

EXHIBIT 5

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 MIRABEL VOE

I, Mirabel Voe,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 Plaintiff in this action and mother to my adolescent son. I am bringing claims on behalf of myself and as a parent and next friend of my son, Antonio Voe.

3. I am also a member of PFLAG, which is a Plaintiff in this action.

4. We both reside in Texas.

5. My son, Antonio Voe, is 16 years old. I love and support him, and he means the world to me, along with my two other children.

6. Antonio is very kind and empathetic and a wonderful person. He loves to read, draw, and go running; is mostly a straight A student; and has been a leader in student government.

¹ Mirabel Voe and Antonio Voe are pseudonyms. My son (who is a minor) and I are proceeding under pseudonyms to protect our right to privacy and ourselves from discrimination, harassment, and violence, as well as retaliation for seeking to protect our rights.

7. Antonio is transgender. When he was born, he was assigned the sex of “female” at birth, even though he is a boy.

8. From a very young age, Antonio has expressed himself and behaved in a manner that does not conform with stereotypes associated with the sex he was assigned at birth.

9. I have always permitted Antonio to express himself and have tried my best to fully support him. He is my child and I accept him unconditionally.

10. When Antonio began puberty, physical changes began causing him intense distress.

11. In 2020, Antonio told me that he is transgender.

12. Shortly after Antonio informed me that he is transgender, we did research as a family and decided as an initial step that Antonio would socially transition. Antonio started using a name, pronouns, and gender expression that matched his gender identity.

13. After a year of living as his true and authentic self, my son felt happier, but the onset of puberty still caused him significant stress. We began speaking with a physician in the summer of 2021 concerning Antonio’s distress relating to his gender identity.

14. In the summer of 2021, Antonio was diagnosed with gender dysphoria. His physician prescribed him puberty blockers because the physician determined that it was medically necessary to help alleviate some of Antonio’s symptoms of gender dysphoria.

15. The physician then recommended that Antonio attend therapy before he considered prescribing any additional care. Antonio began therapy in June 2021 and has continued therapy since then.

16. In January 2022, Antonio’s doctor recommended that he be provided with additional medical care to treat and alleviate his gender dysphoria. This care included the prescription of hormone therapy.

17. In consultation with Antonio's therapist and physician, and after extensive discussions about the benefits and potential side effects of hormone therapy, this treatment was prescribed by Antonio's doctor in accordance with medical best practices and the standards of care.

18. As Antonio was prescribed medical treatment, his mood and anxiety improved, and he looked forward to a brighter future. Being able to be affirmed as who he is promised Antonio significant relief.

19. In February 2022, things took a very serious turn for the worse for Antonio and our family. Attorney General Paxton's opinion released on February 21, 2022, and Governor Abbott's letter on February 22, 2022, followed by DFPS's implementation of these and investigation the provision of medically necessary gender-affirming health care as "abuse," initiated a series of events that has caused irreversible pain and turmoil in our lives.

20. On February 22, the same day as Governor Abbott's directive, Antonio made an attempt to die by suicide by ingesting a bottle of aspirin. He was admitted to a local hospital following this attempt.

21. When hospital staff and I asked Antonio why he attempted to end his own life, he stated that the political environment, including the Governor's directive, and being misgendered by students and staff at school, led him to take these actions. Antonio said he was worried he would be taken away from the only family he has and felt like he had put our family at risk by living as his authentic self.

22. The local hospital referred Antonio to an outpatient psychiatric facility. He was transported to that facility on February 24. Police were present when he left the hospital to be transported via ambulance to the facility.

23. While at that outpatient facility, the staff there learned that Antonio had been prescribed hormone therapy for the treatment of gender dysphoria. During a family therapy session, staff at the facility told us that they might need to report our family for “abuse” because of the Governor’s letter and DFPS’s actions.

24. Antonio was discharged from the psychiatric facility on March 5.

25. On March 11, an investigator with Child Protective Services (“CPS”), a division of the Texas Department of Family and Protective Services (“DFPS”) visited our family home to interview Antonio and me.

26. I assumed the investigator was there for the suicide attempt and was prepared to discuss the medical treatment and mental health therapy my son was receiving. But the investigator told me that she was only there because I was an “alleged perpetrator” of child abuse as the parent of a transgender adolescent who had been reported for providing my son with treatment for gender dysphoria.

27. Being called an “alleged perpetrator” in my own living room shocked me, and I immediately felt harm and stigma for being falsely accused of harming my own child simply by providing him with medically necessary health care.

28. The investigator also told me that the report of “abuse” originated from the outpatient psychiatric facility where Antonio was seeking help.

29. The investigator interviewed both Antonio and me and asked us private, intimate, and invasive questions about his medical treatment for gender dysphoria. The investigator also took pictures of Antonio’s arms, torso, back, and legs to see if he had any injuries.

30. The CPS investigator asked for me to sign a release to obtain Antonio’s medical records. I initially signed the release.

31. On March 14, I received a call from the investigator, who told me that the medical release form was deficient and needed to be signed again. The investigator had tried to send the release to Antonio's health care provider to obtain all of his private and confidential medical records, but that provider sent it back because of problems with the form. The investigator called me multiple times and left voicemails about this form.

32. The investigator showed up unannounced at my house on March 17. I was not home at the time, but the investigator spoke with my oldest child, who is now an adult.

33. On March 21, the investigator called me again and asked that I re-sign the form so that DFPS could obtain all of Antonio's medical records. By that time, I had learned of court orders blocking a similar investigation for another family involving medically necessary health care for gender dysphoria, as well as a statewide injunction, and I decided not to re-sign the release. Instead, I told the investigator that I was now seeking legal counsel.

34. As of today, DFPS's investigation of my family for child abuse remains open.

35. Antonio is receiving mental health care and is recovering from the attempt, but these events have devastated our life. Antonio has been forced to drop out of in-person school and stay at home so that I can more closely monitor his health and wellbeing, but I am a single mom who works two jobs. I love my son unconditionally, and I can think of nothing worse than losing him. I am so glad that he is alive, but no young person should ever have to experience what he went through.

36. It is particularly horrifying to me that the place that was supposed to help my son—the outpatient mental health facility—has now caused him even more harm. Instead of focusing on how to keep my son alive and healthy, both the facility and DFPS have accused me of “abuse.”

They have invaded my family's privacy, threatened the health and wellbeing of my son, and could try to tear apart my family and cause further harm.

37. DFPS's substantive policy changes, including those in reliance upon the Attorney General's opinion and Governor's directive, have caused immense stress, anxiety, and fear for my family. Although Antonio is recovering from the attempt, he still feels concerned and anxious because he knows that the DFPS investigation is still pending, and he may have to speak to an investigator or be removed from me and lose access to the health care he needs.

38. As a result of DFPS's implementation of the Attorney General's opinion and Governor's letter, Antonio feared he would be contacted by CPS while at school and he made the difficult decision to finish the final months of the school year from home. He now takes additional medication to help alleviate his anxiety around the investigation and potentially losing access to vital health care.

39. I worry about the potential physical and mental health consequences of depriving Antonio of the medically necessary treatment prescribed by his doctors. He has already attempted to take his life once and I cannot imagine what will happen if DFPS is allowed to dictate what medical care my child receives.

40. Not providing treatment is not an option for me. I believe providing Antonio with the gender-affirming care he requires, and consistent with the advice of qualified medical professionals, is necessary to ensure his health and well-being, and we will continue to provide this care.

41. I do not believe that I can deprive Antonio of the necessary, medically recommended health care that he requires. But if this medically necessary care becomes "abuse," there could be a finding that I have committed "abuse" that could devastate our lives, lead to

Antonio being taken away, and prevent me from being able to volunteer in the community or participating in my children's activities.

42. I have lived in Texas my entire life, and Texas is the only home that Antonio has known. Our extended family all lives in Texas and I am the sole caretaker of my elderly mother. Even if moving out of the state were feasible, we do not wish to do so if it can be avoided, as, among other things, it could mean the physical separation of our family, loss of employment, and separating Antonio from his healthcare providers.

43. Texas is our home. We are part of a community, comprising of family and friends, who have been supportive and affirming of Antonio's identity. 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, but also about the effect that the action by DFPS, the Governor, and the Attorney General will have on other transgender youth, like Antonio, and their families. Our family is as much a part of Texas as any other family, and Antonio has the same right to live safely and authentically as any other person in this state.

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

Executed this the 6th day of June 2022 in Texas.



Mirabel Voe