything to hide.”

65. Ms. Kilanski ended her recommendation with “I probably could not hand pick a more wonderful foster family than them!”

66. Mr. Murphy came to our home on February 28, 2022, for a home inspection and to interview us.

67. Mr. Murphy’s only concern with our home was that we needed an updated fire-escape plan posted.

68. After the home visit, Mr. Murphy emailed us a new questionnaire that he forgot to give to us during the home visit. A true and correct copy of our email exchange with Mr. Murphy is attached as Exhibit E to the Motion for Preliminary Injunction, Doc. 17-10.

69. The form Mr. Murphy sent us was a grid with seven questions about what children we felt equipped to care for.

70. We thought this form would assist the Department in placing the right children with our family to ensure the best match between children and foster parents.

71. The form asked us to rate, on a scale from one to five, whether we agreed with certain statements, including the following:

“My family would be accepting and supportive of an LGBTQ foster child.”

72. This was the first time the Department asked us about our willingness to care for a child who identified as LGBT.

73. We knew then, as we do now, that we would love and support any child regardless of sexual orientation or gender identity.

74. But it was unclear whether this question was asking whether we would *generally* accept and support a child who identified as LGBT, or whether it was asking whether we would accept and support a child's every belief and behavior related to sexual orientation and gender identity.

75. Because the question was vague, we said we were a three.

76. We both felt that we were a five in terms of loving, accepting, and supporting a child who identified as LGBT, but we did not want the Department to interpret a five to mean we would accept and support anything a child says or believes about sexual orientation or gender identity.

Our beliefs that God created humans as male and female

77. To us, there is a difference between accepting and supporting a child versus accepting and supporting something a child says, believes, or does.

78. We would lovingly tell any child: "We love and support you no matter what." But we could not tell a female, "you are a boy," nor tell a male, "you are a girl."

79. For our family, the Bible—not the State—informs our beliefs about human nature and identity.

80. We believe God created all people in his image as male and female. Genesis 1:27; Genesis 5:2.

81. We believe that a person's sex is binary and fixed at conception.

82. Because people should endeavor to honor God in all aspects of their life, we believe people should endeavor to live consistently with their God-given sex.

83. We do not believe a person can change their sex.

84. We believe that God created the differences between men and women to complement each other through marriage (among other things).

85. We believe God created marriage as a covenant between one man and one woman. Matthew 19:4–6; 1 Corinthians 7:2.

86. Just as God created men and women in His image, God created marriage to reflect His sacrificial covenant with the Church. Ephesians 5:22–23.

87. We believe that God created men and women to be different and to complement each other; natural differences and variations in our dispositions and abilities do not determine whether someone *is* a man or a woman.

88. For example, we do not pressure our children to behave or to conform their natural likes and dispositions to sex stereotypes.

89. We allow our children and any foster children in our home the freedom to play with whatever toys they are interested in, regardless of whether the toy is traditionally a “boy” or “girl” toy.

90. I personally understand that a person’s desires or feelings may not naturally align with biblical teachings.

91. As a child, I struggled with gender dysphoria; I did not feel like a girl and desperately wanted to be a boy.

92. After I cut my hair short, people sometimes confused me for a boy, and I was thrilled that I could “pass.”

93. Thankfully, my family did not try to “transition” me or pretend that I was a boy. Instead, they loved me unconditionally and gave me the freedom to work through my dysphoria while still giving me boundaries.

94. For instance, a core memory is going to a garage sale with my dad and seeing a model car I wanted badly.

95. The gentleman at the garage sale looked at me and said, “Every little boy should have a model car!” I remember being excited that he thought I was a boy. But then my dad responded, “She’s a girl, but I think she should have one too!”

96. When I heard my dad say this, I felt loved. It confirmed that my dad loved me and accepted my likes but would not lie to me.

97. This moment allowed me to start accepting that I was a girl who simply liked different things from other girls. That was just a unique aspect of who I was. It didn't mean I wasn't a girl.

98. I am incredibly grateful that my parents gave me the freedom to explore my feelings about my sex while still giving me boundaries. This made me feel loved and secure.

99. By the time I went through puberty, I realized I was just a tomboy. I naturally grew out of my gender dysphoria and became comfortable in my own body.

100. I also experienced same-sex attraction in the past.

101. But I have chosen not to act on those desires because of my religious belief that God created men and women for each other.

102. Despite the difficulties of gender dysphoria and the desire to pursue same-sex romance, I'm grateful that I chose a different path. This allowed me to find Brian—my partner, best friend, and the love of my life—and to experience the joys of being a mother to five beautiful children. I would never trade the life Brian and I have built together for anything in the world.

103. Because of my religious beliefs and lived experience, I cannot encourage a child to live their life contrary to their biological sex, to pursue sexual activities, or act on desires that violate God's design for human flourishing.

104. At the same time, we will always love any child in our home unconditionally, regardless of how they identify or what they believe about human sexuality.

105. We believe that a person who identifies as transgender or some other gender identity should be treated equally with love and respect.

106. For example, in his years as an educator, Brian has taught and mentored students of many gender identities who have felt comfortable and supported in his classroom.

107. We similarly believe that those with same-sex attraction who choose a different path than I did, deserve to be treated with love and dignity.

108. We would never treat someone differently or disrespectfully because they held different beliefs about human nature and sexuality than we do.

109. We would never punish a child because they held different beliefs than we do about our human nature or sexual ethics.

110. We would always include any foster child in all our family events and give them equal opportunities regardless of how they identify.

111. While we do naturally talk about our biblical beliefs in our home, we have never and would never pressure or force our children or a foster child into listening to or accepting our beliefs.

112. We would never denigrate, abuse, reject, or harass a child based on how he or she identifies or for any other reason.

113. If one of our children told us about his or her feelings of gender dysphoria or same-sex attraction, we would immediately affirm our unconditional love for them. Then, we would provide a safe place for the child to talk about their feelings, just like I had as a child.

114. If a foster child in our care disagreed with us about going to church, our beliefs about human sexuality, or any of our household rules, we would begin with open communication. Brian and I would sit down with the child, kindly explain our perspective in an age-appropriate manner and then listen to the child so we can understand his or her perspective.

115. Next, we would evaluate the specific situation, including factors like the age of the child, and work together to come up with a solution that promotes the child's best interest in a way that does not violate our religious beliefs.

116. For example, parents cannot regulate a seventeen-year-old's behavior the same way they can regulate a five-year-old's behavior.

117. We would give a seventeen-year-old more freedom than a five-year-old because the teenager is (hopefully) more mature and well on their way to becoming an adult.

118. This is how we handle disagreements with our children, whether the issue is small or large.

119. We would never denigrate, reject, or shame a child who expresses that they are gay or that they are transgender.

120. While we would continue to love, respect, and support any child who expresses that they are gay or that they are transgender, we would do so in a way that is consistent with our biblical beliefs.

Why the Department revoked our license

121. After we indicated that we were a three on the form, we emailed the completed form to Mr. Murphy. Mr. Murphy responded that it was "unusual to get an answer of 3." MPI, Ex. E at 17–10. He asked us to provide more information "and what might be needed to increase that answer to a 4 or 5[.]" *Id.*

122. I responded on March 2, 2022, and explained that "[w]e would consider ourselves a '5', but we realize not everyone would interpret our Biblical views as accepting and supporting." *Id.* at 10.

123. Even though it's not something I often discuss, I explained my experience with same-sex attraction and gender dysphoria to Mr. Murphy, hoping to assure him we would love any child, we just wanted to stay true to our beliefs.

124. I also explained that we would never force a child to adopt our faith or beliefs, but that our faith is just a part of who we are, and we “aim to love people well by sharing honestly how Jesus has changed us and saved us.”

125. On March 3, 2021, Mr. Murphy responded: “I have no doubt that you would be welcoming to a child in your home; but if you are unable to encourage and support children in their sexual and gender identity, that essentially makes you ineligible for renewal of your foster parent license.” *Id.* at 9.

126. Mr. Murphy asked if we would withdraw our application.

127. We were shocked. We didn’t realize our ability to care for children in need hinged on our religious beliefs about this single issue.

128. We responded that we would not withdraw our application.

129. We know our home is as safe and loving today as it was in 2014 and 2017 when the same Department asked us to foster and later adopt our two boys.

130. We know that our home would be a safe haven for any child in the future who needs a place to stay and experience the unconditional love of our family.

131. On April 20, 2022, the Department sent us a Notice of Decision that our foster-care license was being recommended for revocation. A true and correct copy of the revocation letter is attached to the Motion for Preliminary Injunction as Exhibit C, Doc. 17-8.

132. We appealed that decision because it did not accurately reflect our religious beliefs.

133. But even after we clarified our religious beliefs, the revocation decision was upheld.

Our desire to continue providing foster care

134. Our hearts break seeing so many children in need in our community.

135. Brian and I would like to be relicensed as foster parents immediately.

136. And we are ready to open our home to a child in need.

137. We stand ready and able to reapply and would do so right now but for the Department's policies requiring us to say and to do things that violate our religious beliefs.

138. To our knowledge, we were the first family to have their license revoked because we could not unqualifiedly express support for a child who wanted to "transition" or live contrary to their sex.

139. Since then, the Department has issued additional guidance and passed new rules creating new requirements that we cannot comply with.

140. For example, after our license was revoked, we learned about Policy 76—"Supporting and Affirming LGBTQ Children & Youth." Because the policy explicitly applies to staff, we were unsure whether the Department applied the policy to foster parents.

141. We understand that the Department now categorically applies the policy to foster parents after it cited this policy to revoke Michael and Rebecca Gantt's foster-care license. MPI, Ex. D at 4, Doc. 17-9.

142. Policy 76 contains additional requirements that we cannot comply with. For example, we are aware that the Department is asking foster families to agree to use pronouns that do not accord with a child's sex. We understood this to mean we would also be required to use other non-binary pronouns like "they/them," or "ze/zir." We cannot agree to use what we believe are inaccurate pronouns, because it would require us to speak against our faith and say something we don't believe.

143. We also understand that the Department has passed additional policies implementing Policy 76.

144. For example, we understand that the Department sent an email to foster families on September 8, 2023 explaining that foster families must "fully

embrac[e] and holistically affirm[]” a child’s ideas and behaviors related to their sexual and gender identity to receive a foster-care license. Compl., Ex. D at 3, Doc. 1-4.

145. When we sought to renew our license, we had never heard that eligibility for licensure is dependent upon foster families agreeing to “affirm” a hypothetical child’s beliefs about their sexual or gender identity regardless of the family’s personal or religious beliefs. *See id.*

146. The policy announced in the September 8 email contains additional requirements that we cannot abide by. For example, because parents must be “holistically affirming,” we understand that we cannot share our biblical beliefs to a hypothetical child who has a different view about human sexuality or who expresses a transgender identity. This would also violate our conviction that we should freely and openly share the Gospel.

147. We understand that under the new policies, Brian cannot preach about our biblical views on sexual and gender identities if a foster child who identifies as transgender or non-binary is sitting in the audience listening. *See generally* Decl. of Michael Gantt in Supp. of Pls.’ Mot. for Prelim. Inj. ¶¶ 167–174.

148. Brian will continue to preach about biblical topics related to human nature, sexuality, and identity. He will continue to discuss age-appropriate topics in our home with our children present.

149. We want to be able to continue to live out our faith by politely and respectfully sharing our beliefs with our children and future foster children, while never forcing them to accept our beliefs.

150. And I do not want the state to muzzle me from sharing my testimony of God’s faithfulness while experiencing gender dysphoria and same-sex attraction. I want to continue to share this testimony with my children.

151. We will continue to have informal discussions with our children about the Bible. These discussions include biblical teachings on topics such as God creating men and women to be distinct and complementary.

152. We will continue to listen to age-appropriate biblical teachings and podcasts in the car with our children and discuss them as a family.

153. We will continue to answer our children's questions about human nature and identity with both biblically and scientifically sound answers.

154. We will continue to attend our church and seek to live by biblical teachings of sex and sexuality.

155. Neither Brian nor I can tell a boy that he is really a girl or tell a girl that she is really a boy.

156. We cannot refer to a male as "she," or refer to a female as "he," or refer to any individual as "they." Using inaccurate pronouns would cause us to bear false witness. Exodus 20:16.

157. We also know that the Department is now asking foster families whether they will agree to take children to pride parades. We cannot attend a pride parade or take our children to a pride parade or to similar pride events because they celebrate ideas and messages that go against our faith.

158. After reviewing the new policy, we cannot in good conscience comply with it nor can we say that we can comply with it as it violates our beliefs.

159. Because our entire life is built on the foundation of our faith, we refuse to denounce or speak against our faith.

DECLARATION UNDER PENALTY OF PERJURY

I, Kaitlyn Wuoti, a citizen of the United States and a resident of the State of Vermont, hereby 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 June19, 2024, in Windham County, Vermont.

A handwritten signature in black ink, appearing to read "Kaitlyn Wuoti", written over a horizontal line.

Kaitlyn Wuoti