

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE and RUBY HENDERSON, a married)
couple and L.W.C.H., by his parent and next)
friend Ruby Henderson, *et al.*,)

Plaintiffs,)

vs.)

No. 1:15-cv-220-TWP-MJD

DR. JEROME M. ADAMS, in his official capacity)
as Indiana State Health Commissioner, *et al.*,)

Defendants.)

AFFIDAVIT OF ASHLEE AND RUBY HENDERSON

Ashlee and Ruby Henderson, 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 November 11, 2014 in Lafayette, Indiana. We have been together for seven years.

3. Ruby works as a collections specialist and Ashlee is a nanny.

4. Ruby and Ashlee jointly decided they wanted to have a child together and worked hard to save \$5,000.00 to \$6,000.00 for conception assistance for their first child and tried for over a year to conceive only to be told that Ashlee had unexplained infertility. The couple tried again and Ruby was able to conceive and carry to term.

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5. On December 22, 2014, L.W.C.H. was born at I.U. Health Arnett Hospital in Lafayette, Indiana. The child is the first and only child born to their marriage.

6. Prior to their marriage and the birth of L.W.C.H., during the week of November 2, 2014, the couple asked the hospital if Ashlee would be included on the child's birth certificate if they were married when L.W.C.H. was born. The hospital told the couple they would need to contact the Tippecanoe County Health Department ("TCHD").

7. The couple contacted TCHD on the same day and were informed that Ashlee would not be listed as a parent on the birth certificate without a court order.

8. On or about December 2, 2014, Glenda Robinette, Vital Records Registrar, Tippecanoe County Health Department, informed Ashlee Henderson that only Ruby Henderson would be listed on the birth certificate of L.W.C.H. Attached as Attach. 1 is a true and accurate copy of document forwarded by Ms. Robinette to Ashlee Henderson that was offered as an explanation as to why Ashlee Henderson would not be presumed to be the parent of L.W.C.H.

9. After L.W.C.H. was born, Ruby Henderson was asked to complete the Indiana Birth Worksheet, version 27, 05/25/12. Attached hereto as Attach. 2 is a true and accurate copy of the worksheet that was completed by Ruby and Ashlee. The couple marked through each

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question asking for information regarding the father and in lieu of the word "father" inserted the term "Mother #2". All information provided regarding "Mother #2" related to Ashlee Henderson, the legal spouse of the birth mother.

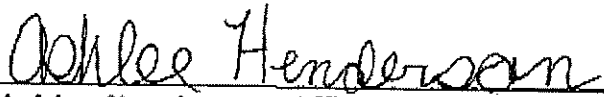
6. The birth certificate that was ultimately issued by the Tippecanoe Health Department listed L.W.C.H. as the child of Ruby Henderson and did not list Ashlee Henderson as a parent. A true and accurate copy of the birth certificate is attached hereto as Attach. 3.

7. The couple's financial resources are limited so they are unable to proceed with a costly adoption despite being offered free legal assistance by private attorneys. They have no documents that grant Ashlee any authority should anything happen to Ruby and this frightens both of them. Ruby said, "My family is in Maryland so we travel to see them every couple of months. It scares me to think what might happen to our child if something happened to me while we are on the road."

8. Ashlee is the primary care giver for their child during the day and she is very concerned. "I worry about what might happen if I have to rush our baby to the hospital while Ruby is away at work. Would the hospital let me make major health care decisions regarding my son? I don't know."

(Continued on Next page)

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 3, 2015.



Ashlee Henderson, Affiant

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 3, 2015.



Ruby Henderson, Affiant