

April 24, 2015

VIA HAND DELIVERY AND EMAIL

Kitty Rhoades  
Secretary of the Department of Health Services  
Sandra M. Rowe  
Chief Legal Counsel  
Department of Health Services  
1 West Wilson Street  
Madison, WI 53703  
(608) 266-0355  
[Kitty.Rhoades@wisconsin.gov](mailto:Kitty.Rhoades@wisconsin.gov)  
[SandraM.Rowe@dhs.wisconsin.gov](mailto:SandraM.Rowe@dhs.wisconsin.gov)

Dear Ms. Rhoades and Ms. Rowe:

My firm and Lambda Legal Defense and Education Fund, Inc. have been retained as co-counsel by Wisconsin parents and spouses Chelsea and Jessamy Torres (hereafter "Chelsea," "Jessamy," or "the couple"). We write to request that your office correct the birth certificate for the couple's son, A [REDACTED] T [REDACTED] ("A [REDACTED]"), so that his birth certificate accurately reflects that he has two parents, Chelsea and Jessamy.

Chelsea and Jessamy Torres are a lesbian couple who validly married in New York in 2012. See Exhibit A (marriage certificate). On [REDACTED], 2015, Chelsea gave birth to A [REDACTED] at Meriter Hospital in Madison, Dane County, Wisconsin. At the hospital, the couple filled out the birth certificate worksheet, placing Chelsea's information in the boxes designated for the mother, and Jessamy's information in the boxes designated for the mother's spouse (titled "husband" or "father" on the form). Chelsea also indicated on the form that she is married to Jessamy, and was married at the time of A [REDACTED]'s birth.

On March 30, 2015, Chelsea and Jessamy received a "Notification of Birth Certificate Registration" from your office that incorrectly omits all of Jessamy's information and lists solely Chelsea's name as A [REDACTED]'s parent, improperly indicating that A [REDACTED] has only one parent even though he was born to married parents. **The omission of Jessamy Torres as a parent to A [REDACTED] T [REDACTED] is an error.**

We request that your office correct A [REDACTED]'s birth certificate to reflect that both Chelsea and Jessamy Torres are his parents. Please find enclosed the information necessary to add Jessamy Torres as A [REDACTED]'s parent (all of which previously was provided on the birth certificate worksheet completed at the hospital), attached as Exhibit B, and the signed and corrected "Notification of Birth Certificate Registration" form, attached as Exhibit C. We have also enclosed the fee necessary for ordering and purchasing a birth certificate along with the "Application for a Certified Birth Certificate," attached as Exhibit D.

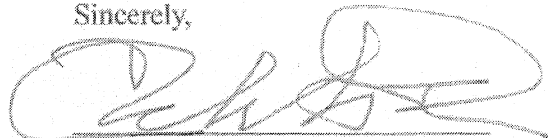
Ms. Rhoades and Ms. Rowe

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We request that your office contact us within seven days of receipt of this letter to confirm that you will issue a two-parent birth certificate for A [REDACTED] T [REDACTED], and to let us know approximately when we can expect to receive it. Thank you for your prompt attention to this matter.

Sincerely,



Clearesia A. Lovell-Lepak  
Lovell-Lepak Law Office  
733 Struck Street #44623  
Madison, Wisconsin 53744  
(608) 218-4529  
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Attorneys for Chelsea and Jessamy Torres

\* Admitted only in Illinois

\*\* Admitted only in Illinois and New York

cc: State Vital Records Office  
P.O. Box 309  
Madison, WI 53701

M-2012-2

THE CITY OF NEW YORK  
OFFICE OF THE CITY CLERK  
MARRIAGE LICENSE BUREAU

License Number

M-2012-23159

### Certificate of Marriage Registration

This Is To Certify That JESSAMY FLAHERTY New Surname : TORRES

residing at 205 N. Main Street , Edgerton, WI 53534, United States

born on [REDACTED] 1980 at Syracuse New York United States

and CHELSEA ANDIAR TORRES

residing at 205 N. Main St. , Edgerton, WI 53534, United States

born on [REDACTED] 1979 at Caracas Venezuela

### Were Married

on 09/07/2012 at The Office of the City Clerk  
By JOSEPHINE TAGLIARINI 141 WORTH STREET  
NEW YORK, NY 10013  
United States

as shown by the duly registered license and certificate of marriage of said persons on file in this office.

CERTIFIED THIS DATE AT THE CITY CLERK'S OFFICE

Manhattan

September 07, 12

N. Y.

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PLEASE NOTE: Facsimile Signature  
and seal are printed pursuant  
to Section 11-A, Domestic  
Relations Law of New York.



*Michael McSweeney*  
Michael McSweeney  
City Clerk of the City of New York

CET-F

M0050677

Exhibit A

SECOND PARENT

Second Parent's <b>current</b> legal name:			
First:	JESSAMY		
Middle:	FLAHERTY		
Last:	TORRES	Suffix: (ex: Jr, II)	

Second Parent's birth name is the same as their current name.

Second Parent's name at <b>birth</b> (as it appears on their current birth certificate):			
First:	JESSAMY		
Middle:	ERIN		
Last:	FLAHERTY	Suffix: (ex: Jr, II)	

Second Parent's birthplace -- Country and U.S. State or U.S. Territory:	
Country:	USA
U.S. State or U.S. Territory:	NEW YORK

Second Parent's date of birth:	Month (January -- December):	Day (01-31):	Year (YYYY): 1980
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Second Parent of Spanish/Latino origin? Check all that apply.	<input checked="" type="checkbox"/> No, not Spanish/Hispanic/Latino <input type="checkbox"/> Yes, Mexican, Mexican American, Chicano <input type="checkbox"/> Yes, other Spanish/Hispanic/Latino (e.g., Spaniard, Salvadoran, Dominican, Columbian) (specify): _____	<input type="checkbox"/> Yes, Puerto Rican <input type="checkbox"/> Yes, Cuban
Second Parent's race: Check all that apply.	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaska Native (name of enrolled or principal tribe): _____ <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> Vietnamese <input type="checkbox"/> Laotian <input type="checkbox"/> Hmong <input type="checkbox"/> Other Asian (specify): _____ <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islander (specify): _____

<p>Second Parent's education: Choose one option from the list. Enter the highest level of schooling that the second parent has <b>completed</b> at the time of delivery.</p>	<table><tr><td><input type="checkbox"/> 8<sup>th</sup> grade or less</td><td><input type="checkbox"/> 9<sup>th</sup> -12<sup>th</sup> grade, no diploma</td></tr><tr><td><input type="checkbox"/> High School graduate or GED completed</td><td><input type="checkbox"/> Some college credit, but no degree</td></tr><tr><td><input type="checkbox"/> Associate degree (e.g., AA, AS)</td><td><input checked="" type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS)</td></tr><tr><td><input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, Med, MSW, MBA)</td><td></td></tr><tr><td><input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD)</td><td></td></tr></table>	<input type="checkbox"/> 8 <sup>th</sup> grade or less	<input type="checkbox"/> 9 <sup>th</sup> -12 <sup>th</sup> grade, no diploma	<input type="checkbox"/> High School graduate or GED completed	<input type="checkbox"/> Some college credit, but no degree	<input type="checkbox"/> Associate degree (e.g., AA, AS)	<input checked="" type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS)	<input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, Med, MSW, MBA)		<input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD)	
<input type="checkbox"/> 8 <sup>th</sup> grade or less	<input type="checkbox"/> 9 <sup>th</sup> -12 <sup>th</sup> grade, no diploma										
<input type="checkbox"/> High School graduate or GED completed	<input type="checkbox"/> Some college credit, but no degree										
<input type="checkbox"/> Associate degree (e.g., AA, AS)	<input checked="" type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS)										
<input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, Med, MSW, MBA)											
<input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD)											

<p>Second Parent's Social Security Number: (Read Section G of the Facts About Your Child's Birth Certificate)</p>	<p>██████████ - 1179</p>
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██████████  
Exhibit B

### NOTIFICATION OF BIRTH CERTIFICATE REGISTRATION

This document is NOT a birth certificate and CANNOT be used for identification purposes.

A birth certificate for your baby was registered with the Wisconsin Vital Records Office on 03/18/2015. 2015012710

Please review the birth certificate information below and enter any corrections.

Enter current address here, if incorrect:

TO: CHELSEA TORRES  
4705 SPLINT RD  
MADISON WI 53718

\_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS:** Enter corrections if any, sign, and return immediately. Corrections requested after 365 days may require a court order and fee. You will not be notified of corrections unless you purchase a birth certificate. See the back of this form for instructions on ordering your child's birth certificate. You cannot use this form to request a name change for your child, only to correct an error. You can request a name change form by writing to the address on the back of this form.

#### Child's Information

As it Appears on the Birth Certificate Now

Enter Corrections/Incorpore las Correcciones

First Name: A [REDACTED]

Middle Name: [REDACTED]

Last Name: T [REDACTED]

Sex: MALE

Date/Time of Birth: [REDACTED]

Contact the hospital if this is incorrect.

#### Mother's Information

Current First Name: CHELSEA

Current Middle Name: ANDIAR

Current Last Name: TORRES

Birth First Name: CHELSEA

Birth Middle Name: ANDIAR

Birth Last Name: TORRES

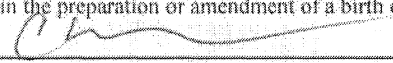
Date/State of Birth: [REDACTED] 1979 VENEZUELA

Father's Information may be added to the birth certificate if both parents sign a 'Voluntary Paternity Acknowledgment' (VPA) form or if they go to court to establish paternity. You can request a VPA form by writing to the address on the back of this form. If the VPA process has been completed, the father's information will appear on your child's certified birth certificate, but not on this form.

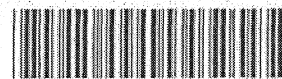
The birth certificate incorrectly omits the mother's spouse, Jessamy Torres, as the child's second parent. Please add the information for Jessamy Torres included the attachment on the birth certificate as the second parent.  
Second parent information: Current name: Jessamy Torres  
Birth Name: Jessamy Erin Flaherty  
Date/State of Birth: [REDACTED] 1980, New York

A Social Security Card was ordered for your child through the birth registration system. The card should arrive within 6 weeks from the date you receive this notice. Any questions about the Social Security card, call 1-800-772-1213.

I authorize the change(s) as indicated above. I affirm that I am the parent of the above named child, all the information is true and correct, and I have legal custody of this child. **PENALTIES:** Any person who willfully and knowingly supplies any false information to be used in the preparation or amendment of a birth certificate shall be fined not more than \$10,000 or imprisoned not more than 3 years and 6 months or both.

  
SIGNATURE of Parent (for corrections)

4-23-15  
Today's Date



1396174

Exhibit C

### APPLICATION FOR A CERTIFIED BIRTH CERTIFICATE

You will not receive a birth certificate for your child unless you purchase it.  
Usted no va a recibir un certificado de nacimiento para su hijo/a, a menos que lo compre.

To request your child's birth certificate, sign this form and send it with the appropriate fee to:

State Vital Records Office  
P.O. Box 309  
Madison, WI 53701

First certified birth certificate:

First certificate X \$20.00 \$20.00

Check ONE box for the type of certificate:

- Short certificate (the minimum required legal information)
- Long certificate (the extended legal information)

NUMBER of additional certificates requested (ordered at the same time as the first)

Short certificate X \$3.00 \$ 3.00

Long certificate X \$3.00 \_\_\_\_\_

TOTAL \$ 23.00

Include a personal check or money order made payable to **State of Wis. Vital Records**

**PENALTIES:** Any person who willfully and knowingly makes false application for a birth certificate shall be fined not more than \$10,000 or imprisoned not more than 3 years and 6 months or both.

SIGNATURE of Parent

4-23-15

Date Signed

Copies of your child's birth certificate are also available at the **Register of Deeds** office in the county of birth and in the county of the mother's residence at the time of birth (which may be different from the county of birth).

If you are not making corrections or ordering your child's birth certificate, **DO NOT** return this form.

Si usted no va a hacer correcciones u ordenar copias, no devuelva este formulario.

Exhibit D



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