

Exhibit S

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN’S HEALTH, et al.,

Plaintiffs,

v.

AUSTIN REEVE JACKSON, et al., et al.,

Defendants.

Civil Action No. _____

**DECLARATION OF ROSANN MARIAPPURAM IN SUPPORT OF PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT**

I, Rosann Mariappuram, declare as follows:

1. I am the Executive Director of Jane’s Due Process, Inc., a nonprofit corporation incorporated in Texas and based in Austin, that helps young people navigate parental consent laws and confidentially access abortion and contraception care in Texas. This includes providing funds to Texas abortion providers on behalf of abortion patients in the state to subsidize the cost of their care.

2. Our mission is to help ensure that young people in Texas have full reproductive freedom and autonomy over their healthcare decisions.

3. As Executive Director, my primary responsibilities are overseeing the daily operations of the organization, including its programmatic work; helping ensure the financial health of the organization, including fundraising; managing staff; and serving as a liaison to our Board of Directors.

4. I bring to this position experience as an attorney and advocate for abortion, miscarriage and contraceptive care access. I previously served on the Boards of Directors for the Lilith Fund for Reproductive Equity and NARAL Pro-Choice Texas.

5. I provide the following testimony based on personal knowledge acquired through my service at Jane's Due Process, including consultation with staff and Board members and review of the organization's business records.

Jane's Due Process Services

6. Jane's Due Process currently employs five full-time staff members and nearly 100 volunteers, and we serve young people throughout Texas. Under state law, an abortion provider must obtain the written consent of a parent or guardian before providing abortion care to a minor. Without parental consent, a minor's only recourse is to petition a court for a bypass of the requirement. Jane's Due Process operates a hotline through which young people can request assistance with the judicial bypass process. Specifically, we connect young people to a network of volunteer attorneys who we have recruited and trained to provide free legal representation to minors in judicial bypass proceedings.

7. Jane's Due provides case management services, which includes providing emotional support and making referrals to housing, education, childcare, and other social services.

8. Jane's Due Process completes about thirty hotline intakes for judicial bypass assistance per month. Roughly half of these clients complete the bypass process.

9. In addition to facilitating abortion access for young people who are unable to obtain parental consent, Jane's Due Process provides funds to abortion providers in Texas on behalf of young patients in the state to subsidize the cost of their care. Occasionally, we also refer young people to abortion providers in Texas, secure the abortion appointments for them, and train abortion providers on how to navigate Texas laws and regulations governing minors' abortion access.

10. Lastly, Jane's Due Process educates young people in Texas about contraceptive and abortion access, including the judicial bypass process, through educational events and social media.

11. Jane's Due Process provides these services to young people seeking abortion care in Texas to express and effectuate its deeply held belief in young people's equal rights to bodily autonomy and dignity.

Jane's Due Process Clients

12. Almost all our clients obtain an ultrasound dating their pregnancy before their bypass hearing because the legal requirements to be granted a bypass require them to be well informed about their decision, thus judges expect young people to have obtained counseling about the benefits, risks, and alternatives of an abortion before the bypass hearing. I cannot think of a single client who was less than six weeks pregnant when their pregnancy was dated.

13. Most young people involve a parent or guardian in their abortion decision if it is safe for them to do so. Jane's Due Process serves those who cannot. Our clients have parents or guardians who are deceased, incarcerated, or abusive; who are inclined to kick them out upon learning of their pregnancy or plans for an abortion; or who would try to coerce them to carry to term, for example.

14. Many of our clients experience multiple, intersecting forms of oppression. The vast majority are people of color: 50% identify as Latino/Hispanic and 24% identify as Black. Indeed, the majority of Texas abortion patients identify as Black or Latina—communities that already face inequities in access to medical care. Additionally, many of our clients live under the poverty line. Thus, they are unable to absorb an unforeseen medical expense—not to mention the costs of

traveling to one of the few abortion providers left in Texas, including transportation, lodging, and childcare.

15. Our clients also face unique barriers to abortion access as young people. The process of seeking a judicial bypass delays their abortion care by approximately ten days, which raises the costs of the abortion. Further, it is extremely difficult for young people to explain an extended absence from school or home caused by the judicial bypass hearing and abortion appointment. Such absences threaten the confidentiality surrounding their pregnancy and plans for an abortion. Confidentiality is especially important for our clients because of the unsupportive, and sometimes abusive environments they live in.

Impact of SB 8 on Jane's Due Process and Its Clients

16. I understand that Texas Senate Bill 8 ("SB 8"), which is scheduled to take effect on September 1, 2021, would ban the provision of abortions at approximately six weeks of pregnancy, prohibit aiding or abetting such abortions, and prohibit intending to aid or abet such abortions. I also understand SB 8 to enable private parties to sue individuals and entities who engage in such activities for a minimum of \$10,000 per abortion performed in violation of the ban.

17. If SB 8 prevents Texas abortion providers from offering abortion care after six weeks' gestational age, our clients will no longer be able to obtain an abortion in Texas. As a result, while they will no longer need to petition for a judicial bypass in Texas, our clients will have no choice but to travel out of state for abortion care. Because they are unable to be absent from school or home for an extended period without compromising their confidentiality and safety, our clients will largely be unable to obtain an abortion outside of Texas—or at all. Thus, efforts by Jane's Due Process to divert its resources to out-of-state travel and to educate young people about out-of-state providers will be inadequate.

18. This is precisely what happened when Texas sharply curtailed abortion access at the start of the COVID-19 pandemic last year. Patients throughout Texas were delayed in accessing abortion and had to travel much longer distances to reach a provider legally authorized to perform abortions. Consequently, only a third of the young people who sought our help were able to obtain abortion care, all outside of Texas. Many young people we worked with reported that leaving the state was simply not an option for them.

19. SB 8 is unconstitutional and therefore invalid. But if it takes effect, I expect individuals or organizations opposed to abortion access to sue Jane's Due process for facilitating minors' abortion care after six weeks of pregnancy. We have already been targeted for our efforts to ensure that young people who are unable or to obtain parental consent can nevertheless terminate a pregnancy. Individuals who identify as "pro-life" have sent disparaging emails and letters to our staff, attempted to disrupt our tabling activities, and threatened our volunteer attorneys. And last year, a former Austin City Council member sued the City of Austin for allocating funds to the Austin Public Health department to provide abortion support services. After a competitive bid process, Jane's Due Process was awarded a contract to provide these services and to carry out its mission. The City of Austin has been sued three additional times over this funding and contract, and each time Jane's Due Process has been served with third-party subpoenas regarding the lawsuits.

20. Lawsuits filed pursuant to SB 8 against Jane's Due Process would impair our ability to serve our clients because we lack the resources to defend against the suits. This is true even if we were to divert our limited staff time and organizational funds to doing so. Although we work with local attorneys regarding judicial bypass proceedings, we have been unable to secure commitments from any attorneys to represent us on a pro bono basis if we are sued under SB 8.

Moreover, the unlimited liability associated with lawsuits filed under SB 8 threatens to deplete our resources.

21. By preventing us from helping young people exercise their fundamental right to abortion access and forcing us to shift our resources to out-of-state travel they generally cannot pursue, SB 8 would frustrate the mission of Jane's Due Process.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 12, 2021



Rosann Mariappuram