

**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 MICHAEL  
GANTT IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Michael Bryan Gantt (Bryan), under penalty of perjury, declare as follows:

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

Our Christian Faith

2. I, Michael, am a Christian.

3. I'm married to Rebecca, who is also a Christian.

4. We are the parents of seven children, four biological and three adopted through the state of Vermont.

5. I am the lead pastor of an evangelical Christian church in Brattleboro, Vermont, where my father was the pastor before me.

6. Rebecca dedicates her time to providing for the various needs of our family, particularly our three youngest children.

7. Our faith provides the foundation for our lives.

8. As a pastor, I endeavor to embody the Church's mission and beliefs.

9. Our church seeks to reach people from all walks of life, meeting them wherever they are in their life journey.

10. Through our church's outreach in downtown Brattleboro, we frequently interact with residents who are not regular churchgoers. It is a great joy to know people, whether at church or elsewhere, who do not come from our faith background.

11. We also strive to raise our children in the Christian faith.

12. We seek to involve our entire family in our church in an age-appropriate manner that corresponds to each person's interests.

13. Rebecca and I are both active in our church's ministries, including Bible studies, youth meetings, and a food pantry.

14. Our daughter and son-in-law are the church's youth leaders.

15. My family's support for and involvement with the church community flows naturally from my service as a pastor.

16. Worshiping in community, reading Scripture, and participating in our church community are all parts of how we live out our faith.

17. Whether at home or out in the community, we seek to build one another up and provide strength and support in life's joys and challenges.

Our desire to care for children in need

18. After our fourth biological child was born, we had difficulty having more children. As our children were growing up, we still desired to grow our family.

19. One day, Rebecca asked if I would be open to fostering and possibly adopting a child.

20. Rebecca was scared to grow to love a child and then have to say goodbye, but she felt called to care for children in need.

21. I'm blessed to have a wife who wanted to take a step of faith despite her fears, and I immediately said "yes."

22. Adoption is the story of the Gospel. God redeemed us through the sacrifice of his only Son, making us sons and daughters in His family.

23. Just as God has adopted us into His family, adoption and foster care allow us to reflect God's love and sacrificial mercy to children in need.

24. The Bible teaches that religion "pure and undefiled" is caring for the widow and the "fatherless." James 1:27 ESV.

25. Our faith inspires us to open our home to children in need.

26. While we desired to grow our family, we primarily wanted to help children in need, even if it was just for a season.

27. We decided to begin by acting as foster parents.

28. The first goal of foster care is naturally to reunite children with their parents, or a relative, when this is possible after the natural parent resolves any issues that impede their ability to safely care for the child.

29. But if reunification is not possible, we were open to adopting any children who were placed with us.

30. Further, because private adoption costs tens of thousands of dollars, that was not an option for us.

31. We decided to provide foster care through the state, partly because it was the only affordable option.

#### Our experience fostering and adopting

32. In April 2016, we applied to become foster parents through Vermont's Department of Children, Youth and Families.

33. Almost immediately after contacting DCF about fostering, the Department asked us to take in a child on an emergency basis.

34. We agreed and within days welcomed our first foster son into our home.

35. He was born with neonatal abstinence syndrome due to being exposed to opiates in the womb. He spent weeks in the hospital suffering from withdrawal.

36. Caring for him has given us a special heart for children born with a dependence on drugs, fetal alcohol syndrome, or other challenges stemming from Vermont's opioid epidemic.

37. Our license was finalized in early June of 2016.

38. In 2018, our resource coordinator, Michelle Colburn, asked if we would care for a newborn baby boy.

39. As a resource coordinator, Michelle's role is to bring in new foster families and provide them with continuing support. She worked with us from our early days of fostering and supported us throughout our time as foster parents.

40. The day after Michelle reached out, two years to the day after our first foster son came to us, we welcomed our second foster son into our home.

41. Reunification was not possible for either of our adopted sons.

42. We were blessed to adopt our first son in 2019 and later were able to adopt our second son in 2022.

43. In 2021, we took in a baby girl.

44. We gladly welcomed this girl into our home, knowing she needed specialized care because she had been born with a drug dependence.

45. We would hold her for hours when she shook from withdrawal symptoms. It was heartbreaking to watch her suffer, but we were grateful that we had a chance to know her and to care for her.

46. Although reunification was initially the goal, the girl's biological parents relinquished their parental rights last year.

47. In June of 2023, we adopted our foster daughter—the newest addition to our family.

48. I cannot imagine our life without our three adopted children. They bring incomparable joy into our lives.

49. We've also cared for a child who was eventually reunified with relatives. In June 2021, we fostered a little girl for 11 days, after which her aunt was able to care for her.

50. We have always had a positive relationship with the Department.

51. When we were in the process of finalizing our license, a Department representative said in an email: "I hope we continue to find more families like yours." Mot. for Prelim. Inj. ("MPI"), Ex. F at 2, Doc. 17-11.

52. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as Exhibit F.

53. After we had cared for our first son for a little over a year, our resource coordinator told us: “Thank you for always being there for [your foster son] and taking wonderful care of him.” MPI, Ex. G at 2, Doc. 17-12.

54. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as Exhibit G.

55. And after our first-adopted son’s guardian ad litem learned of his adoption, she said, “you two have done [an] amazing job of providing love, support, and safety.” MPI, Ex. H at 2, Doc. 17-13.

56. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as exhibit H.

57. In 2020, our second child’s social worker told us, “you are amazing fosters!!” and that she “had 100% confidence in [our] ability to make safe decisions around [our foster son’s] contact with others and precautions[.]” MPI, Ex. I at 2, Doc. 17-14.

58. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as Exhibit I.

59. Our second son’s guardian ad litem told us, “I’ve never felt a need to visit the fosters more than the first time because they are clearly a wonderful family.” MPI, Ex. J at 2, Doc. 17-15.

60. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as Exhibit J.

61. Our resource coordinator said that she felt she could drop off a baby with special needs in our lap knowing we can handle it and she didn’t have to think twice.

62. Children with unique needs, whether due to drug dependence, fetal alcohol syndrome, or developmental disabilities, are more difficult for the Department to place.

63. The Department has expressed great confidence in our ability to provide loving care, particularly for children with unique challenges and special needs.

64. And they never expressed any concern during our licensing or renewal processes about our ability to love, care for, and parent any child.

65. They always communicated that we were model foster and adoptive parents.

66. We have also been involved in raising awareness of the great need for foster families in the state.

67. The Department chose us to appear on the *Today Show* to discuss the impact of the formula crisis on foster families. Jo Ling Kent, *FDA Strikes Deal with Abbott to Reopen Baby Formula Plant*, Today Show (May 17, 2022), <https://tinyurl.com/24erfxnv>.

68. Our church also partnered with another church in the community to host a foster night together with Department representatives. This event helped to raise awareness of Vermont's need for foster parents, answer questions about fostering, and encourage people to consider if they could open their homes as foster parents.

69. Eleven families signed up or enquired about how to be foster parents that night.

70. One of the representatives of the Department said they could not believe that so many families signed up from such a small town.

71. It has been a blessing and privilege to get to welcome children into our home and we are always happy to do what we can to encourage other families to consider opening their homes.

72. We have found that opening our homes has expanded our hearts and minds in incredible ways.

73. Each of our children, including the children that temporarily graced our lives, has his or her own personality and experiences.

74. We parent each child differently to best communicate love and care in the way they need.

75. For example, one of our children has been diagnosed with autism and ADHD.

76. And our adopted children have experienced trauma, requiring us to learn when their behavior is a trauma response.

77. We accept and respect each child for who they are, always trying to do what is best for them.

78. We have developed methods and tactics to better meet their unique needs. For example, often they just need a hug and to be encouraged to take slow, deep breaths. And often, negative consequences are not effective means of dealing with trauma behavior. Instead, we work on redirecting and focusing on the positive.

79. If a child's behavior is disruptive or unkind, we gently talk to them about better alternatives for how to handle the situation, again tailoring our approach to the needs and temperament of the child.

80. No two children are exactly alike so we adjust our parenting to meet each of our children where they are. We would treat future foster children the same way.



81. We love our foster and adoptive children as we do our biological children. They are core members of our family.

82. In September, just a few months after adopting our daughter, we received a call from the resource coordinator asking if we would consider fostering a baby boy.

83. The baby was about to be born to a woman who was experiencing homelessness and had an addiction to drugs.

84. The infant would be born with drug dependence and was going directly to the Department's custody.

85. Knowing our experience caring for children suffering from prenatal exposure to drugs, they told us we "were the unanimous choice" and "the most qualified."

86. We took a few days to pray it over and decided we could gladly welcome the baby into our home.

87. We were looking forward to caring for this child in need when we learned that we couldn't, just because of our faith.

The Department's new policy on sexual orientation and gender identity

88. After we had decided to care for this infant that was about to be born, we received an email from DCF on September 8, 2023, about new licensing requirements related to sexual orientation and gender identity, or "SOGIE." Compl., Ex. D, Doc. 1-4.

89. A true and correct copy of the email above is attached to the Complaint as Exhibit D.

90. The email stated that the Department would not certify any caregivers unless they are "committed to fully embracing and holistically affirming and

supporting” a child’s SOGIE, “even if the foster parents hold divergent personal opinions or beliefs.” *Id.* at 2–3.

91. This was the first time we were specifically asked about our views on these topics. Never before had the Department communicated to us that our views on these topics would affect our ability to obtain a foster license or would shape the Department’s understanding of whether we could effectively care for children.

92. When we last renewed our license in 2022, the Department had asked us to rate on a scale from one to five whether we agreed that our family “would be accepting and supportive of an LGBTQ foster child.”

93. We interpreted this question to ask whether we would accept and support a child regardless of SOGIE, so I put down a four and Rebecca put down a five.

94. But we started to understand that the Department was really asking whether we would accept and support anything a child said, believed, and wanted to express about SOGIE.

95. This put us in a predicament of choosing between giving up our foster-care license so we could stay true to our religious beliefs, or violating our religious beliefs just so we could keep our license.

#### Our religious beliefs about gender identity

96. Our lives are built upon our Christian faith.

97. It is our faith that inspires us to serve as foster and adoptive parents consistent with the biblical call to care for vulnerable kids. Psalm 82:3.

98. We seek to live out our faith in word and deed, following the Scriptural exhortation to not be “hearers only.” James 1:22 ESV.

99. The Bible informs our beliefs about human sexuality.

100. We believe, as the Bible teaches, that God created humans in His image and likeness, and that God created us male or female. Genesis 1:27.

101. Because a person's sex is determined at conception, we believe that biological sex is a core aspect of a person's identity that cannot be changed, and that people should not seek to change.

102. We believe that every person is a unity of body and soul and that a person's sex informs how they are called to live out God's will in their life.

103. Other faith traditions, like Islam, Judaism, and Catholicism, share our beliefs on core aspects of human identity. I am familiar with this, because I am a pastor and often interact with people of different faiths. It's helpful for me to know how my faith is similar to and unlike other faith traditions.

104. For example, over 200 religious scholars and imams signed a statement entitled "Navigating Differences: Clarifying Sexual and Gender Ethics in Islam." *Navigating Differences: Clarifying Sexual and Gender Ethics in Islam*, Navigating Differences (May 23, 2023), <https://perma.cc/X92E-AXT6>.

105. The statement explains that Islam expressly opposes "imitating the appearance of the opposite gender. Further, God calls on humanity to respect His wisdom in creation ... Islam strictly prohibits medical procedures intended to change the sex of healthy individuals[.]" *Id.*

106. A declaration put out by the Catholic Church's Dicastery for the Doctrine of the Faith, "Dignitas Infinita," articulates the Catholic teaching on sex and gender identity, which mirrors our beliefs on these issues. Víctor Manuel Cardinal Fernández & Monsignor Armando Matteo, Declaration of the Dicastery for the Doctrine of the Faith "Dignitas Infinita" on Human Dignity, Holy See Press Office, 08.04.2024 (April 8, 2024), <https://perma.cc/HTN6-GE2Y>.

107. The document states, "creation is prior to us and must be received as a gift.... we are called to protect our humanity, and this means, in the first place,

accepting it and respecting it as it was created. It follows that any sex-change intervention, as a rule, risks threatening the unique dignity the person has received from the moment of conception.” *Id.* (internal quotation marks removed).

108. The Gospel Coalition published an article entitled, “A Pastoral Approach to the Transgender Debate.” Todd Miles, *A Pastoral Approach to the Transgender Debate*, The Gospel Coalition (Oct. 20, 2017), <https://perma.cc/LZH8-Y46Q>.

109. The article quotes theologian Andrew Walker, “ultimately... the ‘transgender debate isn’t about a debate. It’s about people[.]” *Id.*

110. It goes on, again quoting Walker, to say of people experiencing gender dysphoria, “These are authentic experiences, where their heart’s desire is telling them one thing about themselves while their body is saying something else....” The article is clear that even for those facing such challenges, “[b]iology and DNA both matter because they exist by original divine design.” *Id.*

111. Our faith likewise teaches that sexual difference is a fundamental, God-ordained aspect of identity.

112. Because we strive to reflect our beliefs in word and action, we cannot say or do certain things that run afoul of biblical teachings.

113. We believe that as image bearers of God, it is a sin to live or act contrary to God’s design or contravene God’s Word in our speech.

114. So we cannot use pronouns that contradict or obscure a person’s biological sex.

115. We cannot refer to a person in a way that suggests their gender identity should diverge from their sex.

116. Similarly, we will not attend or take our children to events like pride parades that promote a message at odds with our biblical beliefs about human sexuality and human flourishing.

117. We cannot express or endorse the view that gender is fluid, sex can be changed, or that a person should live contrary to their God-given sex.

118. We cannot display rainbow flags or pride posters in our home.

119. We are not able to curate media for children that expresses or glorifies the idea that a person should seek to live contrary to their sex.

120. In no way can we support a child's desire to live contrary to their sex or to alter their bodies to make them appear like the opposite sex.

121. In accordance with biblical teachings, there are also certain things we want to say and certain things we want to do.

122. We want to openly discuss what the Bible teaches—about our human identity and other topics—with our children in a way that is suited to their age and stage of life.

123. And we want to have open and honest conversations with our children when they ask us about our beliefs, when they are curious about our faith, or when certain topics naturally arise during conversations.

124. We have discussed gender identity when the topic has come up during dinner together. We shared with our children what the Bible teaches about human identity.

125. When we pray or read Scripture as a family, topics of human identity, including gender identity, sometimes arise. We have discussed as a family what our faith teaches on these topics.

126. As a pastor, I intend to preach the whole of Scripture to my congregation, including themes relating to human identity.

127. I preach on Genesis 1, which discusses how we are created in God's image and created as male and female. I discuss how God saw that His creation was good and that this includes both our physical and spiritual facets.

128. While we would seek to share our religious beliefs with our future foster children, we would never force them to accept our beliefs or to partake in our religious life if they don't want to.

129. We do not believe that faith is shared through coercion, but that it must be witnessed by living consistent with our beliefs in word and deed.

130. If a child left the faith or disagreed with Biblical teachings, we would continue loving them unconditionally and walking with them through life's ups and downs. We would be open to having conversations with them if they were willing. We would not disavow our beliefs but would respect our child and listen to them. Our approach would differ somewhat based on the age and circumstances of the child. We are very intentional about how we treat children and try to always keep the individual child's best interest in mind, rather than using a one-size-fits-all approach.

131. We would never force our children to be involved in church or coerce a foster child or any child to participate in conversations about theology, religious services, prayer, or Scripture reading.

132. But we want to be able to have these conversations with our children if they are interested. For example, we would want to be able to come alongside a child who desired to deepen his or her faith. We would not want to shut down or avoid conversations about faith, including teachings on human identity, that a child wanted to have.

133. We also want to include our foster children as part of the family in activities, even those related to our faith, and ensure they feel welcome.

134. In the past, we were told that taking foster kids to church was actually encouraged by DCF.

135. We would always treat a child with respect and dignity, even if they disagreed with us.

136. We believe that all people have equal dignity and value.

137. We believe that those who identify as transgender or non-binary should be treated as we would want to be treated—with respect and love as individuals who bear God’s image. Matthew 7:12; Luke 6:31.

138. In our church, we seek to include every member in the community, to provide everyone with support and encouragement in their emotional and spiritual needs, and to be there to give loving guidance to one another.

139. The Church’s downtown location gives us the opportunity to minister to people from all walks of life.

140. We welcome everyone, wherever they are in their journey to faith in Jesus, regardless of their sexual orientation or gender identity.

141. One congregant shared with me that they know their lifestyle does not accord with biblical teaching about sexual ethics. I assured them that they are welcome in church and that aligning one’s life to God’s plan is a process and takes time.

142. We understand that the experience of gender incongruence can be very real and distressing. If a child came to us who suffered from gender dysphoria or expressed a transgender or non-binary identity, we would love and support that child no matter what.

143. If a child expressed that they were unsure about their sex, or if they expressed that they were transgender, non-binary, or suffering from gender dysphoria, we would lovingly walk with this child and explore why they felt this way.

144. We would try to understand where the child was coming from and empathize with them.

145. We would seek out advice from counselors and medical experts and do what was in the best interest of the specific child in that specific situation in a way consistent with our religious beliefs.

146. Our goal throughout the process would be to support this child, make them feel loved and cared for, provide them the best mental and physical care we could, and also help them understand the value of their bodies and the joy and peace of accepting who God made them to be.

147. And we would never punish a child in any way merely because of a disagreement.

148. We would never exclude a child from family activities because of how they identify. We would include any child in family events and ensure that other family members treated them with respect and kindness as well.

149. We would never tease, abuse, shame, embarrass, reject, or denigrate a child because of how they identify.

150. We would advocate and stand up for any of our children if they were being bullied or faced any type of discrimination.

151. In short, we would treat them no different from any other family member.

152. We are open to children playing with toys regardless of sex. We do not believe that toys are meant to be used only by members of one sex or the other.

153. At the same time, we have to show our support and love in a way that is consistent with our beliefs about our human nature and identity.

154. We would treat each child lovingly and in a way that respected them and communicated care based on their age and stage of life. We would consider situations like this individually and assess how to best address them given the unique needs of the child and the surrounding circumstances. For example, we



may defer to an older child more than a younger child. With any child, we would express empathy and unconditional love.

Why the Department revoked our license

155. After we received the September 8 email from the Department requiring that parents affirm any child's SOGIE as a condition for licensing, we scheduled a meeting with our resource coordinator.

156. We predominantly wanted to tell her that we could accept the newborn baby into our home, but also to clarify the new policy described in the email.

157. When she came to our home, the first thing we told her was, "yes," we would like to welcome the baby into our home.

158. But immediately, before we even got into discussing the requirements from the September 8 email or began explaining our beliefs to her, she interjected that she could not place the child with us.

159. She said that our beliefs were inconsistent with the new policy and would preclude us from renewing our license.

160. We assured her we would love, accept, and support any child regardless of how they identified, we just cannot express messages that violate our faith, such as indicating to a child that they are a member of the opposite sex by using pronouns that do not align with their sex or by expressing that we believe someone can change sex.

161. Our resource coordinator said we still did not comply with their policy, so they would remove any foster child from our home within two weeks of our license revocation and they would not place the newborn baby with us.

162. It broke our hearts to not be able to care for this baby during a critical time in his development, especially when the Department knew we were the

family best able to care for him given our experience caring for infants with a drug dependence.

163. Afterward, we were not sure about the status of our license.

164. I reached out to the local office seeking an update on whether the Department was going to revoke our foster license. Eventually, Christopher Murphy, an official from the statewide office, scheduled a phone call with me.

165. During the call, he asked me if I would take a child to a pride parade, use inaccurate pronouns, and otherwise support a child's desire to identify, live, and express a gender identity that did not match the child's biological sex.

166. I told him that we would love any child but could not say or do anything contrary to our religious beliefs about human sexuality and speak views that violated our beliefs.

167. I respectfully explained to Mr. Murphy that I could not change my faith.

168. As a pastor, it is my responsibility to proclaim the Gospel and the DCF requirements would prevent me from preaching about entire sections of the Bible, which I cannot do.

169. Mr. Murphy also asked if I would allow a foster child to get a haircut that did not align with their sex.

170. I told him I was unsure. Foster parents are not allowed to take a child for a haircut without going through the Department.

171. It was difficult to answer some of Mr. Murphy's questions given that they were completely hypothetical. We make decisions based on the best interest of each child given their unique needs and the relevant context. The questions required me to answer as if I would take the same approach for any child, be the child an infant or a teenager.

172. If a circumstance like this came up, we would tailor our approach to what we thought was in the best interest of that specific child given their age, experiences, and disposition. We would listen to the child, talk to them, be there to support them, and if appropriate, seek out outside resources.

173. Mr. Murphy also offered educational materials. I understood that the purpose of these materials was to change our views and beliefs.

174. I was open to reading any document the Department sent that could help me better respect and parent children, but I declined to have Mr. Murphy send these materials because I understood that he would only be satisfied if I changed my religious convictions, and these materials were supposed to help me change my beliefs. I did not feel it was the Department's place to judge my religious beliefs or seek to change them.

175. After the call, Mr. Murphy emailed that he was beginning the revocation process. MPI, Ex. K, Doc. 17-16.

176. Attached to the Motion for Preliminary Injunction is a true and correct copy of the email above as Exhibit K.

177. In this email, he asked Rebecca, who had not been on the call, if there was anything she would like to add. *Id.* at 4.

178. In her response, Rebecca explained that we "cannot lie to a child about their God given identity," and we would "wholeheartedly commit to loving and accepting any child into our home, just like we have done in the past." *Id.* at 3.

179. Murphy replied "Given your and Bryan's stance regarding the requirement for affirming care, you are not in compliance with those regulations. When I asked Bryan if he could envision any education or intervention that may help to shift your perspectives, he stated that these were unchangeable." *Id.* at 2.

180. We received a revocation letter soon after.

181. Attached to the Motion for Preliminary Injunction is a true and correct copy of the revocation letter as Exhibit D.

182. The letter cited noncompliance with licensing rules 037, 301, and 315 as the justification for our revocation. MPI, Ex. D at 2.

183. The letter also referenced the Department's revocation of Brian and Katy Wuoti's license as precedent for revoking our license. *Id.* at 4.

184. It also cited Policy 76, which provides the Department's policy for staff working with LGBT youth. *Id.*

Our desire to continue caring for children in need

185. In the past six months, we have received numerous emails from DCF expressing the state's desperate need for foster homes.

186. An email sent out in December to Vermont foster families stated: "The raw honesty behind this message is that of desperation. We need you! Family Services is in a crisis beyond what we have seen before." Compl., Ex. A, Doc. 1-1.

187. An email sent out in February with the subject "Foster Homes Needed!" requested that anyone interested in learning about children in need of placement should reach out "as soon as possible." Compl., Ex. B, Doc. 1-2.

188. A true and correct copy of the email above is attached to the Complaint as Exhibit B.

189. Another email sent out in February had the subject: "Immediate Need!" The body of the email stated: "If you or anyone you know is interested in caring for this child, please reach out to me as soon as possible. Interested parties do not need to be current foster parents, we will district approve any appropriate interested individuals." Compl., Ex. C, Doc. 1-3.

190. A true and correct copy of the email above is attached to the Complaint as Exhibit C.

191. Rebecca and I desire to be relicensed as foster parents as soon as possible so we can help care for these children in need.

192. We stand ready and able to reapply and would do so immediately but for the Department's new policies on SOGIE.

193. The Department's new policies categorically bar us from applying in several ways.

194. For example, Policy 76 advocates for encouraging parents to “[b]ring young people to LGBTQ organizations and events in the community[.]” MPI, Ex. A at 10.

195. But as I told Mr. Murphy, we can't attend, or take our children to attend events like gay-pride parades that send a message about human sexuality we disagree with.

196. Policy 76 further encourages parents to “[s]upport young people's gender expression” including by using the “name and pronoun that they prefer which reflects their identity and expression.” *Id.* at 4, 10.

197. And the September 8 email stated that all foster parents must be “committed to fully embracing and holistically affirming and supporting” children regardless of gender identity, which we understood to mean parents must support different gender identities, including those that do not correspond to a child's sex. Compl., Ex. D at 3.

198. But as already explained, we can't say something we don't believe is true or encourage a child to reject their God-given identity. *Supra* ¶¶ 111–19.

199. Further, we understand from our conversations with people like Mr. Murphy and from the Department's communications, that we cannot say or express our religious beliefs that a person's sex is fixed and cannot be changed to a child who expresses a transgender or non-binary identity, or to any child at all,

since this is a categorical requirement regardless of whether a family ever cares for a child who identifies as transgender or non-binary.

200. This precludes me from preaching parts of the Gospel if a foster child who identifies as transgender or non-binary is sitting in the pew and could keep us from even attending church as a family because the child may be exposed to the Gospel's teachings about gender and human sexuality.

201. I want to read from the Bible to my children, starting with Genesis 1, which states that God created people male and female. Genesis 1:27. I want to explain to them what this means, and how sex is an important part of God's design and each person's unique call from God.

202. When discussing Scripture readings, including Genesis 1, we would encourage the children to share their thoughts and ask questions. We would be gentle and polite in these conversations, giving everyone a chance to share their perspectives.

203. Time is short. Given our ages and the ages of our children, we believe we may be able to open our home to an infant or young child for a few more years.

204. We are hurt and frustrated that the Department has discriminated against us based on our religious beliefs.

205. But more fundamentally, we are deeply concerned for the children who are without a home.

206. We filed this suit for only one reason: we want to help children in need, but we can't because of the Department's policies. We want the Department to stop discriminating and turning away families merely because it does not like their religious beliefs.

**DECLARATION UNDER PENALTY OF PERJURY**

I, Michael Bryan Gantt, a citizen of the United States and a resident of the State of Oregon, 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 this 19 of June, at Brattleboro, Vermont.

  
Michael Bryan Gantt