



Daryl Rizzo and Jaime Garcia with their daughter Siena

Affidavit of Jaime Garcia

COUNTY OF COOK)
)
STATE OF ILLINOIS) ss.

AFFIDAVIT OF JAIME GARCIA

Jaime Garcia, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on August 4, 1964, and I am 48 years old.
3. I am in a permanent, loving, and committed relationship of 11 years with Daryl Rizzo, and we wish to marry. Daryl also has provided an affidavit and we will try not to repeat each other.
4. I was born in Texas and have lived all over the United States as a result of my father’s military service. I’ve lived in Illinois since the age of 14 and consider Illinois my home state. I currently reside in LaGrange with Daryl and our daughter, Siena (4).
5. Daryl and I are legal parents to Siena, whom we adopted from foster care. Until Siena entered preschool, both of us limited our working hours to four days per week to maximize the time that we were home with Siena. She is the light of our lives. Being good parents to Siena is our first priority.
6. Daryl and I entered into a civil union on June 2, 2011, in Millennium Park, Chicago, Illinois.
7. I have experienced numerous health problems and I worry that Daryl will not be respected as my family in an emergency. For example, when I needed an emergency appendectomy at 3 a.m. in the morning, I had to wait for my brother to arrive at the hospital to sign various forms because the hospital did not recognize Daryl as my

family. I know in my heart that we would have an easier time getting respect as a family if we could say to people, "We're married."

8. When I say that Daryl and I are in a civil union, I have often been asked to explain what it is and how it differs from a marriage. I am not an attorney and I often feel like you need to be one in order to understand what a civil union is. I do, however, understand what a marriage is, and so does everyone else. It is exhausting to constantly explain our relationship, and it is a painful reminder that Daryl and I cannot be married. People infer that a civil union is inferior to a marriage, so I regularly feel like I need to prove myself, and prove that our relationship and our family is worthy and deserving of equality. We just want to be ourselves.

9. Siena is growing and she is beginning to grasp things and understand them more deeply. I want to be able to tell her that her fathers are married and I want her to understand that we are equal to any other family headed by a mother and father.

10. I feel hurt each time I refer to my relationship with Daryl as a marriage because I know that it is not true, but I wish it were, because only marriage can portray the depth of what I feel for Daryl.

11. Daryl and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

12. On or about the 22nd day of May, 2012, Daryl and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that we could marry each other in the state of Illinois. We asked an employee of the Cook County


Clerk for an application but were denied one on the ground that we are a same-sex couple.

13. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

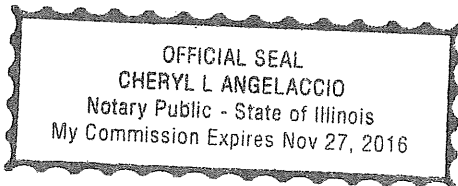


Jaime Garcia

Sworn to before me this 18 day of March, 2013



Notary Public





Daryl Rizzo and Jaime Garcia with their daughter Siena

Affidavit of Daryl Rizzo

COUNTY OF COOK)
)
STATE OF ILLINOIS) ss.

AFFIDAVIT OF DARYL RIZZO

Daryl Rizzo, having been duly sworn, states as follows:

1. I am one of the Plaintiffs in this lawsuit.
2. I was born on November 8, 1961, and I am 51 years old.
3. I am in a permanent, loving, and committed relationship of 11 years with Jaime Garcia, and we wish to marry. Jaime also has provided an affidavit and we will try not to repeat each other.
4. I grew up in Des Plaines, Illinois. I've lived in Illinois all my life.
5. I have had a variety of roles in the museum education field including planning programs for disadvantaged youth.
6. Jaime and I had a commitment ceremony a number of years ago officiated by an Episcopalian priest. I can recall the pain I felt when the officiant could not say we were married. We entered into a civil union on June 2, 2011, in Millennium Park, Chicago.
7. Jaime and I wanted to create a family and so we became licensed foster parents. We were dismayed to encounter anti-gay discrimination when working with foster care agencies. Some were unwilling to place a child in the home of a male couple. However, we did eventually find an agency willing to work with us, and we are now both proud legal parents to our daughter, Siena (4).
8. Recently, we took Siena to a hospital for scheduled surgery to correct an umbilical hernia, a condition she has had since birth. Because we wanted to avoid

problems, we took care to clarify with the hospital beforehand that we are both Siena's fathers and to ask what documentation we had to bring. The hospital staff person told us just to bring her birth certificate, which names both of us as parents.

9. However, when we signed in at the hospital, an administrator was not satisfied with the birth certificate and our driver's licenses, and demanded extra documentation to prove that we are Siena's parents. Fortunately, I had brought along our adoption papers and the court order. Even then, we had to persuade the hospital staff that we did not have any other documentation, and that this was enough.

10. Ultimately, the hospital did not permit both Jaime and me to be listed as parents. The form had an option that a mom and dad can both sign, but that option was not presented to us. Instead, we had to choose which one of us would be a decision maker, and which one would get left out. I ended up signing because I do more of the administrative work for the family.

11. I should not have to show a confidential document like an adoption decree every time someone questions whether we are a family. Admitting Siena for surgery was stressful enough. But we had the anxiety of fighting for recognition as a family at the same time, and the additional worry that if the hospital could not reach me for whatever reason, Jaime would have no way of making necessary decisions to protect Siena.

12. Although Jaime and I refer to each other now as "married" and use the term "husband," the use of these terms stings because we know that our government does not recognize us as married, and we hope soon to be able to use these terms not as a reminder of what we lack, but as a celebration of what we have. Until then, our

partnership does not feel “complete” through the lens of governmental recognition and acceptance.

13. Jaime and I are both over the age of 18, have the capacity to contract, are not within the degrees of consanguinity or affinity prohibited by law for a legal marriage, are not wards under a guardianship, and are not legally married to any other person.

14. On or about the 22nd day of May, 2012, Jaime and I appeared in person, prepared to tender the \$60 application fee and identification documents, at the office of the Cook County Clerk to request an application for a marriage license so that we could marry each other in the state of Illinois. We asked an employee of the Cook County Clerk for an application but were denied one on the ground that we are a same-sex couple.

15. I hereby declare, under penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.



Daryl Rizzo

Sworn to before me this 18 day of MARCH, 2013



Notary Public

