

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION**

JENNIFER DEGROSS and SHANE  
DEGROSS,

Case no.: 3:24-cv-05225-DGE

*Plaintiffs,*

v.

TANA SENN, in her official capacity  
as Secretary of the Washington State  
Department of Children, Youth, and  
Families, ROSS HUNTER, in his  
personal capacity, NATALIE GREEN,  
in her official capacity as Assistant  
Secretary of Child Welfare Field  
Operations, RUBEN REEVES, in his  
official capacity as Assistant  
Secretary for Licensing, and  
JEANINE TACCHINI, in her official  
capacity as Senior Administrator of  
Foster Care Licensing,

**VERIFIED AMENDED  
COMPLAINT**

*Defendants.*

## INTRODUCTION

1  
2 Shane and Jennifer DeGross provided a loving home for foster children for  
3 nine years. They filed this lawsuit after Washington refused to even consider their  
4 foster-care license under a regulation requiring foster parents to speak the State’s  
5 views about sexual and gender identities. Then, the State backtracked and offered  
6 the DeGrosses a chance to apply for an exemption—effectively admitting that its  
7 previous exclusionary rule was overbroad. Now it has put the DeGrosses through  
8 an onerous waiver process and issued them a license filled with arbitrary  
9 restrictions. Washington continues to punish foster parents for their religious  
10 beliefs and prioritizes an ideological agenda over children’s best interests. Its  
11 regulation still violates the Constitution, and this Court should enjoin it.

12 In 2022, the DeGrosses sought to renew their foster-care license through  
13 Olive Crest—a private licensing agency that helps to prepare applications for  
14 certification to Washington’s Department of Children, Youth, and Families  
15 (“DCYF,” or the “Department”). During that process, an Olive Crest licensor noted  
16 that the DeGrosses “both have a heart for serving children in [their] community,”  
17 and that their “faithful ministry to children in Washington has been a blessing.”

18 Despite their faithful service, the Department refused to consider the  
19 DeGrosses’ application because they would not speak or act contrary to their  
20 religious convictions. Department regulations require foster parents to promote  
21 the State’s views on human sexuality, like using a child’s chosen pronouns to  
22 affirm that a boy can be a girl or a girl can be a boy, and taking a child to “cultural  
23 and educational activities” like pride parades. Wash. Admin. Code § 110-148-  
24 1520(2)(d). Because the DeGrosses could not agree to this requirement, Olive Crest  
25 could not certify their application, and DCYF refused to consider it.

26 After the DeGrosses filed suit, the Department backpedaled and allowed the

1 DeGrosses to apply to a heretofore-unknown exemption process. In fact, the  
2 Department's practice is *not* to inform agencies or individuals about the  
3 availability of exemptions unless specifically asked, ensuring that foster parents  
4 are kept in the dark unless they invoke certain magic words to vindicate their  
5 rights. And though the Department eventually granted the DeGrosses a waiver, it  
6 prohibits them from providing foster care for children older than five, refuses to  
7 license them for adoption, requires them to undergo additional LGBT-focused  
8 training, and forces them to make additional applications for modifications should  
9 they ever seek to care for a six-year-old or should they ever seek to adopt. These  
10 restrictions are arbitrary, serve the interests of no one, reveal a deep distrust of  
11 Plaintiffs' religious beliefs, and violate the First Amendment.

12 Indeed, now a federal district court in Washington *and* the Ninth Circuit  
13 Court of Appeals have found similar policies unconstitutional. *See Bates v.*  
14 *Pakseresht*, 146 F.4th 772 (9th Cir. 2025); *Blais v. Hunter*, 493 F. Supp. 3d 984  
15 (E.D. Wash. 2020). After *Blais*, the Department settled and agreed that "religious  
16 beliefs regarding LGBTQ+ issues cannot serve to disqualify" applicants, and that  
17 the State cannot require anyone "to express agreement with any policy regarding  
18 LGBTQ+ issues that conflicts with the applicant's sincerely held religious views."  
19 Ex. A at 2. Yet Washington continues to punish people of faith by erecting  
20 unconstitutional obstacles that discourage religious families from even applying.

21 As the *Blais* court previously noted, "the Department must not discriminate  
22 against a foster care applicant based on their creed." *Blais*, 493 F. Supp. 3d at  
23 1002. Yet Washington's campaign of ideological hegemony shows no signs of  
24 relenting. Its rule is both illegal and wrong. The DeGrosses ask this Court to  
25 prohibit the Department from punishing caregivers like them just because it does  
26 not like their religious views.

**JURISDICTION AND VENUE**

1  
2 1. This civil-rights action raises federal questions under the First and  
3 Fourteenth Amendments to the United States Constitution and the Civil Rights Act  
4 of 1871, 42 U.S.C. § 1983.

5 2. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6 3. This Court has authority to award the requested declaratory relief under  
7 28 U.S.C. §§ 2201–02 and Fed. R. Civ. P. 57; the requested injunctive relief and  
8 damages under 28 U.S.C. § 1343 and Fed. R. Civ. P. 65; and the requested costs and  
9 attorney fees under 42 U.S.C. § 1988, and Fed. R. Civ. P. 54.

10 4. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) and (2)  
11 because a substantial part of the events and omissions giving rise to the claims  
12 occurred in the Western District of Washington; the effects of the challenged statute  
13 are felt in this District; and at least one of the Defendants can and does perform  
14 their official duties in this District.

**PLAINTIFFS**

15  
16 5. Jennifer (Jenn) DeGross is a United States Citizen who resides in Kitsap  
17 County, Washington.

18 6. Shane DeGross is a United States Citizen who resides in Kitsap County,  
19 Washington.

**DEFENDANTS**

20  
21 7. Defendant Tana Senn is the Secretary of Washington’s Department of  
22 Children, Youth, and Families (“DCYF,” or “the Department”).

23 8. Defendant Ross Hunter was the Secretary of the Department prior to  
24 January 15, 2025.

25 9. The Department is responsible for overseeing and administering the  
26 Washington state foster-care system, including training and licensing foster

1 parents. Wash. Rev. Code § 74.15.030 (listing powers and duties of the secretary of  
2 the Department).

3 10. Defendant Senn “has the complete charge and supervisory powers over  
4 the department,” and may also “delegate any power or duty” vested in him. Wash.  
5 Rev. Code § 43.216.025.

6 11. Defendant Green is the Assistant Secretary of Child Welfare Field  
7 Operations for the Department.

8 12. Defendant Green exercises authority over the Department’s child-welfare  
9 operations in accordance with the powers and duties delegated to her by the  
10 Secretary. Wash. Rev. Code § 43.216.025.

11 13. Defendant Reeves is the Assistant Secretary for Licensing for the  
12 Department.

13 14. Defendant Reeves exercises authority over the licensing operations of the  
14 Department in accordance with the powers and duties delegated to him by the  
15 Secretary. Wash. Rev. Code § 43.216.025.

16 15. Defendant Jeanine Tacchini is the senior administrator for the Foster  
17 Care Licensing Division.

18 16. Defendant Tacchini exercises authority over the Licensing Division’s  
19 publications, policies, and licensing decisions.

20 17. This lawsuit charges all of the Defendants in their official capacities.

21 18. This lawsuit also charges Defendant Hunter in his personal capacity.

22 **FACTUAL BACKGROUND**

23 The “crisis” in Washington’s foster care system

24 19. According to the Department, 4,165 children entered Washington’s foster-  
25 care system in the 2021 fiscal year.<sup>1</sup>

26 <sup>1</sup> Wash. Dep’t of Child., Youth & Fams., Annual Foster Parent and Adoptive Home Recruitment Report Draft 2021–22 (2022 DCYF Recruitment Report) at 1, <https://perma.cc/HE6T-CMRT>.

1 20. From 2017 to 2021, Washington’s foster care system served over 10,000  
2 children annually.<sup>2</sup>

3 21. “As of June 30, 2021, 6,959 children and youth ages zero to seventeen  
4 were placed in out-of-home care.”<sup>3</sup>

5 22. A majority of those children were under the age of twelve, and 42.1%  
6 were between the ages of zero to ten.<sup>4</sup>

7 23. Washington seeks to establish permanency (a stable placement) as  
8 quickly as possible for all of its children in foster care.

9 24. But Washington suffers from “a shortage of caregivers willing and able to  
10 be a respite” (i.e., provision of temporary care to provide a primary caregiver time  
11 away from caregiving) “or placement resource.”<sup>5</sup>

12 25. The Department “needs active, licensed families willing to be a placement  
13 resource for children and youth placed in out-of-home care.”<sup>6</sup>

14 26. In particular, the Department needs families willing to take in children  
15 who can be more difficult to place, like children who are older, children who are part  
16 of sibling groups, children with behavioral issues, and children who are “medically  
17 fragile/medically complex.”<sup>7</sup>

18 27. According to Defendant Hunter, the Department “struggle[s] to recruit  
19 families who are willing to open their homes to teens.”<sup>8</sup>

20 28. And “DCYF continues to struggle with recruiting and retaining  
21 caregivers, specifically those with the skills, ability, and desire to parent children  
22 and youth with complex needs (extensive emotional, behavioral, and physical).”<sup>9</sup>

23 <sup>2</sup> The AFCARS Report: Washington: <https://perma.cc/9FMM-29G2>.

24 <sup>3</sup> 2022 DCYF Report, *supra* note 1, at 3.

25 <sup>4</sup> *Id.* at 3.

26 <sup>5</sup> *Id.* at 7.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> *Id.* at 7.

<sup>8</sup> Ross Hunter, SOGIE Federal Rules, <https://perma.cc/D44R-S877>.

<sup>9</sup> Wash. Dep’t of Child., Youth & Fams., 2024 Annual Progress and Services Report (2024 DCYF Progress Report) at 209, <https://perma.cc/79RS-53XY>.

1 29. According to the 2022 annual report by the Office of the Family and  
 2 Children’s Ombuds, “[t]he placement resource crisis has only worsened as [the]  
 3 child welfare system has experienced a significant drop in foster homes and  
 4 congregate care providers in the past two years.”<sup>10</sup>

5 30. According to the 2022 report, “approximately 1,000 foster homes have  
 6 either given up their foster license or have decided not to accept additional  
 7 placements.”<sup>11</sup>

8 31. The Washington State Family and Children’s Ombuds is an independent  
 9 agency that investigates complaints against the Department, intervenes to correct  
 10 policy or statutory violations, and seeks to help correct systemic issues that harm  
 11 children and families.

12 32. According to the Ombuds’ 2023 annual report, “[d]ue to a chronic lack of  
 13 placement resources, particularly for children with complex needs, for years DCYF  
 14 has housed children in unlicensed placements such as hotels or night-to-night  
 15 licensed foster homes until an appropriate placement became available.”<sup>12</sup>

16 33. The Department calls these types of stays in unlicensed facilities  
 17 “placement exceptions.”

18 34. Washington placed 358 foster children in hotel rooms or other placement  
 19 exceptions 4,570 times in the 2023 reporting year.<sup>13</sup>

20 35. In the past, children and youth have sometimes slept in DCYF offices or  
 21 social workers’ cars.<sup>14</sup>

22 36. For example, there were “771 ‘office stays’ in 2021.”<sup>15</sup>

23 <sup>10</sup> State of Wash., Off. of the Fam. and Child.’s Ombuds, 2022 Annual Report (2022 Ombuds Report)  
 24 at 3, <https://perma.cc/MEQ7-7DGT>.

<sup>11</sup> *Id.* at 9.

<sup>12</sup> State of Wash., Off. of the Fam. and Child.’s Ombuds, 2023 Annual Report (2023 Ombuds Report)  
 25 at 3, <https://perma.cc/BCD3-L52H>.

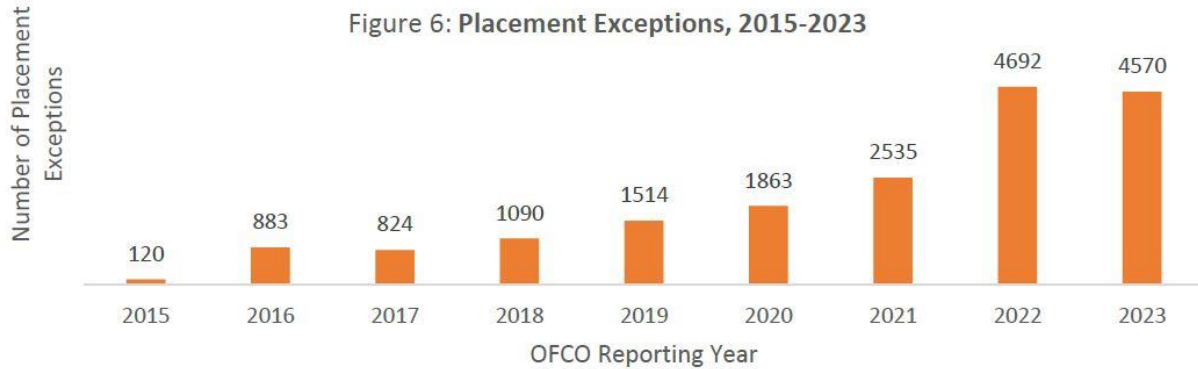
<sup>13</sup> *Id.* at 12.

<sup>14</sup> State of Wash., Off. of the Fam. and Child.’s Ombuds, 2021 Annual Report at 16–18,  
 26 <https://perma.cc/4BTY-FEAZ>.

<sup>15</sup> 2023 Ombuds Report, *supra* note 12, at 12.

37. The number of placement exceptions has increased six out of the last eight years—from 120 in 2015 to a peak of 4,692 placement exceptions in 2022.<sup>16</sup>

PLACEMENT EXCEPTIONS FOR FOSTER CHILDREN



38. In the 2023 fiscal year, this included over one hundred children under ten, including thirty-two children who were four and under, who spent at least one night in temporary housing.<sup>17</sup>

39. The Ombuds director has described placement exceptions as “traumatic experiences for [foster] children.”<sup>18</sup>

40. According to the Ombuds office, “[h]ousing children in hotels and temporary facilities is disruptive for children and often traumatic.”<sup>19</sup>

41. Defendant Hunter has described the Department’s use of placement exceptions as “the biggest problem [he has], operationally, in child welfare.”<sup>20</sup>

<sup>16</sup> 2023 Ombuds Report, *supra* note 12, at 12.

<sup>17</sup> Off. of the Fam. and Child.’s Ombuds, DCYF Use of Hotels and Offices as Placement, 2023 Report, <https://perma.cc/ET3U-8PHE>.

<sup>18</sup> Chris Ingalls, ‘A hopeless feeling’: Former Washington foster child spent more than 100 nights in a hotel, King 5, Feb. 24, 2020, <https://perma.cc/A5BS-KH2B>.

<sup>19</sup> 2023 Ombuds Report, *supra* note 12, at 6.

<sup>20</sup> Ingalls, *supra* note 18.

1 42. To address the “placement resource crisis,”<sup>21</sup> the Department is engaged  
 2 in recruitment and retention efforts to maximize the number of foster families on  
 3 the Department’s roster.<sup>22</sup>

4 43. Washington law states that “[w]ithin available resources, the department  
 5 shall increase the number of adoptive and foster families available to accept  
 6 children through an intensive recruitment and retention program.” Wash. Rev.  
 7 Code 74.13.325; *see also id.* 74.13.031.

8 44. The Department is engaged in an “intensive workplan” to understand the  
 9 drivers of caregiver attrition and to adopt better retention strategies.<sup>23</sup>

10 45. According to the Department, retaining foster “families is vital,” because  
 11 “the current placement crisis is a retention crisis, as tenured families are the ones  
 12 who have the experience to take care of children and youth with higher needs.”<sup>24</sup>

13 46. The Department seeks to “attract a diverse pool of caregivers who can  
 14 meet the unique needs of children placed in out-of-home care,” including “caregivers  
 15 who are ... culturally diverse.”<sup>25</sup>

16 47. In 2021, Defendant Hunter stated: “Our [DCYF’s] focus is to increase our  
 17 capacity to provide welcoming and affirming homes to ALL of the children and  
 18 youth we serve.”<sup>26</sup>

19 48. The Department is also seeking caregivers who are “[s]upportive of  
 20 siblings staying together,” “[a]ware that foster care is temporary,” “[o]pen to caring  
 21 for medically fragile/medically complex children,” “[o]pen to caring for children with  
 22 extensive emotional, behavioral, and physical needs,” and “[o]pen and affirming of  
 23 LGBTQIA+ youth.”<sup>27</sup>

24 <sup>21</sup> 2022 Ombuds Report, *supra* note 10, at 3.

25 <sup>22</sup> 2022 DCYF Recruitment Report, *supra* note 1, at 4.

26 <sup>23</sup> 2024 DCYF Progress Report, *supra* note 9, at 209.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 42.

<sup>26</sup> SOGIE Federal Rules, *supra* note 8.

<sup>27</sup> 2022 DCYF Recruitment Report, *supra* note 1, at 8.

1 The DeGrosses

2 49. Shane and Jennifer DeGross are Christians who want to open their home  
3 to children in need.

4 50. For the DeGrosses, their faith is at the center of everything they do.

5 51. Following the Bible's command to live out their faith and to care for the  
6 widow and the orphan, the DeGrosses felt called to provide foster care.

7 52. The DeGrosses were licensed foster parents with the State of Washington  
8 from 2013 to 2022.

9 53. The DeGrosses have cared for four different girls as foster parents.

10 54. Their first placement was a newborn, whom they received directly from  
11 the hospital. The DeGrosses cared for her for three months before the child's  
12 grandmother adopted her.

13 55. Their second child was a two-year-old. The DeGrosses cared for her for  
14 eighteen months before she returned to her biological mother.

15 56. Their third child was also a two-year-old. The DeGrosses cared for her for  
16 almost two years.

17 57. Later, the DeGrosses opted to provide respite care, and cared for a three-  
18 year-old girl for two weeks.

19 58. The DeGrosses have always treated their children as if they were their  
20 own by including them in family events, showing them love and affection, and  
21 treating them with respect as part of their natural family.

22 59. The DeGrosses are eager to continue serving children in need through  
23 respite care and want to be certified so they can act as foster parents again in the  
24 future.

25 60. And until the DeGrosses sought to renew their license in 2022, the  
26 Department never raised any concerns about the DeGrosses' capacity to care for  
foster children.

1 The licensing and placement process

2 *The application process*

3 61. To serve as foster parents, the DeGrosses must receive and retain a  
4 foster-care license from the Department.

5 62. Anyone seeking to open their home to a child from foster care must obtain  
6 such a license unless they fall under an exception or obtain a discretionary waiver—  
7 like those seeking to care for a relative. Wash. Admin. Code (WAC) § 110-148-1310;  
8 Wash. Dep’t of Child., Youth, & Fams., Policy 5120.<sup>28</sup>

9 63. The initial licensure process takes approximately 120 days from  
10 application to completion.

11 64. A license is valid for three years, after which foster families must renew  
12 their license. *See* WAC § 110-148-1325(2).

13 65. Applicants can apply for or renew their license from the Department  
14 itself or a private “child placing” agency. WAC § 110-148-1300(1).

15 66. A child-placing agency is a third-party agency licensed by the  
16 Department to perform some of the Department’s responsibilities, like training  
17 foster families, placing children in adoptive homes, or renewing a foster care license.  
18 Wash. Rev. Code § 74.15.100; WAC § 110-148-1305.

19 67. If an applicant applies for or seeks to renew their license through a  
20 private agency, the agency “may make application for a license on behalf of any  
21 such foster family home” to the Department. Wash. Rev. Code § 74.15.100.

22 68. “The final decision for licensing is the responsibility of DCYF.” WAC  
23 § 110-148-1305.

24 69. The licensing process includes in-person and online video training,  
25 background and criminal-history checks, and paperwork on the applicant’s medical  
26

---

<sup>28</sup> Policy 5120, <https://perma.cc/6SXW-C6AP>. Department policies are available here:  
<https://www.dcyf.wa.gov/practices-and-procedures>.

1 and financial history. WAC §§ 110-148-1320 (training, background checks, medical  
2 screening); -1375 (training); -1440–1515 (home safety requirements).

3 70. The licensing process also involves a home study. Wash. Dep’t of Child.,  
4 Youth, & Fams., Policy 5110.<sup>29</sup>

5 71. In fact, any person seeking to care for a child in foster care must obtain a  
6 home study, “regardless of whether the applicant intends to be foster-care licensed  
7 or an unlicensed caregiver.” *Id.*

8 72. The home study includes interviews with the applicant and home  
9 inspections and seeks to pull together information about the applicant’s family,  
10 cultural background, history of trauma, health, education, finances, caregiving  
11 experience, and more. *Id.*

12 73. Renewing a foster-care license has similar, abridged requirements,  
13 including a home inspection, renewal assessment, and updated background checks.  
14 WAC 110-148-1340(2).

15 *Licensing standards*

16 74. As part of the licensing process, “[t]he department or child placing agency  
17 will assess” the applicant’s “ability to comply with the licensing requirements.”  
18 WAC § 110-148-1370(1)(a).

19 75. Private agencies must certify that a home “meet[s] the full licensing  
20 requirements outlined in chapter 110-148 WAC” as part of the application to the  
21 State. WAC §§ 110-147-1300; -1305 (defining “certification”); -1345 (allowing  
22 agencies to certify an applicant meets licensing requirements).

23 76. “A license shall be granted if the [applicant] meets the minimum  
24 requirements set forth in” Washington’s code “and the departmental requirements.”  
25 Wash. Rev. Code § 74.15.100.  
26

---

<sup>29</sup> Policy 5110, <https://perma.cc/ZS6G-K7YJ>.

1 77. But “[t]he department has the final approval for licensing”—retaining the  
2 discretion to reject any application, even if an agency certified that the applicant  
3 met the Department’s minimum requirements. WAC § 110-148-1350(5).

4 78. The licensing assessment includes, “but is not necessarily limited to”:

- 5 • [The applicant’s] ability to comply with the licensing requirements;
- 6 • The physical condition of [their] home and property;
- 7 • The physical and mental health of all members of the household; and
- 8 • [Their] ability to provide sufficient income to meet the financial needs  
9 of your family without the foster care reimbursements for foster  
10 children in your care.

11 WAC § 110-148-1370(1)

12 79. Other regulations similarly provide that caregivers are evaluated to  
13 ensure they can “provide a safe home,” “provide the quality of care needed by  
14 children placed in [the] home,” and that the caregiver can “meet training  
15 requirements.” WAC § 110-148-1320(7).

16 80. Washington’s “[l]icensing requirements are designed to ensure children  
17 who are in foster care are safe, healthy and protected from all forms of child abuse  
18 and neglect.” *See* WAC § 110-148-1300.

19 81. These licensing requirements are designed to vet an applicant’s *general*  
20 fitness and ability to care for children, rather than their fitness or ability to  
21 adequately care for a *specific* child. Wash. Rev. Code § 74.15.030 (setting out the  
22 Department’s authority “to adopt and publish minimum requirements for  
23 licensing”); WAC § 110-148-1300 (setting out “licensing requirements for all foster  
24 homes”).

25 82. The Department also has the authority to license or certify caregivers to  
26 care for a specific child. Wash. Rev. Code § 74.15.120 (setting out Department’s

1 authority to issue a child-specific license); WAC § 110-148-1326 (same); *see infra*  
 2 ¶¶ 89–92 (describing kinship care).

3 Individualized assessments

4 83. While the licensing process evaluates an applicant’s ability to meet the  
 5 Department’s minimum standards, the Department still requires individualized  
 6 assessments of caregivers.

7 84. For example, the Department instructs child-welfare workers completing  
 8 a home study to “consider how all children and families are unique and meet them  
 9 where they’re at.”<sup>30</sup>

10 85. Licensing workers are supposed to “[c]onsider each person’s uniqueness  
 11 and culture when” conducting the home study, and to “[e]nsure the health, safety,  
 12 and well-being of children throughout the assessment; check your bias and realize  
 13 when you’re applying a dominant culture lens.”<sup>31</sup>

14 86. Within the past five years, the Department has provided more flexibility  
 15 to license or certify caregivers according to their unique situations.

16 87. For example, the Department previously used a unified home-study  
 17 approach that required all caregivers to meet the same requirements.

18 88. This meant caregivers seeking to provide foster care or to solely care for  
 19 family members still had to meet “additional criteria for adoption.”<sup>32</sup>

20 89. The unified home-study approach “created barriers for families and  
 21 delayed the timeliness of home study completion.”<sup>33</sup>

22  
 23  
 24  
 25 <sup>30</sup> Wash. Dep’t of Child., Youth & Fams., *The Home Study Practice Guide*, at 6,  
<https://perma.cc/R5ZQ-YEDG>.

26 <sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 4.

<sup>33</sup> *Id.*

1 90. Now, the Department uses “specialized tracks” that “divide[ ] the home  
2 study and licensing requirements into specific types of home studies that may be  
3 completed, including Kinship Care, Kinship License, and Foster License.”<sup>34</sup>

4 91. Kinship care refers to the Department’s discretion to place children with  
5 unlicensed caregivers who are “relatives or suitable other persons.” Wash. Dep’t of  
6 Child., Youth, & Fams., Policy 4527; *see also* Wash. Rev. Code § 74.15.020(2)(a)  
7 (listing relatives).<sup>35</sup>

8 92. “A suitable person” is someone a) who has a preexisting relationship with  
9 a child, b) with whom the child is comfortable, c) who is able and willing to care for  
10 the child, and d) who has passed DCYF background checks. Policy 4527.

11 93. This means caregivers for family or close friends need not obtain a  
12 license. Instead, they may obtain a child-specific home study that evaluates their  
13 ability to care for a specific child. Wash. Dep’t of Child., Youth, & Fams., Policy  
14 45274 (“unlicensed caregivers will have an approved home study for the child being  
15 placed”); *see generally* WAC § 110-16-0010.<sup>36</sup>

16 94. The Department also has a mechanism for granting exemptions from  
17 licensing requirements.

18 95. The Department may “make exceptions and license or continue to license  
19 [an applicant] if [they] do not meet the minimum licensing requirements” if the  
20 Department determines they “can provide for the safety, health and well-being of  
21 children in [their] care.” WAC § 110-148-1630(1).

22 96. If an exemption is granted to an applicant, the Department “may limit or  
23 restrict [the applicant’s] license and/or require [the applicant] to enter into a  
24 compliance agreement to ensure the safety and well-being” of children placed with  
25 the applicant. WAC § 110-148-1630(2).

26 <sup>34</sup> Home Study Practice Guide, *supra* note 30, at 4.

<sup>35</sup> Policy 4527, <https://perma.cc/NAQ5-VKGY>.

<sup>36</sup> Policy 45274, <https://perma.cc/AQ9E-2JG4>.

1 97. The Department “*may* modify, deny, suspend, or revoke” a license for  
2 several reasons, including if a home does “not meet the licensing requirements,”  
3 “cannot provide for the safety, health, and well-being of the children in [their] care,”  
4 or if a home “cannot or will not support a child’s cultural needs including needs  
5 based on the child’s race, ethnicity, religion, or SOGIE [sexual orientation, gender  
6 identity, and gender expression].” WAC § 110-148-1625 (emphasis added).

7 98. The Department allows individualized assessments because although  
8 every foster home is not an appropriate placement for any child, some homes are  
9 well-suited to care for certain children based on kinship relationships, or shared  
10 heritage, culture, or religious beliefs. *E.g., infra* ¶¶ 121–35.

11 99. In practice, the Department will (generally) accommodate different  
12 cultural or religious practices that might lead to conflicts between parents and  
13 foster children *without* pre-emptively limiting a person’s license. *Infra* ¶ 174–99.

14 100. The placement process similarly involves an individualized assessment of  
15 a caregiver’s strengths, background, and (sometimes) personal preferences, to  
16 match children with families that are well suited for each other.

17 101. For example, the Department provides prospective caregivers with  
18 information about a child before a placement so that caregivers can decide whether  
19 to accept the placement.

20 102. Caregivers “have the right to decline, to admit, or keep a child in [their]  
21 home, unless [their] decision violates the Washington state law against  
22 discrimination.” WAC § 110-148-1395(1).

23 103. Washington’s law against discrimination states: “The right to be free  
24 from discrimination because of race, creed, color, national origin, citizenship or  
25 immigration status, sex, honorably discharged veteran or military status, sexual  
26 orientation, or the presence of any sensory, mental, or physical disability ... is  
recognized as and declared to be a civil right.” Wash. Rev. Code § 49.60.030(1).

1 104. Yet the Department grants exemptions from this requirement.

2 105. The Department states on its website that: “Families are able to note  
3 their preference for children they wish to have placed in their care.<sup>37</sup>

4 106. And caregivers may categorically decline to take children based on some  
5 characteristics protected under the law against discrimination.

6 107. The Department requires every prospective caregiver to complete a  
7 Personal Information Form collecting information on the applicant’s family  
8 background, education, employment, relationships, and culture.

9 108. The form includes a section asking applicants whether they would  
10 “consider providing care and support to a child” with certain behavioral or physical  
11 traits, including “medical needs,” “developmental delays,” “mental health  
12 diagnoses,” or “learning disabilities.”

13

Children & Youth We Serve		
What population of children do you see yourself providing care to?	<input type="text"/>	
Would you consider providing care and support to a child... (Mark all that apply)	<input type="checkbox"/> ... with trauma history? <input type="checkbox"/> ... with substance abuse behaviors? <input type="checkbox"/> ... with medical needs? <input type="checkbox"/> ... with physically aggressive behaviors? <input type="checkbox"/> ... with developmental delays?	<input type="checkbox"/> ... with mental health diagnoses? <input type="checkbox"/> ... who is a teen parent? <input type="checkbox"/> ... with behavioral needs? <input type="checkbox"/> ... with learning disabilities?

14  
15  
16  
17

18 109. Using this information, the Department allows caregivers and applicants  
19 to decline to take children with mental health diagnoses, physical disabilities,  
20 medical needs, or developmental delays.

21 110. The Department accommodates other types of preferences as well.

22 111. The Department allows caregivers to express a preference based on sex or  
23 to categorically decline to take children of one sex.

24 112. The Department allows caregivers to express a preference or to  
25 categorically decline to take children based on other characteristics as well, like age.

26 <sup>37</sup> Frequently Asked Questions, Wash. Dep’t of Child., Youth, & Fams., <https://perma.cc/C7YN-4UEK>, under: “As foster parents, do we get to choose the age and gender of the young people placed in our care?”

1 113. Indeed, the Department will sometimes license caregivers for certain  
2 types of children (like children within a certain age range) and not others.

3 114. Further, the Personal Information Form asks applicants: “What  
4 population of children do you see yourself providing care to?”

5 115. This open-ended question gives the Department discretion to  
6 accommodate any preference on a case-by-case basis.

7 116. The Department also allows caregivers to decline to take children at the  
8 placement stage if they feel they are not a good fit based on the child’s unique  
9 circumstances.

10 117. According to the Department: “Foster families should never feel like they  
11 need to take a placement that they are not equipped to care for ....”<sup>38</sup>

12 118. According to the Department: “It is important for foster parents to know  
13 what is and is not a fit in their home.”<sup>39</sup>

14 119. On information and belief, the Department allows caregivers to decline  
15 children if they feel that religious differences would make the placement a poor fit.

16 120. On information and belief, the Department allows caregivers to decline  
17 children if they feel that cultural differences would make the placement a poor fit.

18 *The “child’s best interests” principle*

19 121. When the Department places a child in out-of-home care, the Department  
20 seeks “a placement that is most aligned with the child’s best interests, and safe,  
21 stable, and least restrictive in close proximity to the parent and the child’s school  
22 when possible.” Wash. Dep’t of Child., Youth, & Fams., Policy 4250.<sup>40</sup>

23 122. “If there is a conflict about a placement setting, the child’s placement  
24 should be made based on what is in their best interest.” *Id.*

25 \_\_\_\_\_  
26 <sup>38</sup> Frequently Asked Questions, *supra* note 37, under: “Are foster parents able to determine what may or may not be a good fit in their home?”

<sup>39</sup> *Id.*

<sup>40</sup> Policy 4250, <https://perma.cc/Q7P6-DWJZ>.

1 123. Federal spending-clause statutes applicable to Washington similarly  
2 require states to place children in “the least restrictive (most family like) and most  
3 appropriate setting available ... consistent with the best interest and special needs  
4 of the child.” 42 U.S.C. § 675(5).

5 124. “Preferences such as family constellation, sibling relationships, ethnicity,  
6 and religion shall be considered when matching children to foster homes.” Wash.  
7 Rev. Code § 13.34.260. *See also* Policy 4250.

8 125. Placing a child in out-of-home care with relatives is considered less  
9 restrictive (more family-like) than placing the child with strangers.

10 126. Thus, the Department prioritizes kinship placements as the “preferred  
11 option.” Wash. Rev. Code § 74.13.290; Policy 4527.

12 127. “Benefits for children and youth placed in kinship care are plentiful,  
13 including minimizing trauma caused by the removal, improving the children’s  
14 wellbeing, increasing permanency for children, improving behavioral and mental  
15 health outcomes, promoting sibling ties, and preserving children’s cultural identity  
16 and community connections.”<sup>41</sup>

17 128. Further, “the department, absent good cause, shall follow the wishes of  
18 the natural parent regarding the placement of the child with a relative or other  
19 suitable person ....” Wash. Rev. Code § 13.34.260(1).

20 129. When a kinship placement is not possible, the Department may place a  
21 child with licensed caregivers like the DeGrosses.

22 130. The Department seeks to match children with families that can—  
23 consistent with the child’s best interests—promote cultural permanency.

24 131. Cultural permanency refers to “a continuous connection to family,  
25 tradition, race, ethnicity, culture, language, and religion.”<sup>42</sup>

26  

---

<sup>41</sup> 2022 DCYF Recruitment Report, *supra* note 1, at 3.

<sup>42</sup> Home Study Practice Guide, *supra* note 30, at 12.

1 132. According to the Department, “[c]ulture is everything.... A person’s  
2 cultural background includes family traditions, customs, sexual orientation, gender  
3 identity and expression (SOGIE), religious/spiritual beliefs, recreational activities,  
4 personal interests, and lifestyle.”<sup>43</sup>

5 133. “DCYF holds foundational beliefs that children live with people with  
6 whom they can maintain their personal and cultural identity[.]”<sup>44</sup>

7 134. Thus, “ethnicity, culture, and religion must be considered when matching  
8 a child to a foster home.” Policy 4250.

9 135. The Department may also consider the “[r]ace, color, or national origin of  
10 the foster parent or child,” so long as these traits are “not ... the basis for any delay  
11 or denial of placement.” *Id.*

12 The Department’s past discrimination against religious caregivers

13 136. Washington law protects both children and prospective caregivers from  
14 discrimination based on traits like religion, ethnicity, or sexual orientation. Wash.  
15 Rev. Code §§ 49.60.030(1); 74.13.332 (“Foster parents have the right to be free of  
16 coercion [and] discrimination....”).

17 137. But in 2020, a couple successfully sued the Department for religious  
18 discrimination related to its now-repealed policy on “Supporting LGBTQ+ Identified  
19 Children and Youth.” *Blais*, 493 F. Supp. 3d at 995 (cleaned up).

20 138. In *Blais*, the plaintiffs challenged DCYF Policy 6900<sup>45</sup>, which was “the  
21 Department’s policy on how Department staff will make sure children who identify  
22 as LGBTQ+ have safe and affirming care.” *Id.* at 991 (cleaned up).

23  
24  
25  
26 <sup>43</sup> Home Study Practice Guide, *supra* note 30, at 13.

<sup>44</sup> 2024 DCYF Progress Report, *supra* note 9, at 70.

<sup>45</sup> Policy 6900, <https://perma.cc/JPF3-KSDQ?type=image>.

1 139. Policy 6900 included a directive to “[u]se gender neutral and inclusive  
2 language,” including “mirroring language the child or youth uses to describe  
3 themselves.”

4 140. Policy 6900 required Department staff to “[u]se and allow children and  
5 youth to use a different name, pronoun and gender that reflects their LGBTQ+  
6 identity instead of their legal name and sex assigned at birth.”

7 141. Policy 6900 required Department staff to “[c]onsider the child or youth’s  
8 LGBTQ+ identity as a factor when making placement decisions,” including  
9 “[d]etermining, on a case-by-case basis, which placement option would be in the  
10 child or youth’s best interest for their safety and well-being.”

11 142. Policy 6900 also required Department staff to “[s]upport any youth  
12 identifying as transgender and seeking gender affirming medical services.”

13 143. While the policy facially applied to Departmental staff, in practice it was  
14 applied to prospective foster parents as well. *Blais*, 493 F. Supp. 3d at 996.

15 144. The plaintiffs in the case, James and Gail Blais, sought to care for their  
16 great-granddaughter. *Id.* at 989.

17 145. The Department rejected the Blaises’ license application because of their  
18 religious objections to Policy 6900.

19 146. The couple subsequently sued Defendant Hunter for religious  
20 discrimination and moved for a preliminary injunction.

21 147. A federal court ruled for the couple on their free-exercise claim and  
22 preliminarily enjoined the Department from using Policy 6900 to exclude  
23 “prospective foster care license applicants.” *Id.* at 1001–02.

24 148. Washington later agreed to a settlement and permanent injunction  
25 ending its discriminatory practices. Ex. A, B.

26 149. Specifically, the injunction permanently enjoined DCYF “from requiring a  
foster family home license applicant or a family home study applicant to express

1 agreement with any policy regarding LGBTQ+ issues that conflicts with the  
2 applicant's sincerely held religious views." Ex. A at 2.

3 150. Under the injunction, the Department "[m]ay take an applicant's views  
4 on LGBTQ+ issues into account when reviewing foster family home license  
5 applications or family home study applications. However, the applicant's sincerely  
6 held religious beliefs regarding LGBTQ+ issues cannot serve to disqualify them." *Id.*

7 The Department's continued discrimination against religious caregivers

8 *The new SOGIE regulations*

9 151. Because Defendant Hunter was the named defendant in *Blais v. Hunter*,  
10 Hunter knew, or should have known, about the constraints placed on the  
11 Department as part of the settlement the Department agreed to.

12 152. Then, several months after the permanent injunction was issued in *Blais*  
13 *v. Hunter*, Defendant Hunter published a statement about Washington's non-  
14 discrimination policies.

15 153. This statement was posted on the Department's website.<sup>46</sup>

16 154. The same statement (save for one sentence that was placed in a different  
17 location) was posted on Hunter's personal website as well, under the title "WA  
18 Won't Discriminate."<sup>47</sup>

19 155. In this statement, Hunter commented on recent changes to federal rules  
20 on "discriminating on the basis of sexual orientation, gender identity and  
21 expression, (SOGIE) or on religion."<sup>48</sup>

22 156. According to the statement, "Washington does not allow this kind of  
23 discrimination today, and won't allow it in the future."<sup>49</sup>

24 157. According to the statement,  
25

26 <sup>46</sup> SOGIE Federal Rules, *supra* note 8.

<sup>47</sup> Ross Hunter, WA Won't Discriminate, <https://perma.cc/RMV9-NEXW>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

1 Washington requires potential foster parents to accept ALL  
2 children and youth for who they are. We do not grant licenses to  
3 families that are unwilling to be accepting of a child or youth  
4 who explores their sexual orientation, gender identity, or gender  
expression and comes out while in their care. The odds are too  
big to allow this to happen....<sup>50</sup>

5 158. After Washington discontinued Policy 6900, the State passed new  
6 regulations requiring foster-care applicants to support and affirm a child’s SOGIE.

7 159. Relevant here, the Department revised Washington Administrative Code  
8 § 110-148-1520 (“§ 1520”), which provides a list of “services” foster families are  
9 “expected to provide to children in [their] care.”

10 160. Section 1520 states:

11 ...

12 **(2) You must provide and arrange for care that is**  
13 **appropriate for the child’s age, SOGIE, and development**  
including:

- 14 (a) Emotional support;
- 15 (b) Nurturing and affection;
- 16 (c) Structured daily routines and living experiences; and
- 17 (d) Activities that promote the development of each child.  
This includes cultural and educational activities in your  
18 home and the community.

19 ...

20 (6) You must follow all state and federal laws regarding  
nondiscrimination while providing services to children in your  
21 care. You must support and engage with foster children in your  
care with dignity and respect regardless of actual or perceived  
22 race, ethnicity, culture, sex, or SOGIE.

23 **(7) You must connect a foster child with resources that**  
24 **supports and affirms their needs regarding** race, religion,  
25 **and developmental support for a child’s** ethnic identity and  
26 **SOGIE, educational needs, and spiritual activities in your home**  
and community ....

<sup>50</sup> WA Won’t Discriminate, *supra* note 47.

...  
**(9) You must support a foster child’s SOGIE by using their pronouns and chosen name ....**

WAC § 110-148-1520 (emphasis added).

161. The Department requires licensing agencies to describe how an applicant will comply with § 1520 in the home study, under a section titled “Diversity, Equity and Inclusion.”<sup>51</sup>

**Diversity, Equity and Inclusion (Shared by Applicant A & B if applicable)**

Cultural background: [REDACTED]

Support child’s cultural background: [REDACTED]

Understanding racism: [REDACTED]

Support a child’s religious/spiritual affiliation: [REDACTED]

Support a child’s sexual orientation, gender identity, and expression (SOGIE): [REDACTED]

Support a child who identifies as lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, and + (LGBTQIA+). The “+” represents identities not specifically named in the acronym, e.g. pansexual, gender nonbinary, and Two-Spirit: [REDACTED]

Ability to Parent: [REDACTED]

162. The Department publishes a Home Study Practice Guide that provides information on how the Department interprets and applies § 1520’s requirements.<sup>52</sup>

163. The practice guide states that: “Regardless of a child’s age or the age range the applicants wish to be licensed for, they must be willing to support all children and their LGBTQIA+ identity.”<sup>53</sup>

<sup>51</sup> See Form 10-043 (Home Study), <https://perma.cc/8JCR-29QB>.

<sup>52</sup> Home Study Practice Guide, *supra* note 30, at 50.

<sup>53</sup> *Id.* at 55.

1 164. The practice guide states that: “[w]hether the child’s or youth’s SOGIE is  
2 known at that time, it is vital to discuss how to appropriately support those who  
3 may identify as LGBTQIA+, therefore supporting children and youth.”<sup>54</sup>

4 165. Supportive practices include:

- 5 • Using “chosen names and pronouns.”
- 6 • Displaying “Pride flags or similar indicators.”
- 7 • Having “LGBTQIA+ authors, musicians, and artists in your  
8 collections.”<sup>55</sup>

9 166. The practice guide contains sample interview questions as well, like:

- 10 • How will you adapt to the request to call a child or youth by  
11 their chosen name and pronouns?
- 12 • How will you actively support a child or youth to become or  
13 remain engaged in their LGBTQIA+ related activities and  
14 community?
- 15 • How will you seek supportive and affirming medical care for  
16 the child or youth in your care?
- 17 • How will you seek supports [sic] or counseling to help  
18 yourself and your family’s assimilation process and learn  
19 supportive language or strategies?

17 167. Defendant Hunter is responsible for overseeing and implementing the  
18 Department’s regulations, including § 1520.

19 168. On information and belief, Defendant Hunter approved § 1520, including  
20 the requirements related to SOGIE.

21 169. Section 1520 is substantially similar to Policy 6900.

22 170. Like Policy 6900, § 1520 requires caregivers to use a child’s self-selected  
23 pronouns.

24  
25  
26  

---

<sup>54</sup> Home Study Practice Guide, *supra* note 30, at 54.

<sup>55</sup> *Id.*

1 171. Like Policy 6900, § 1520 requires caregivers to agree to support behavior  
2 and ideas involving hypothetical children “who might in the future develop or  
3 identify as LGBTQ+.” *Blais*, 493 F. Supp. 3d at 989.

4 172. Like Policy 6900, the Department utilizes § 1520 to disqualify persons  
5 because of their “sincerely held religious beliefs regarding LGBTQ+ issues.” Ex. A  
6 at 2.

7 173. If an applicant is not willing to use pronouns or otherwise support or  
8 affirm a child’s behavior or ideas about gender identity, the Department’s default  
9 response is to deny their application. If an applicant explicitly requests a religious  
10 exemption, the Department will sharply limit their foster-care license in arbitrary  
11 and unnecessary ways.

12 The Department’s different approach to supporting religious practices

13 174. Department regulations require caregivers to support other aspects of a  
14 child’s identity as well.

15 175. But the Department does not require applicants to support a child’s  
16 cultural or religious identity in the same way applicants must agree to support a  
17 child’s SOGIE.

18 176. Washington’s law against discrimination prohibits discrimination based  
19 on creed, and Department regulations prohibit discrimination against foster  
20 parents. Wash. Rev. Code §§ 49.60.030(1); 74.13.332.

21 177. The Department’s policy promoting culturally responsive care states that  
22 cultural permanence includes a child’s ability to maintain ties to their  
23 “religious/spiritual beliefs.” *Supra* ¶ 129.

24 178. And § 1520 requires caregivers to “support a child’s religion or spiritual  
25 practices” in various ways. WAC § 110-148-1520(8).

26

1 179. In interpreting and applying these statutes and policies, the Department  
2 does not categorically require caregivers to agree to express messages supporting a  
3 child's religion or spirituality that violate the caregiver's own belief systems.

4 180. For example, to complete the home study, an agency must "[a]ssess  
5 whether the applicants can be *respectful* of spiritual practices different than their  
6 own."<sup>56</sup>

7 181. To assess whether a caregiver will respect a child's religious or spiritual  
8 practices, an agency asks whether the caregiver will "allow a child to actively  
9 participate in their identified religion/spiritual practices."<sup>57</sup>

10 182. To assess whether a caregiver will respect a child's religious or spiritual  
11 practices, an agency asks whether the caregiver is "willing to adjust their personal  
12 commitments to provide a child the opportunity to participate in their  
13 religious/spiritual practices."<sup>58</sup>

14 183. Under § 1520, to "support" a child's religious practices, caregivers must  
15 similarly agree to "to provid[e] adequate opportunities for religious or spiritual  
16 training and allowing a child meaningful participation appropriate to the child's  
17 spiritual beliefs." WAC § 110-148-1520(8).

18 184. Caregivers need not agree to use a child's religious texts or to say  
19 religious prayers.

20 185. Caregivers need not agree to affirm through their speech and behavior  
21 that a child's creed or religion is true and valid.

22 186. Caregivers need not accommodate religious practices that force them to  
23 participate in the child's religion, like erecting a shrine in the home or displaying  
24 religious symbols like crucifixes according to the foster child's religious beliefs.

25  
26 <sup>56</sup> Home Study Practice Guide, *supra* note 30, at 53 (emphasis added).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

1 187. Caregivers who decline to “support” a child’s religious or cultural  
2 practices in these ways need not request an exemption or waiver and will still  
3 qualify for a foster-care license on the same terms as anyone else.

4 188. The Department similarly expects families to respect a child’s culture and  
5 accommodate the child’s cultural practices so long as the child’s cultural practices  
6 do not infringe on or impede the parent’s own culture.

7 189. The Department accommodates these types of conscience-based  
8 objections without limiting foster parents’ licenses to caring only for children under  
9 a certain age, belonging to certain religious groups, or practicing similar cultures, to  
10 eliminate the chances of a potential conflict.

11 190. But Department policies categorically require caregivers to agree to  
12 speak messages supporting a child’s SOGIE, even if this violates the caregiver’s  
13 belief system.

14 191. Under § 1520, caregivers must agree to use a child’s chosen name and  
15 pronouns. WAC § 110-148-1520(9).

16 192. Under § 1520, caregivers must agree to affirm through their speech and  
17 behavior that a child’s professed gender identity is true and valid.<sup>59</sup>

18 193. And Department policies categorically require caregivers to agree to  
19 engage in expression supporting a child’s SOGIE, even if this violates the  
20 caregiver’s belief system.

21 194. For example, to complete the home study, an agency must “[a]ssess how a  
22 family will *support* a child’s SOGIE and LGBTQIA+ identity.”<sup>60</sup>

23 195. To assess whether a caregiver will support a child’s SOGIE, an agency  
24 targets a caregiver’s speech and expression such as whether the caregiver will use  
25 chosen pronouns and display “Pride flags or similar indicators.”<sup>61</sup>

26 <sup>59</sup> Home Study Practice Guide, *supra* note 30, at 53.

<sup>60</sup> *Id.* at 50 (emphasis added).

<sup>61</sup> *Id.* at 54.

1 196. To assess whether a caregiver will support a child’s SOGIE, an agency  
2 asks whether the caregiver will seek support or counseling to help their  
3 “assimilation process” and to “learn supportive language or strategies.”<sup>62</sup>

4 197. Caregivers who decline to support a child’s gender identity or gender  
5 expression in these ways must explicitly request an exemption or waiver and are  
6 eligible to receive only a limited license (see below).

7 The Department rejects the DeGrosses’ application

8 198. The DeGrosses’ foster-care license was set to expire in August 2022.

9 199. In May of 2022, the DeGrosses began working with Olive Crest—their  
10 licensing agency—to renew their license.

11 200. Nothing substantial had changed in the DeGrosses’ personal  
12 circumstances since the last time they renewed their license.

13 201. Defendants had received no complaints concerning the DeGrosses’  
14 performance as a foster family.

15 202. To the contrary, the DeGrosses had successfully completed every  
16 foster/respite care assignment to Defendants’ satisfaction.

17 203. The DeGrosses were well qualified to renew their foster-care license,  
18 except that their religious beliefs conflicted with some of the Department’s new  
19 requirements set out in § 1520.

20 204. In late August/early September, Ashlynn McDonald—an Olive Crest  
21 licensing coordinator—began to have conversations with the DeGrosses about the  
22 updated WACs, including § 1520.

23 205. McDonald explained that the updated WACs required applicants to agree  
24 to support a child’s SOGIE.

25  
26  

---

<sup>62</sup> Home Study Practice Guide, *supra* note 30, at 55.

1 206. McDonald also explained that the updated WACs required applicants to  
2 concretely explain how they would support a child's SOGIE.

3 207. This placed the DeGrosses in a bind.

4 208. As Christians, the DeGrosses believe that a person's biological sex is an  
5 immutable characteristic, given by God that cannot be changed.

6 209. They believe that a person's male or female biology carries spiritual  
7 significance for who they are and how they interact with other people.

8 210. They believe that as image bearers of God, a person should live consistent  
9 with their God-given sex rather than contrary to God's design.

10 211. In their conversations with McDonald, the DeGrosses explained that they  
11 would love and support any child placed in their home.

12 212. The DeGrosses also explained that they could not say or do anything that  
13 went against their Christian faith.

14 213. In a September 7 email, McDonald stated: "we need to talk more about ...  
15 how specifically you will approach situations that might be more uncomfortable or  
16 new to you. I need to be able to state concretely what the plan would be to deal with  
17 that situation."

18 214. McDonald explained that "saying 'I will support a child'" was not enough.  
19 Rather, the Department "is looking for 'I will support a child by referring to  
20 him/her/them by preferred name and pronouns.'"

21 215. McDonald explained that the regulations "are very specific and clear  
22 about what is and is not considered supportive for children in care," and attached a  
23 document with parts of § 1520 copied and pasted into it.

24 216. McDonald was clear that supporting a child's SOGIE included using a  
25 child's name and pronouns.

26 217. McDonald added that: "I know this may seem very stringent with no  
room for compromise. That is truly the way of things currently."

1 218. McDonald continued: "It is clear to me that you both have a heart for  
2 serving children in your community and also for sharing the truth of Jesus with the  
3 children who enter your home."

4 219. And McDonald added that: "Other families licensed within Olive Crest  
5 have had to make the personal decision of whether these requirements are  
6 something they can realistically follow."

7 220. On September 22, the DeGrosses met with McDonald and her supervisor  
8 Angela Youtsey.

9 221. The DeGrosses reiterated that they would love and support any child  
10 placed with them, but they would not use a child's pronouns or affirm that a child  
11 can transition to a gender that is different than their biological sex.

12 222. Afterwards, McDonald asked the DeGrosses to write in their own words  
13 their answers to the SOGIE questions on a form titled the Home-Inspection  
14 Checklist.

15 223. The DeGrosses reiterated that they would "love and support any child  
16 who is placed in [their] home," but they were not "willing to use a child's preferred  
17

18

19 • We will love and support any child  
20 who is placed in our home.  
21 • We are not willing to use a child's  
22 preferred pronouns that are contrary  
23 to their biological gender as it violates  
24 our religious beliefs.  
25 • We are not willing to say that a child  
26 who is a biological male can identify  
as a female or a child who is a  
biological female can identify as a male  
as it violates  
our religious  
beliefs!

Applicant #1 #2	Applicant #
--------------------	----------------

1 pronouns,” or to say that a male child “can identify as a female” or vice-versa,  
2 because of their religious beliefs.

3 224. A license or renewal application requires the preparing agency to certify  
4 that the applicants meet all of the WACs. *Supra* ¶¶ 73–74.

5 225. But Olive Crest could not certify that the DeGrosses met all of the WACs  
6 because of their religious objections to using pronouns or otherwise supporting a  
7 child’s desire to identify as transgender or non-binary.

8 226. Olive Crest nonetheless attempted to find a workaround that would allow  
9 the DeGrosses to renew their license.

10 227. On October 7, 2022, Olive Crest emailed DCYF and explained that the  
11 Department should certify the DeGrosses even though they could not comply with  
12 the parts of § 1520 that required them to violate their beliefs.

13 228. McDonald wrote that the DeGrosses were a “very loving and gracious  
14 couple who truly desire to support other foster families.”

15 229. McDonald wrote that the DeGrosses were “organized,” “flexible,” able to  
16 “integrate a child/children into their family dynamics,” a “strong team,” and “excited  
17 to be a support to other families through providing respite care.”

18 230. McDonald explained that the updated WACs forced the DeGrosses to  
19 violate their sincerely held beliefs, and that they wanted to open their home to  
20 children “without compromising their personal religious beliefs.”

21 231. McDonald wrote that the DeGrosses felt their religious objections did not  
22 “negate[] their ability to show children love and provide ... a safe place to be.”

23 232. McDonald wrote: “This family has been a wonderful family and, we  
24 believe, has a lot to offer the foster care community. We desire to renew them but,  
25 given the recent WAC updates, wanted to bring this to your attention and see how  
26 you would desire to proceed from here.”

1 233. DCYF responded the same day: “Based on the information provided  
2 below, how would the agency ensure that the family is following the WAC when  
3 they clearly stated that using a child’s pronouns is something the family cannot do?  
4 How would they support a child who identifies as LGBTQ+ if a child came into their  
5 home for respite?”

6 234. Olive Crest responded: “While we would not plan to place a child in their  
7 home for respite that identifies as LGBTQ, you are correct in assessing that we  
8 cannot ensure that the family is following the WAC. I am disappointed to lose a  
9 family who has been licensed for 9 years and thus, wanted to bring this to your  
10 attention to see if there was any way for them to remain licensed with Washington  
11 State, given their stance. Thank you for your time.”

12 235. DCYF did not respond and never mentioned the possibility of allowing  
13 the DeGrosses to seek a waiver or exemption.

14 236. Olive Crest got the message. According to Jeff Clare, Olive Crest’s  
15 regional program director, “Olive Crest was led to believe that it could not certify a  
16 family that did not agree to uphold all of the licensing requirements for foster  
17 homes, including WAC 110-148-1520.” Decl. of Jeff Clare ¶ 12 (Dkt. # 23) (“Clare  
18 Decl.”). Despite believing that the DeGrosses were “imminently qualified,” *id.* ¶ 18,  
19 the Department’s response “in the form of a rhetorical question affirmed” Olive  
20 Crest’s understanding that families like the DeGrosses could not be licensed. *Id.*  
21 ¶ 20.

22 237. Indeed, Olive Crest had had other conversations with DCYF about § 1520  
23 and Olive Crest’s impression was that it “if a family had reservations about how  
24 their religious beliefs might conflict with WAC [110]-148-1520, Olive Crest should  
25 not certify or submit an application on behalf of that family.” *Id.* ¶ 14. In other  
26 words, DCYF led Olive Crest to believe it was supposed “to screen out families  
whose religious views conflicted with the relevant WACs.” *Id.* ¶ 15.

1 238. In Olive Crest's conversations with DCYF, DCYF did not mention or offer  
2 the possibility of religious exemptions. In fact, DCYF's practice is to avoid offering  
3 or even suggesting the possibility of an exemption to § 1520 unless an agency or an  
4 individual applicant explicitly asks for one.

5 239. Based on these prior conversations and DCYF's response to McDonald's  
6 email, McDonald informed the DeGrosses that they were ineligible to renew their  
7 license.

8 240. As McDonald explained it, Olive Crest had to certify that the DeGrosses  
9 would "follow all WACs to the letter without any exceptions." McDonald stated that  
10 she had personally hoped the Department would make an exception in this case and  
11 renew the DeGrosses' license, but her understanding was that there "were no  
12 exceptions."

13 241. The DeGrosses later learned from a different Olive Crest employee that  
14 there were other families who did not receive their licenses because they could not  
15 agree to the updated WACs.

16 The Department backpedals and grants a limited exemption

17 242. On March 22, 2024, the DeGrosses filed this lawsuit.

18 243. Defendants filed a motion to dismiss arguing that Olive Crest never  
19 submitted a formal exemption request on behalf of the DeGrosses.

20 244. This Court denied Defendants' motion to dismiss and granted limited  
21 jurisdictional discovery.

22 245. In August, the parties agreed to stay all proceedings to allow the  
23 Department to consider a formal exemption request from the DeGrosses.

24 246. This required the DeGrosses to submit a new foster-care application  
25 together with an exemption request specifying which WACs they sought an  
26

1 exemption from, explaining the “reasons why the request should be granted,” and  
2 describing a “mitigation plan.” *See* Ex. C.

3 247. The exemption request form states that “[w]aivers are approved in rare  
4 circumstances,” and that waivers “are time limited and usually child-specific.”

5 248. On January 23, 2025, Olive Crest submitted the DeGrosses’ foster-care  
6 application with an exemption request to § 1520.

7 249. Olive Crest recommended that the DeGrosses be approved for  
8 “placement, foster care, and adoption.” As described in the Home Study, the  
9 DeGrosses would love and respect any child placed in their home, as a mother and  
10 father would. The love of Christ motivates them to reflect love to any child, whether  
11 they are LGBTQIA+ or not.

12 250. The Home Study included a waiver request for WAC 110-148-1520(9),  
13 specifically the portions requiring foster parents to use pronouns. It noted that the  
14 DeGrosses cannot refer to a child by chosen pronouns that are contrary to a child’s  
15 biological sex. Instead, they would generally seek to avoid using a child’s pronouns  
16 and refer to the child by name so long as doing so does not require them to violate  
17 their religious beliefs. Ex. C.

18 251. The exemption request stated that the DeGrosses are willing to undergo  
19 training so long as they were “not required to change their sincerely held religious  
20 beliefs.” Ex. C.

21 252. The exemption request also noted that the DeGrosses planned “to  
22 mitigate” the waiver by ensuring that any child placed in their home is treated  
23 respectfully, ensuring the child is not bullied because of their SOGIE, “providing a  
24 safe environment so the child does not feel they have to hide their feelings or  
25 emotions from the caregivers; [and] supporting a child speaking openly about their  
26 SOGIE identity.” Ex. C.

1       253. The DeGrosses' Home Study further explained that the DeGrosses could  
2 not encourage children to participate, and they themselves could not engage in,  
3 behavior or activities that required the DeGrosses to violate their beliefs, like  
4 attending pride parades. In the event of a conflict, the DeGrosses would  
5 communicate and collaborate with Olive Crest and DCYF social workers to arrange  
6 transportation for the child to an event or otherwise ensure that the child can  
7 access resources DCF deems necessary or helpful.

8       254. In summary, the DeGrosses would work collaboratively with Olive Crest  
9 and Department staff to follow a child's case plan and ensure the best interests of  
10 the child are met while still allowing the DeGrosses to speak and act consistent  
11 with their religious beliefs.

12       255. In March, the Department responded to the DeGrosses' exemption  
13 request with 15 additional questions that required four pages of written answers.

14       256. In April, the Department sent an additional questionnaire in connection  
15 with the Home Study submitted by Olive Crest. The questionnaire included 34  
16 questions requiring seven pages of written answers.

17       257. The DeGrosses completed every request throughout the new application  
18 and exemption process promptly, and at the very most within two weeks.

19       258. On August 7, 2025, over six months after the DeGrosses' exemption  
20 request was submitted to the Department, the Department granted the DeGrosses a  
21 waiver.

22       259. This waiver placed several restrictions on Olive Crest's ability to license  
23 the DeGrosses, including:

- 24           • Limiting the license to respite care for children ages 2–18 years old  
25           and foster care for children ages 2–5 years old;
- 26           • Prohibiting emergency placements;

- 1 • Requiring a “thorough[ ] review” of the child’s case plan to determine
- 2 if the DeGrosses “will agree to follow the case plan”;
- 3 • Not licensing the DeGrosses for adoption, as would normally be the
- 4 case when recommended, but instead requiring them to complete a
- 5 separate home study and application to adopt for a specific child
- 6 if/when they are interested in adoption;
- 7 • Informing a child’s caseworker/social worker of the waiver “to verify
- 8 that there are no known gender diverse identity considerations”
- 9 • “Ensur[ing] the home is only utilized for placement or respite within
- 10 licensed capacity and not approve an overcapacity”;
- 11 • Requiring the DeGrosses to complete the LGBTQIA+ Basics for
- 12 Supporting Youth training within the first year of their license.

13 260. On September 19, DCYF approved the DeGrosses’ foster-care license  
14 according to the limitations described above.

15 The DeGrosses’ dilemma

16 261. The DeGrosses stand ready and able to care for any child in the foster-  
17 care system.

18 262. DCYF initially refused to consider their prior application to renew their  
19 license solely because they could not comply with aspects of § 1520 that conflicted  
20 with their religious beliefs.

21 263. Once the DeGrosses learned that DCYF was willing to consider an  
22 exemption request, the DeGrosses requested an exemption. This process proved  
23 burdensome.

24 264. For example, the DeGrosses had to resubmit a new foster-care  
25 application because neither they nor Olive Crest previously knew that exemptions  
26 were available for § 1520. DCYF’s practice is not inform agencies or applicants

1 about the availability of exemptions. Rather, the onus is on the agency or the  
2 applicant to learn about the exemption procedure and explicitly request an  
3 exemption.

4 265. So merely bringing religious objections to the Department’s attention or  
5 asking if there is “any way for [an applicant] to remain licensed” is not enough. *E.g.*  
6 Clare Decl. Ex. 4; Clare Decl. ¶¶ 12–20. An agency or applicant must use certain  
7 words like “waiver” or “exemption,” otherwise DCYF will decline to consider an  
8 application that fails to meet the WACs.

9 266. Further, the exemption process adds additional time and paperwork to  
10 the standard licensing process. The agency or applicant requesting a waiver must  
11 complete a separate form (Ex. C), identify the specific WACs for which the applicant  
12 seeks an exemption, explain their religious objections in detail, and answer  
13 additional follow-up questions about their religious beliefs based on hypothetical  
14 scenarios.

15 267. Now, DCYF has issued the DeGrosses a license that arbitrarily limits  
16 them to caring for only some children in only some ways, without regard for their  
17 ability to provide a loving home to any child.

18 268. These restrictions treat the DeGrosses worse than similarly situated  
19 foster parents with analogous conscience-based objections to supporting a child’s  
20 religious or cultural identities and practices. *Supra* ¶¶ 174–190.

21 269. These restrictions also saddle the DeGrosses with additional obstacles  
22 should they wish to adopt a child, or should they wish to provide foster care for a  
23 child who is older than five years old, or should they wish to care for a child whom  
24 they know well and have a prior relationship with on an emergency basis. Because  
25 of these restrictions, the DeGrosses fear that DCYF can punish them in the future  
26 because of their religious beliefs.

1 270. For example, because DCYF deferred licensing them for adoption, the  
2 DeGrosses will need to complete a new home study and application should they seek  
3 to adopt a toddler in their care who becomes free to adopt. That creates additional  
4 paperwork and uncertainty should the DeGrosses end up caring for a child whom  
5 they later wish to adopt.

6 271. Nor is there any justification for declining to license the DeGrosses for  
7 adoption because DCYF always updates a foster parent's adoptive home study  
8 should a foster parent indicate that they want to adopt a child. WAC § 110-060-  
9 0100. Indeed, a prospective adoptive parent must petition the court to adopt a foster  
10 child and serve notice on the Department, and DCYF may always file a report with  
11 the court for or against the adoption application. Wash. Rev. Code Ann. § 26.33.210.

12 272. Because DCYF licensed the DeGrosses to care for children under five  
13 years old, the DeGrosses will need to apply for a license modification in the event  
14 that a child placed in their home turns six. This makes the DeGrosses fearful that  
15 DCYF will uproot a child from their home just because he or she turns six even if  
16 they have been caring for the child for years.

17 273. Nor is there any justification for the age restriction. Nothing magic  
18 happens at age six that makes the DeGrosses' home unsuitable, particularly for a  
19 child they've been successfully caring for at age five. Nothing about the DeGrosses'  
20 religious beliefs makes them incapable of caring for older children.

21 274. The restrictions require caseworkers to ensure that children placed with  
22 the DeGrosses have "no known gender diverse identity considerations." While  
23 vague, this suggests that gender diverse children cannot be placed with the  
24 DeGrosses under any conditions, even if the child is a long-term placement and  
25 even if the child wants to remain in their home.

26 275. The waiver also prohibits the DeGrosses from receiving emergency  
placements. This prohibition is arbitrary since the DeGrosses could easily care for

1 many, likely most, children on an emergency basis with no risk to the Department's  
2 alleged concerns.

3 276. Further, the waiver requires the DeGrosses to take a training course  
4 entitled *LGBTQIA+ Basics for Supporting Youth* within the first year of their  
5 license. It's unclear if DCYF requires training of other applicants or if it is only  
6 being required of the DeGrosses because of their religious beliefs. It's also unclear if  
7 this training is meant to prepare the DeGrosses to care for "gender diverse"  
8 children. DCYF's other restrictions suggest that it intends to prevent any children  
9 with "gender diverse identit[ies]" from being placed with the DeGrosses, which  
10 would make this training unnecessary.

11 277. To avoid these onerous restrictions, § 1520 requires the DeGrosses to  
12 violate their religious beliefs about the significance of biology and sex.

13 278. First, § 1520 facially requires foster-care applicants to speak against  
14 their beliefs.

15 279. This includes agreeing to use a hypothetical child's stated pronouns and  
16 chosen name. WAC § 110-148-1520(9). In addition to using feminine pronouns for a  
17 male and masculine pronouns for a female, applicants must agree to use non-binary  
18 pronouns like "they/them" or "ze/zir" neopronouns.

19 280. Applicants must agree to use their speech to affirm a child's identity as  
20 transgender, non-binary, or anything else.

21 281. But the DeGrosses believe that biological sex is an immutable  
22 characteristic from God that cannot be changed.

23 282. The DeGrosses believe that they would bear false witness if they  
24 expressed the view that gender can be fluid or distinct from someone's sex.<sup>63</sup>

25 283. The DeGrosses cannot use inaccurate pronouns or otherwise refer to a  
26 child in a way that suggests their gender is fluid or distinct from their sex.

---

<sup>63</sup> See *id.* at 55 ("A child's LGBTQIA+ identity is often fluid and develops over time.").

1 284. Second, § 1520 facially requires foster-care applicants to agree to refrain  
2 from speaking or expressing their religiously informed views that people should act  
3 and identify consistent with their sex.

4 285. Because § 1520 requires applicants to “support a foster child’s SOGIE,”  
5 WAC § 110-148-1520(9), applicants must express a supportive view— and only a  
6 supportive view—about a child’s gender identity or associated behavior.

7 286. This prohibits foster parents from speaking or expressing the view that  
8 sex is immutable and cannot be changed.

9 287. This prohibits foster parents from speaking or expressing other views on  
10 human sexuality that do not accord with the State’s views on SOGIE.

11 288. But the DeGrosses want to honor God in all aspects of their life, and  
12 desire to speak openly and truthfully about their faith and about our human nature  
13 with their future foster children, so long as their foster children are receptive.

14 289. The DeGrosses would never force their beliefs onto a child.

15 290. Rather, they want to share their beliefs in a kind and loving manner.

16 291. They seek to witness their faith by living consistent with their beliefs in  
17 word and deed.

18 292. So, the DeGrosses would never embarrass, tease, shame, threaten, or in  
19 any way abuse a child because of how they identified, or because the child disagreed  
20 with their religious beliefs about the spiritual significance of the human body.

21 293. Rather, the DeGrosses would love any child that comes into their home  
22 just as they love their own children.

23 294. If the DeGrosses and a child placed with them came to disagree on any  
24 matter, the DeGrosses would seek to work through that disagreement as they do  
25 with their own children: amicably and respectfully expressing their views and  
26 listening to why a child might disagree with the DeGrosses’ views or decisions.

1 295. The Department has imposed overinclusive and burdensome restrictions  
2 on the DeGrosses' foster-care license solely because of their religious beliefs. This  
3 continues to violate the First Amendment.

4  
5 **LEGAL ALLEGATIONS**

6 First Cause of Action:

7 First Amendment Free Speech and Free Association

8 296. Plaintiffs reallege and incorporate by reference paragraphs 1–295.

9 297. The First Amendment forbids any law “abridging the freedom of speech  
10 ... or the right of the people peaceably to assemble.” U.S. Const. amend. I.

11 298. Section 1520 requires foster-care applicants to agree to speak certain  
12 words and otherwise engage in expression, like self-selected pronouns, that express  
13 the Department’s preferred views on human sexuality.

14 299. Section 1520 requires foster-care applicants to stay silent and to refrain  
15 from speaking or expressing views that are different from the Department’s  
16 preferred views on human sexuality.

17 300. Because the DeGrosses would not agree to speak or otherwise express the  
18 Department’s preferred views on human sexuality, the Department imposed  
19 arbitrary restrictions on their license, treating them worse than other similarly  
20 situated foster parents because of their speech.

21 301. Because § 1520 requires applicants to speak certain words and engage in  
22 certain expression, the Department’s rule compels speech and association.

23 302. Because § 1520 requires applicants to stay silent and refrain from  
24 expressing certain views on human sexuality, the Department’s rule restricts  
25 speech and association.  
26

1 303. Because § 1520 requires applicants to speak the Department’s preferred  
2 views on human sexuality, or to otherwise stay silent, the Department rule  
3 regulates speech based on content and viewpoint.

4 304. The Department’s discriminatory rule does not serve any valid or  
5 compelling interest in a narrowly tailored way when it infringes on the DeGrosses’  
6 free-speech and free-association rights.

7 305. The Department’s discriminatory rule is also facially invalid because it  
8 gives state officials unbridled discretion and imposes overbroad restrictions on  
9 speech and association.

10 306. Facially and as applied, the Department’s rule violates the Free Speech  
11 and Freedom of Assembly Clauses.

12 Second Cause of Action:  
13 First Amendment Free Exercise

14 307. Plaintiffs reallege and incorporate by reference paragraphs 1–295.

15 308. The First Amendment forbids any law prohibiting or penalizing the free  
16 exercise of religion. U.S. Const. amend. I.

17 309. The DeGrosses are religiously motivated to provide foster care and  
18 religiously motivated to live out their faith at home and express their religious  
19 views on human sexuality at home.

20 310. But the Department conditions their ability to provide foster care on the  
21 same terms as other similarly situated foster parents, on their willingness to speak  
22 and act against their religious beliefs, like using self-selected pronouns or taking a  
23 child to pride parades.

24 311. Because they are bound by their religion and conscience, the DeGrosses  
25 will not agree to speak the Department’s preferred views on human sexuality, or to  
26 engage in any other activities that go against their religious beliefs.

1 312. The Department’s rule significantly burdens the DeGrosses’ religious  
2 exercise by putting them to a choice between fidelity to their religious beliefs and  
3 serving children in foster care on the same terms and conditions as other similarly  
4 situated foster parents.

5 313. The Department’s rule is not neutral nor generally applicable because it  
6 provides for individualized and categorical exemptions for secular conduct without  
7 extending comparable exemptions to religious exercise, thereby treating comparable  
8 secular conduct better than Plaintiffs’ religious exercise. The policy also imposes  
9 special disabilities based on religious beliefs and works as a religious gerrymander.

10 314. The Department’s rule is also not neutral because it targets the  
11 DeGrosses’ religious beliefs out of religious hostility and judges their religious  
12 beliefs to be illegitimate and offensive.

13 315. Because the Department’s rule pressures the DeGrosses to violate their  
14 faith, and the Department declines to extend exemptions to religious conduct  
15 comparable to exemptions for secular conduct, the policy is also inconsistent with  
16 the history and tradition of the Free Exercise Clause.

17 316. Because the Department’s rule pressures the DeGrosses to speak and to  
18 engage in expressive activities that violate their religious beliefs, it also burdens  
19 free-exercise rights in conjunction with free-speech and free-association rights.

20 317. The Department’s discriminatory rule does not serve any valid or  
21 compelling interest in a narrowly tailored way when it infringes on the DeGrosses’  
22 free-exercise rights.

23 318. As applied, the Department’s policy violates the Free Exercise Clause.

24 Third Cause of Action:  
25 Fourteenth Amendment: Equal Protection

26 319. Plaintiffs reallege and incorporate by reference paragraphs 1–295.

1 320. The Fourteenth Amendment guarantees “the equal protection of the  
2 laws.” U.S. Const. amend. XIV, § 1.

3 321. The Department’s policy places burdensome restrictions on applicants  
4 with religious beliefs that the Department disfavors.

5 322. By restricting the DeGrosses foster-care license because of their religious  
6 beliefs, the policy invidiously discriminates based on religion and treats the  
7 DeGrosses worse than similarly situated persons who do not share their religious  
8 beliefs.

9 323. As applied, the policy violates the Equal Protection Clause.

10 **PRAYER FOR RELIEF**

11 Plaintiffs respectfully request that this Court enter judgement against  
12 Defendants and provide Plaintiffs with the following relief:  
13

- 14 1. A declaration that the Department’s rule violates Plaintiffs’  
15 constitutionally protected rights to free speech, free association,  
16 religious exercise, and equal protection of the law;
- 17 2. A permanent injunction to stop Defendants, and any person acting in  
18 concert with them, from enforcing the Department’s rule to deny  
19 Plaintiffs a foster-care license or to impose restrictions on Plaintiffs’  
20 foster-care license that it does not impose on similarly situated foster  
21 parents based on Plaintiffs’ protected speech or religious exercise;
- 22 3. That this Court award Plaintiffs’ costs and expenses in this action,  
23 including reasonable attorney fees, in accordance with 42 U.S.C. § 1988;
- 24 4. That this Court award Plaintiffs nominal and punitive damages related  
25 to Plaintiffs’ claims against Defendant Hunter in his individual capacity;  
26

- 1 5. That this Court adjudge, decree, and declare the rights and other legal  
2 relations of the parties to the subject matter here in controversy so that  
3 these declarations shall have the force and effect of a final judgment;  
4 6. That this Court retain jurisdiction of this matter for the purpose of  
5 enforcing its orders;  
6 7. That this Court issue the requested injunctive relief without a condition  
7 of bond or other security required of Plaintiffs; and  
8 8. That this Court grant any other relief that it deems equitable and just in  
9 the circumstances.

10  
11 Respectfully submitted this 2nd day of October, 2025.

12 s/ Conrad Reynoldson

13 Conrad Reynoldson  
14 WA Bar No. 48187  
15 Washington Civil & Disability Advocate  
16 4115 Roosevelt Way NE, Suite B  
17 Seattle, WA 98105  
18 Telephone: 206.428.3172  
19 conrad@wacda.com

20 *Counsel for Plaintiff*

21 s/ Johannes Widmalm-Delphonse

22 Johannes Widmalm-Delphonse\*  
23 VA Bar No. 96040  
24 Alliance Defending Freedom  
25 44180 Riverside Pkwy  
26 Lansdowne, VA 20176  
Telephone: 571.707.4655  
jwidmalmdelphonse@adflegal.org

Jonathan A. Scruggs\*

AZ Bar No. 030505  
Henry W. Frampton, IV\*  
SC Bar No. 75314  
Alliance Defending Freedom  
15100 N. 90th Street  
Scottsdale, AZ 85260  
Telephone: 480.444.0020  
jscruggs@adflegal.org  
hframpton@adflegal.org

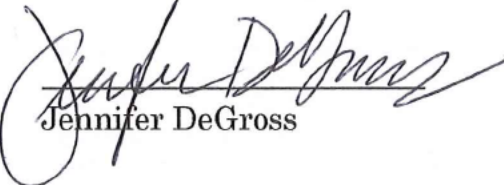
*Counsel for Plaintiff*

*\*Admitted Pro Hac Vice*

**DECLARATION UNDER PENALTY OF PERJURY**

I, Jennifer DeGross, have read the foregoing complaint. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the factual allegations pertaining to my personal experiences are true and correct to the best of my knowledge.

Executed this 1 day of October, 2025, at  Kitsap County, WA.

  
Jennifer DeGross

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

