

**Julaine Appling, Jo Egelhoff,  
Jaren E. Hiller, Richard Kessenich,  
and Edmund L. Webster,**

Plaintiffs,

vs.

**James E. Doyle, Karen Timberlake,  
and John Kiesow,**

Defendants,

and

Case No. 2010 CV 004434  
Case Code: 30701, 30704  
**Honorable Daniel R. Moeser**

**Katharina Heyning, Judith Trampf,  
Wendy Woodruff, Mary Woodruff,  
Jayne Dunnum, Robin Timm,  
Virginia Wolf, Carol Schumacher,  
Diane Schermann, and Michelle Collins,**

Proposed Intervening  
Defendants.

**AFFIDAVIT OF MICHELLE COLLINS IN SUPPORT OF MOTION OF  
PROPOSED INTERVENING DEFENDANTS FOR LEAVE TO INTERVENE**

STATE OF WISCONSIN    )  
  )  
COUNTY OF EAU CLAIRE )

I, Michelle Collins, being first duly sworn on oath, depose and say:

1. I live in Eau Claire, Wisconsin, with my life partner, Diane Schermann. I am 39 years old.
2. Diane and I registered as domestic partners at the Eau Claire County Courthouse on August 25, 2009. We paid \$10 to waive the five-day waiting period, so our registration took effect immediately..

3. Diane and I were close friends for over five years before we became romantically involved more than six years ago. On September 25, 2004, Diane and I celebrated our relationship in a commitment ceremony.
4. Diane has two children from a previous marriage. One is in college now and the younger one lives with us. Diane and I jointly parent these children. As a result, Diane signed a medical consent authorizing me to make medical decisions for the children. Diane and I decided to co-parent a child, so I became pregnant through in vitro fertilization and in April 2008 I gave birth to a boy. I signed agreements to document and protect the parental relationship that Diane has with our baby by naming her as a guardian should I die or become incapacitated and authorizing Diane to visit our child in medical facilities and at school, to see our child's school and medical records, and, to make decisions for our child regarding medical care and school.
5. Diane and I have been jointly licensed by the State of Wisconsin as foster parents. For more than five years, we have been able to provide foster care for several children until they aged out of the foster care system at age eighteen. We have remained in contact with our former foster children who form a part of our extended family. We are currently caring for two teenage foster children in our home.
6. Diane and I spend our time outside of work caring for our children and offering our support to community groups. We regularly volunteer at our ~~children's schools and completed six months of training run by the~~ Wisconsin Department of Public Instruction to learn to support, educate and advocate for better treatment and services for special needs children and their parents. Before I became pregnant, I coached sports and will again in the future. Diane has received awards for her community service volunteering in outreach programs for youths.
7. I received my Bachelors in Social Work in May 2009. In July, I started a position with Lutheran Social Services of Wisconsin and Upper Michigan, Inc., a private non-profit social service agency. In that position, I license and train foster families to care for children who are in need of exceptional care.
8. Diane and I share household expenses and have shared bank accounts. Diane and I have named each other as beneficiaries, for our respective retirement plans and life insurance policies. Diane and I have also named each other as the responsible party on financial powers of attorney documents.
9. Diane and I have each prepared power of attorney for health care documents in which we each appointed the other as our health care decision-maker. We have not yet prepared wills to protect our desire that

each of us be the primary beneficiary of the other's property, because we have not had the financial resources to pay a lawyer to draft our wills. The domestic partnership law will assist us in the event that either of us were to die before completing a will, since the intestacy provisions in it will guarantee that at least one-half of our estate passes to the other. I also understand that even after I complete a will, Diane will have additional rights in the probate process, such as her ability to seek temporary support during the estate administration process, because of the fact that we are domestic partners.

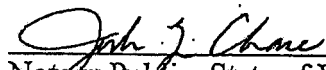
10. If Diane were to become seriously ill and need me to stay home and care for her, I feel safer knowing that the family medical leave act protects my ability to care for Diane, because we have registered as domestic partners.
11. Diane is the person who knows me best, including my health history, medical conditions, and views about end-of-life decisions. If for some reason my power of attorney were to be unavailable to Diane or a medical provider were to refuse to follow it, the legal protections to us as domestic partners make me feel safer. For example, I understand that Diane could consent to my admission to a hospice for end-of-life care and could agree to my transfer from a hospital to a nursing home or community-based residential facility. Having consented to my admission to one of these facilities, Diane would be able to make medical decisions for me during my stay there. Since there is no one in my family better suited to make those decisions, these protections are very important to me.
12. Wisconsin's Domestic Partner law does not change the deep personal commitment Diane and I feel to one another, and it does not affect the ways in which our friends and family support our relationship. However, the limited legal protections for us as domestic partners make me feel more secure about my future with Diane.
13. Marriage, however, is different from a domestic partnership in very important ways. There are hundreds of state and federal protections that come from marriage, while domestic partnership provides just a few. The most important protection that Diane and I would secure if we could marry would be her ability through a step-parent adoption to protect her parental relationship with our child born in April 2008. I have named Diane to be the guardian for our child if I were to die or become incapacitated, but adoption would provide much more security than the guardianship. Diane and I are in the process of adopting two special needs children, one of whom has been in our care as foster parents for over a year and the other who has been with us for over two years. Domestic partnership does not allow us both to adopt these children as marriage would.

14. In addition to the numerous important differences between the protections available to married couples in comparison to domestic partners, marriage would be understood and respected by people outside of our group of friends and family much more than is a domestic partnership. Marriage is something that others understand without our having to explain it. Our inability to marry in order to gain the esteem that society reserves for that relationship is something that would especially benefit our children who would no longer have to struggle to explain our relationship to their friends and acquaintances. Diane and I work hard to make our family a secure and loving place for our children and we believe that marriage would reinforce our children's well being much more than our registration as domestic partners.

Dated September 30, 2010

  
Michelle Collins

Subscribed and sworn to before me  
This 30<sup>th</sup> day of September, 2010.

  
Notary Public, State of Wisconsin  
My commission expires: 10/02/11