

EXHIBIT 1

PFLAG, *et al.*

Plaintiffs

v.

GREG ABBOTT, *et. al.*

Defendants.

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IN THE DISTRICT COURT OF

**TRAVIS COUNTY, TEXAS
_____ JUDICIAL DISTRICT**

DECLARATION OF SAMANTHA POE

I, Samantha Poe,¹ hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and fully capable of making this declaration. I have personal knowledge of the facts set forth in this declaration, they are true and correct, and I would testify competently to those facts if called to do so.

2. I am a member of PFLAG and mother of an adolescent, Whitley, who is currently exploring the idea of transitioning and to whom I will refer to using they/them pronouns.

3. We both reside in Texas along with my older child.

4. Whitley, who is 13 years old and was assigned the sex of “male” at birth, is in midst of exploring what a social transition feels like. I love and support them and only want what is best for them.

5. Whitley is not receiving medical care related to gender identity.

6. Whitley received a diagnosis of gender dysphoria in 2021 from a psychologist.

They see a separate psychologist who specializes in Eye Movement Desensitization and

¹ Samantha Poe and Whitley are pseudonyms. My daughter and I are proceeding under pseudonyms to protect our right to privacy and ourselves from discrimination, harassment, and violence for seeking to protect our rights.

Reprocessing (“EMDR”) and provides therapy to them related to a traumatic event when Whitley was younger. They also see a psychiatrist and receive additional support by seeing another therapist regularly, as they have done for a few years.

7. Whitley participates in the GLBT-Straight Alliance (“GSA”) at their middle school, which supports them. I have done research on other support groups for transgender youth and youth exploring their identity and plan to discuss these groups with Whitley in hopes that they will participate and join other activities this summer organized by our local LGBTQ+ youth organization.

8. I have always permitted Whitley to express themselves and have supported them. Whitley is my child, and I accept them unconditionally. My topmost commitment as a parent is to ensure the health, safety, and wellbeing of my teenager, whom I love and support.

9. Texas Attorney General Paxton’s February 18, 2022, opinion and Governor Abbott’s February 22, 2022, directive, followed by the Department of Family and Protective Services’ (“DFPS”) decision to implement them and investigate parents who facilitate the provision of medically necessary gender-affirming health care for their transgender children as “abuse,” has substantially disrupted our lives.

10. I am terrified for Whitley’s wellbeing, and for our family. I feel betrayed by my home state, which has turned its back on a group of Texas children who already face serious obstacles in society and poor health and life outcomes due to bias and discrimination.

11. Days after Governor Abbot’s directive, on February 25, 2022, I was contacted by a DFPS Child Protective Services (“CPS”) investigator and informed that my family would be investigated, in accordance with Governor Abbott’s directive, to determine if I had committed

“child abuse.” CPS immediately requested an interview with the family, and I did not consent. Then CPS proposed a “walk through” of our home, and I did not consent.

12. Shortly thereafter, in early March 2022, I provided the CPS investigator with a letter from Whitley’s psychiatrist, whom Whitley has seen for several years, confirming that Whitley is not receiving any gender-affirming medical care. Although this letter should have ended the investigation and the additional intrusion into our privacy and family integrity and my parental rights, it did not.

13. After I provided the letter confirming Whitley is not receiving gender-affirming medical care, CPS continued to investigate. Without my prior knowledge, a CPS investigator contacted a teacher at Whitley’s middle school to ask about Whitley. The teacher told me they were contacted and that they told the investigator Whitley is well cared for and Whitley’s every need is being met. They also shared that they told the investigator that they had called CPS about other students they suspected were suffering from abuse at home, but received no response, and that they were worried about those students and not Whitley.

14. I worked as a schoolteacher for a number of years throughout my career, including in Texas schools. I have received dozens of trainings on a teacher’s obligations as a mandatory reporter, including those in Texas. I know firsthand how important it is for children who are suffering from abuse to be safe at school and to see school personnel as safe people to whom they can disclose if they are experiencing harm by a parent. As a teacher, I relied on CPS to help students who suffered from abuse at home.

15. The Attorney General’s opinion, the Governor’s directive, and DFPS’s actions have damaged this critical role of teachers and the school as safe spaces. Now with DFPS’s decision to persecute parents who are loving and affirming of their children, and Governor Abbott’s attempt

to weaponize mandatory reporters, children no longer know whether teachers and school personnel are safe people to share with or whether merely talking about or questioning who they are at school will result in an investigation into their parents. These actions by our top government officials, and the head of our child welfare agency, have caused me to lose faith in a process I trusted as a teacher, parent, and community member. The whole situation has flipped the child welfare system on its head.

16. Given the pending investigation looming over our family, I was extremely relieved when the Travis County District Court issued a statewide injunction in the *Doe v. Abbott* lawsuit. When the Texas Supreme Court recently limited the injunction to only the plaintiffs in *Doe v. Abbott*, my panic and fear for the welfare of Whitley came rushing back.

17. Soon after the statewide injunction was limited, on May 19, 2022, a CPS investigator contacted my attorney and asked me to schedule a “viewing” of Whitley. The investigator proposed that I take Whitley to a public place, such as a public park, so that CPS investigators could observe Whitley from afar. According to them, I could somehow do so without Whitley knowing. I refused. I have no idea what possible purpose this “viewing” could serve other than further harassing my family and intruding into our privacy.

18. All this crystalized for me, that I, unbelievably, really was still subject to investigation and, according to DFPS, I would have to subject my family to additional harm and intrusion into our lives for them to move forward. That would include DFPS making a determination whether I am “abusive” and possibly removing Whitley or closing the case in some other way.

19. Through my attorney, I anxiously await the investigation’s next steps, which, as I understand it, may include DFPS seeking a court order to contact or interview Whitley or to obtain

further information or records without my consent. This prospect terrifies me. I have not informed Whitley about the investigation because it is wholly unwarranted, and prior to this most recent call from CPS, I hoped it would not require Whitley's involvement and I could protect them from the harm of unwarranted and invasive, highly personal questions about their exploration of transitioning and whether they are receiving health care. Now it appears it will, unless the investigation is stopped through this litigation by PFLAG on behalf of members like me. My attorney has regularly contacted DFPS and asked them to cease the investigation but has not received a written response to those requests. As of today, DFPS's investigation of my family for child abuse remains open.

20. Also, and most importantly, Whitley has been doing better, which is a positive change. About a year ago, they made an attempt to take their own life due to past trauma, challenges around identity exploration, and societal expectations and response to gender identity. Whitley's EDMR therapist has told me that, in their professional medical opinion, Whitley's participation in the investigation would be traumatic and pose a significant risk of a crisis for them. This would undermine all the substantial progress they have made over the past year.

21. While Whitley has improved so much since last year, the Attorney General's opinion and Governor's directive, along with DFPS's implementation of these, have caused a significant amount of stress, anxiety, and fear for our family. Whitley has been traumatized by the prospect that they could be prevented from obtaining gender-affirming care if that moment presents itself and is necessary and recommended by Whitley's medical providers at some point in the future. Both of my children repeatedly ask me if we must move or if they will be both be removed from my care. The stress has taken a noticeable toll on both of them. Whitley is now

moodier, stressed, and overwhelmed rather than the joyful, happy Whitley I so love to see and was seeing regularly before Attorney General Paxton's opinion and Governor Abbott's directive.

22. For example, approximately one week after the Governor's directive was issued, Whitley suddenly stopped dressing in stereotypically feminine attire at school. When I asked why they had changed their style of dress, they told me that they did not feel safe, and they were afraid that someone would report me to CPS if they continued to wear stereotypically feminine clothing.

23. I am similarly filled with anxiety and worry. I am in constant fear that CPS investigators will show up at Whitley's school or our home and notify Whitley of the investigation, which will cause them further stress and trauma. I was particularly concerned about DFPS's proposal that Whitley would not have to know about a "viewing" by CPS. I believe that there must be trust between a parent and their child, and if I took Whitley to a public place to be secretly observed by a CPS official, it would forever harm our bond and their trust in me to know I had deceived them. Also, it is absurd to think that we would be able to "stage a viewing" without Whitley knowing that something is happening.

24. I have lived in Texas my whole life apart from five years in another state. Whitley and my other child were born in Texas. We do not wish to move out of the state if it can be avoided. Moving would negatively impact my employment and separate Whitley from the doctors and therapists that have provided them so much support. They would also have to change their school, which has been supportive. Texas is our home. We are part of a community, comprised of family and friends that have been supportive and affirming of Whitley's exploration of their identity. Our family is as much a part of Texas as any other family, and Whitley has the same right to be themselves as any other youth in this state.

25. I worry not only about the multitude of harms caused to my own family through implementation of the Attorney General's opinion and Governor's letter. I also worry about the effect that the action by DFPS, the Governor, and the Attorney General will have on transgender youth and their families, including the other members of PFLAG who, like me, have children who are learning about who they are or identify or express themselves in ways that are viewed by society as inconsistent with their sex assigned at birth.

26. The actions by DFPS, the Governor, and the Attorney General threaten the health and wellbeing of transgender and nonbinary youth and those, like Whitley, trying to safely explore their identity, and the integrity of other families like ours.

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

Executed this 6th day of June 2022 in Travis County, Texas.

DocuSigned by:
Samantha Poe
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Samantha Poe