

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 CAPTAIN NICOLE AND JENNIFER SINGLEY

Captain Nicole Singley and Jennifer Singley, 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 January 30, 2014 in Washington, D.C.

3. Captain Nicole Singley is an active duty officer in the United States Army. She has served this country as a military member for over 10 years. Currently, she is the deputy director for Personnel Force Innovation, a Department of Defense charter program, which places members of the National Guard and U.S. Air Force and Army reservists on active duty and where needed within the Department of Defense

Affidavit of Captain Nicole Singley and Jennifer Singley

Page 2 of 6

agencies.

4. Jennifer Singley recently graduated law school and is taking the bar exam in February 2016. Once she passes the bar, she intends to work as a fulltime lawyer.

5. On March 29, 2015, H.S. was born. The child is the first child born to their marriage. The couple jointly decided to have a child together.

6. H.S. was conceived with the aid of artificial insemination via a third-party sperm donor. Neither Captain Singley nor Jennifer Singley were ever informed of the identity of the donor.

7. Prior to entering the hospital for the delivery of H.S., Jennifer was advised to list Captain Singley as the second parent on the Indiana Birth Worksheet. Instead, personnel from Community Hospital would not allow Jennifer to complete the worksheet herself and insisted on having hospital personnel complete the form. Jennifer was told that Captain Singley would not be listed on the birth certificate and that there was nothing she nor Captain Singley could do about it.

8. Captain Singley and Jennifer were never given a copy of the worksheet. They were told that no birth certificate would be issued without the information contained within the form and without a birth certificate, no social security number could be issued. Without a social security number, H.S. could be refused services and military benefits.

Affidavit of Captain Nicole Singley and Jennifer Singley
Page 3 of 6

The birth certificate for H.S. does not list Captain Singley as a parent. A true and accurate copy of the birth certificate is attached hereto as Attach. 1.

9. After returning home with H.S., Captain Singley and Jennifer received a notice from the Marion County Health Department ("MCHD") setting forth information that had been provided by the hospital. Captain Singley was not listed as a parent. In addition to the one page document listing only Jennifer as the parent of H.S., there was also a notice stating that a child born out-of-wedlock would be listed only under the name of the mother, indicating that H.S. was considered to be a child born out of wedlock. A true and accurate copy of the notice and letter is attached hereto as Attach. 2.

10. After reading the notice declaring their child to be a child born out of wedlock, Captain Singley and Jennifer were offended. As Captain Singley noted, "There are pejorative connotations to children born out-of-wedlock and this is why society places such emphasis on marriage." Jennifer states that she was raised to believe that "Marriage lends respectability to a family."

11. Shortly after receiving the notice indicating that H.S. was a child born out-of-wedlock, the Singleys went down to the MCHD with a copy of their marriage certificate. They were told that under the law, even though they were married, Captain Singley could not be listed on

Affidavit of Captain Nicole Singley and Jennifer Singley
Page 4 of 6

the birth certificate and that their child was held to be born out of wedlock. Captain Singley then asked to speak to the supervisor.

12. The supervisor informed the Singleys that the law not only prohibited Captain Singley from being on the birth certificate but it also declared their child to be a child born out of wedlock. Captain Singley asked what, if anything, she could do to change the status of her child and to add her name to the birth certificate. She was told, "Get the law changed." That is what the Singleys hope to achieve with this litigation.

13. The Singleys left the MCHD feeling offended, insulted, degraded and frustrated.

14. The Singleys jointly decided to have a child because they wanted to raise a child together. It was decided Jennifer would carry the baby while Captain Singley worked to pay for all the costs associated with the conception. It was Captain Singley's military health insurance that covered the cost of conception and delivery of H.S.

14. Captain Singley believes it would be in the best interest of H.S. to have two legally obligated parents required to care and provide for H.S. instead of having only one legally obligated parent. Captain Singley also believes that Indiana's refusal to recognize her as the parent of H.S. is a declaration that she is of a lesser status and is to be valued less.

15. The Singleys do not understand why a man who has a one night stand with a woman is held to have more rights to parenting a

Affidavit of Captain Nicole Singley and Jennifer Singley
Page 5 of 6

child then two people such as themselves who are in a committed, loving relationship and are legally committed to each other through marriage and who make the decision to have a child that will be raised by them.

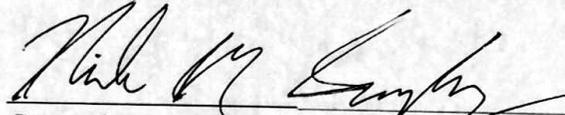
16. Captain Singley is concerned about what might happen if she has to make a parenting decision regarding H.S. and it is challenged because she is not legally the parent of H.S. "Every day, I make all kinds of decisions regarding H.S. To worry that someone might challenge my right to be a parent to H.S. just because I am a woman married to his birth mother is not good for H.S., Jennifer, our family or me."

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Affidavit of Captain Nicole Singley and Jennifer Singley
Page 6 of 6

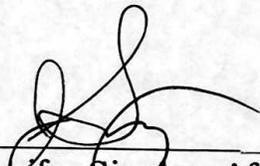
I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3rd, 2015.



Captain Nicole Singley, Affiant

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



Jennifer Singley, Affiant