

EXHIBIT 8

DECLARATION OF CHRIS DEVINE

I, Christopher L. Devine, hereby declare that the following facts are true under the penalty of perjury:

1. My name is Christopher L. Devine. I am an adult man and am competent to testify to the following facts based on my personal knowledge:

2. I was raised in Glendale, Arizona, and except for the period of my enlistment in the Coast Guard and a relatively brief stint in California from 2000-2001, I have lived in the Phoenix area all my life.

3. As far back as I can remember, my strongest feelings of attraction were to people of my own gender. It took me a very long time to identify or admit this to myself.

4. My understanding of people who were gay was influenced by my peers, my parents, the media and society at large. Gays were depicted as criminals, predators or perverts who lurk in the dark of night – I was none of these things, so while I recognized my own same-sex attraction, I assumed that it was a phase or a byproduct of my social awkwardness or something else unexplained. I certainly was not, under any circumstances, “gay.”

5. In college, I met and began a relationship with a young woman that was fairly short-lived and very uncomfortable for me despite the fact that I was very fond of her. While to all appearances it seemed a perfectly normal relationship, it never felt right.

6. After leaving that relationship and my first attempt at college behind, I enlisted in the Coast Guard in 1991.

7. I had to keep the fact that I was gay completely quiet. When I obtained an office job as a public affairs specialist later in my career, I was able to keep my personal life completely separate from my work life.



8. I was finally able to open up to friends about who I was and to begin to explore that side of myself.

9. After my enlistment ended in 1997, I returned to Arizona and continued to date men – a situation that, in stark contrast to my college experience, was anything but uncomfortable.

10. When my boyfriend of the time moved to California in late 2000, I went with him. The relationship ended badly and I returned to Arizona in September 2001.

11. Shortly afterward, in October of 2001, I met Mason Hite. We bonded instantly over common musical and literary interests and soon found that we had the full range of shared values and complimentary differences that become the foundation for a lasting relationship.

12. Mason and I have been in a committed, exclusive and intimate relationship for nearly thirteen years. We have lived together since 2002.

13. We have joint personal bank accounts and we jointly own other assets, such as our home.

14. We share in all matters concerning the running of our household including the raising of our child, and act in every practical respect as a married couple.



15. Mason and I married in California before the passage of Proposition 8 in 2008. Though we consider ourselves married partners and are recognized as such by the state of California, our marriage remains invalid under Arizona law.

16. After a time, Mason and I decided, as many loving and committed couples do, to build a family and raise children together. We knew also about the many children in state care in need of stable, nurturing families. While our ultimate goal was to form a ‘forever family,’ we could not overlook the kids for whom even a few days or months of loving care could make a difference.

17. In 2011, Mason and I became foster parents licensed by the State of Arizona.

18. We have cared for several foster children since then and are still licensed foster parents.

19. When we met our second foster care placement, six-year-old Ricky, we felt immediately that he would stay forever.

20. Efforts to reunify him with his birth parents were ultimately unsuccessful and when parental rights were severed, we leapt at the chance to be his adoptive family.

21. Because Arizona permits only married couples to jointly adopt, and our marriage in California was unrecognized in our home state, we were faced with a wrenching and unfair decision: Which of us would be the “single parent,” the sole adoptive father of Ricky, in the eyes of the State?

22. After a great deal of discussion and thought, we decided it should be Mason, but the insecurity of my position weighed on both of us and continues to do so.

23. Mason and I are concerned that should anything happen to Mason, I will have no automatic rights as a parent and I will have no automatic rights to be included in medical decisions unless Mason is present. My rights to parent our son, should he not be around, are extremely uncertain.

24. This also complicates every day occurrences, such as doctor visits and decisions regarding Ricky’s schooling. If Mason is on a business trip and there is an emergency, I have no legal authority over Ricky, which is quite frightening.



25. On February 5, 2014, Mason and I went to the Office of the Clerk of the Superior Court of Maricopa County (“Maricopa County Clerk”), 601 W. Jefferson Street, Phoenix, Arizona, to apply for an Arizona marriage license.

26. In the office of the Maricopa County Clerk, we truthfully completed an application provided by an assistant clerk.

27. When we were called to the counter, we both presented state-issued driver’s licenses as requested by Ramona, the clerk on duty.

28. Ramona reviewed our application and our driver’s licenses, handed the application back and told us that she could not accept it or issue us a marriage license.

29. Ramona told us that it would not be legal for her to issue us a marriage license in Arizona, so we left.

30. Because of Arizona’s refusal to let us legally marry, we cannot benefit from the filing of joint state tax returns, obtain health insurance at beneficial family rates and are forced to manufacture contractual agreements to protect our rights that are unnecessary for any opposite sex married couples.

31. I am saddened, hurt and angered that the State of Arizona will not recognize the status of my relationship with my life's partner. Our relationship is treated as one that is less valuable, less permanent and less worthy of protection and recognition than opposite-sex marriages.

32. Arizona's discrimination impacts us, and in particular our son, because we all suffer from the enforced instability of an ‘unmarried’ family. We bear tax burdens married couples do not and the we create daily workarounds in order to function as a family in our State and society, as well as the stigma that we feel the State’s laws have placed upon us. We want to be treated equally to other married couples.

33. Every day that Arizona refuses to respect our marriage is a day that our family must suffer the indignity, stress and stigma of not knowing whether or when our marriage will be recognized. Unlike opposite-sex couples who have the security of knowing that their marriage will be

universally respected by state law and private actors, Arizona's constitutional and statutory denial of the recognition of my marriage to Mason means that whatever recognition our marriage receives is only by the forbearance and good graces of private actors.

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

Executed on 3/24/14



Chris Devine

Photo here