

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

NOELL and CRYSTAL ALLEN, <i>et al</i> ,	)
	)
Plaintiffs,	)
	)
-vs-	)
	)
DR. JEROME M. ADAMS, in his official capacity as	)
Indiana State Health Commissioner, <i>et al</i> ,	)
	)
Defendants.	)

**AFFIDAVIT OF  
JACQUELINE & LISA PHILLIPS-STACKMAN**

Jacqueline "Jackie" Phillips-Stackman and Lisa Phillips-Stackman, being of lawful age and being duly sworn state as follows:

1. We are over the age of eighteen, competent to testify in these proceedings and have personal knowledge of the facts and matters contained within this affidavit.
2. We were lawfully married on October 4th, 2015 in Marion County, Indiana and have been together since 2014.
3. Jackie is a Detective with the Indianapolis Metropolitan Police Department and Lisa is a hair stylist. Lisa's hair salon is in their home so she is also a stay-at-home mom.
4. Jackie has always had dreams of being a mother. Due to medical issues Jackie had to have an emergency hysterectomy in 2009. In 2012 she harvested eggs and with the assistance of a physician and a known donor who

Affidavit of Jackie & Lisa Phillips-Stackman

signed away his paternal rights, created two viable embryos. Until Jackie met Lisa she had planned to hire a gestational carrier to birth her biological child.

5. Jackie met Lisa at a fundraiser event in February of 2014 and about a year into their relationship the couple decided to have a child which Lisa would carry, using Jackie's egg. October 4th, 2015 Jackie and Lisa were married and on October 21st, 2015 their child was born.

6. The process to just harvest the eggs cost upwards of \$20,000. The medical process for Lisa to conceive L.J.P-S cost the couple an additional \$15,000. The process in its entirety was not easy for either Jackie or Lisa and was very expensive. They pooled together all financial resources to build an addition onto to their home and pay the costs associated with conception. Their baby was born on October 21st, 2015.

7. While in utero it was discovered that the baby was suffering from hydrocephaly and had a rare chromosome deletion known as 6q terminal deletion syndrome. Within 24 hours of life, L.J.P-S had to have a shunt placed to relieve the pressure building on her brain. She was hospitalized for nearly a month following her birth. While L.J.P-Sis doing well it is unknown what developmental delays if any L.J.P-Swill have to battle in the future. Medical costs for the baby continue to grow.

8. While at the hospital, the birth certificate representative completed the Electronic Birth Certificate Worksheet and listed Lisa as the parent. The

hospital representative very apologetically explained that her hands were tied and that she could not put Jackie on the birth certificate without a court order.

9. Jackie will not be listed on the birth certificate. A true and accurate copy of the birth confirmation letter is attached hereto as Attach. 1.

10. Jackie and Lisa love each other immensely and wanted to bring a child into the world together so they could complete their family. "While our family may not have been made 'traditionally', the advancements of science did in fact allow us as two women to bring life into this world together. [L.J.P-S] was in fact born into an awesome village of love and we are so grateful to be her mothers. We simply want to protect our daughter in every way possible and part of doing that is by ensuring that we are both named as her legal mothers."

11. The couple knew they would be married when the baby was born, and had hoped that both of them would be able to be listed as parents on the birth certificate. Sadly, Jackie was not included on the birth certificate but Jackie and Lisa are determined to fight for their family and see that the state of Indiana makes this right.

12. Their daughter is currently covered by Jackie's health insurance. Typically, the insurer does not continue to cover stepchildren if the insured's relationship with the mother of the children terminates due to death or divorce. This means that if Lisa was to die unexpectedly, it is uncertain whether her insurer would continue to insure her "stepchild", particularly if the child is receiving expensive medical care.

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12. "Fighting to be legally recognized as a couple was frustrating enough, fighting to be recognized as a mother to my biological child is infuriating and senseless," said Jackie. The reason why they are fighting is for the future of their child and if something happens to Lisa, they want to make certain that their child will go with Jackie and no one else.

13. "Lisa and I both went through so much physically, emotionally, and financially to have our baby," said Jackie, who added, "The day we were told legally I was merely a stepparent to my biological child and that we would have to go through a stepparent adoption process was absolutely heart wrenching and its just plain wrong."

14. Jackie and Lisa received a birth confirmation letter which simply listed Lisa as the sole parent to their baby. See, Attach. 1. Accompanying the birth confirmation letter was also a notice was a letter that allowed Lisa to correct information except she could not add the name of the father to the birth certificate. A true and accurate copy of the letter is attached hereto as Attach. 2. Instead, the letter referenced a notice which advised Lisa that to add a second parent onto the birth certificate would require a court order among other things for children born out-of-wedlock. A true and accurate copy of the notice is attached hereto as Attach. 3. Lisa, who was married to Jackie at the time the child was born is upset that government officials consider her child to be a child born out-of-wedlock.

15. "We followed all the rules Indiana said we must follow to conceive a child as a married couple," said Lisa. "We were legally married and I delivered a child who is biologically related to Jackie yet the state refuses to name Jackie as a legal parent on our child's birth certificate, a right that is extended to heterosexual married couples. Not only are we suffering and having to fight for legal rights to our daughter but our daughter is having to suffer as well and this is unacceptable, " continued Lisa.

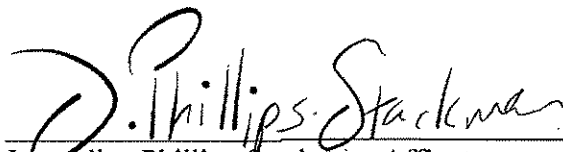
16. After birth Jackie and Lisa's child was in the neonatal intensive care unit for over 28 days. Prior to their child being born Lisa was admitted to the hospital due to preclampsia related health problems and had to undergo not only a c-section but an emergency hysterectomy as well. Lisa was in the hospital another two weeks after L.J.P-S was born. As Jackie observes:

Experiencing my wife and my daughter fighting for their lives at the same time is something I wouldn't wish on my worst enemy. Frightening doesn't even begin to describe the string of events I witnessed on October 21st, 2015. I don't know what I would have done if I would have lost both Lisa and [L.J.P-S]. Having no legal right to my daughter if something should have happened to my wife was absolutely horrifying. It is a fear I continue to live with every day. Every day I am also being denied legally recognized parental rights and relationship with my child. We are simply requesting the state of Indiana grant us the same rights to our family that are afforded to families headed by a man and a woman."

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I declare under penalty of perjury that the foregoing is true and correct. Executed on

December 9, 2015.

  
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Jacqueline Phillips-Stackman, Affiant

I declare under penalty of perjury that the foregoing is true and correct. Executed on

December 9, 2015.

  
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Lisa Phillips-Stackman, Affiant