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**IN THE FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

VAN GARDEREN, et. al.)
)
Plaintiffs,)
)
v.)
)
STATE OF MONTANA, et. al.)
)
Defendants.)

Case No.: DV-23-541

Judge: Hon. Jason Marks

DECLARATION OF JESSICA VAN GARDEREN

I, Jessica van Garderen, hereby declare as follows:

1. I am a Plaintiff in this action. I offer this Declaration in support of Plaintiffs' Motion for Preliminary Injunction. I have personal knowledge of the facts set forth in this Declaration and could and would testify competently to those facts if called as a witness.

2. I live in Belgrade, Montana.

3. My husband Ewout and I are the parents of Scarlet van Garderen, a seventeen-year-old rising senior in high school. Scarlet is transgender. When Scarlet was born, she was designated as male on her birth certificate but her gender identity is female.

4. Scarlet is currently receiving health care that would be prohibited by Montana Senate Bill 99 ("the Act").

5. Before Scarlet came out to us as transgender, I knew something was bothering her, but she wasn't ready to talk about it. I noticed a decline in her mental health, she seemed uncomfortable with herself and everyone around her, school and relationships were a struggle, and she began losing motivation to do much of anything. It seemed to start around puberty as her body started to change.

6. When Scarlet came out to us as transgender, Ewout and I supported her and also worried about how the world would accept her. During the summer and fall of 2021, we asked Scarlet a lot of questions and did our own research to understand what it meant to be transgender or to have a transgender child. We also looked into treatment options and discussed how Scarlet saw herself in the future. We eventually took Scarlet to see a therapist starting in November 2021. After a number of sessions, and as her gender dysphoria persisted, Scarlet was referred to a doctor to discuss gender-affirming medical care.

7. Ultimately, Ewout, Scarlet and I consulted with a doctor who provides gender-affirming care when medically indicated, who explained how the treatment worked, what it would and wouldn't do, possible side effects, and answered our questions. We also consulted with an endocrinologist to get a second opinion. They also thoroughly explained the treatment, possible side effects, and answered questions. In or around February of 2022, we, along with Scarlet and her doctors, decided that starting puberty-blocking medication was right for her.

8. In July 2022, Scarlet started gender-affirming hormone therapy. Scarlet's endocrinologist prescribed estrogen to initiate puberty consistent with her gender identity. She now continues her gender-affirming hormone therapy under the care of her nurse practitioner in coordination with her naturopath, and with continued support from her therapist.

9. Puberty blockers and hormone therapy have changed Scarlet's life. Before she began treatment, I watched Scarlet withdraw from the family and from many aspects of her life. It was increasingly hard to get her out of bed and for the first time she started struggling in school. Scarlet started wearing a baggy hoodie all the time, even when it was warm, and it seemed like she was trying to avoid anyone seeing her. There reached a point where I was afraid that when I opened her bedroom door, she would not be alive. I will never forget that fear.

10. When Scarlet was able to access gender-affirming care, there was a drastic change in her well-being. Even learning about the possibility of gender-affirming care gave her some hope and lessened Scarlet's obvious distress. Within a few weeks of Scarlet starting puberty-blocking medication, I was no longer so afraid that Scarlet would harm herself. The positive change has been night and day. Gender-affirming treatment has allowed Scarlet to become the confident, thriving child I know and love. There is no way we can go back.

11. If the Act takes effect, Scarlet's care from her Montana medical providers will be cut off. If her care is impacted, I fear she will lose herself and all motivation she has for living. Scarlet is an amazing and precious person, and I love her. I cannot go back to fearing for her safety and well-being now that we have found the care that has allowed her to thrive. Scarlet not receiving this health care is simply not an option for our family.

12. If it goes into effect, the Act will remove our right as parents to seek out medically necessary health care for our daughter. After months of researching and speaking to health-care professionals and to Scarlet, my husband and I made the decision about the best course of action for Scarlet. The Act would take that from us and would take away our daughter's right to have the benefit of her parents acting with her in her best interest.

13. If the Act takes effect, it is not an option for me to endanger our child's mental health and well-being by failing to seek care. I worry that our only option will be to seek treatment outside of the state, which could require us to move or to travel extensively. I find it distressing to consider having to leave the state to get Scarlet the care that she, her doctors, her therapist, and her parents all agree is necessary for her. I also worry that, if her care is interrupted, Scarlet will continue to go through endogenous puberty that would cause her distress and make her adult treatment more difficult.

14. Montana is our home and our family is involved in our community. I am the color guard coach at Scarlet's school and volunteer extensively. My husband has built a handyman business through local contacts. Scarlet and her brother were born and raised here; this is the only home they have ever known. As a family, we love the beauty of Montana and enjoy outdoor adventuring together. We don't want to leave.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge and belief.

DATED this 9th day of July, 2023.



Jessica van Garderen

CERTIFICATE OF SERVICE

I, Akilah Maya Deernose, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Affidavit to the following on 07-17-2023:

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Electronically signed by Krystel Pickens on behalf of Akilah Maya Deernose

Dated: 07-17-2023