



JUDGE KIM COOKS
THE 255TH JUDICIAL DISTRICT COURT
MEMORANDUM RULING FINAL TRIAL---October 15-21, 2019
ITIO GEORGULAS v. YOUNGER DF-15-09887

On April 6, 2018, the Mother filed a Petition to Modify Parent Child Relationship and filed an Amended Petition to Modify Parent Child Relationship on July 2, 2018. The Father filed a Counterpetition requesting to be Sole Managing Conservator on May 7, 2018. The case was set for final trial by jury for October 15th through 17th, 2019. On October 21, 2019 the jury rendered its verdict on eleven jurors. The jurors answered the following two questions: Question 1: Should the current Joint Managing Conservator be replaced by Sole Managing Conservatorship of James and Jude Younger? Answer: Yes. Question 2: Should Jeffrey Damon Younger be appointed as the Sole Managing Conservator of James and Jude Younger? Answer: No. The Court finds that there has been a substantial change in circumstances with a child or parent that warrant a modification. Based on the testimony and evidence the Court makes the following findings and rulings as being in the best interest of the children:

The Court finds it was presented by the Petitioner Mother with the request as to whether the Court should:

- 1) Enjoin the Father from cutting the hair of the children.
- 2) Enter Orders requiring the Father to affirm Luna and honor her choices, both inside and outside the home.
- 3) Enjoin non-affirming behavior and/or taking Luna outside the home as James or allowing others to do so.
- 4) Modify Father's possession on school nights when there are school-related activities that may occur during Father's possession.
- 5) Enjoined from condemning the Mother for saying Luna or from the Father hanging up when he hears the name Luna during electronic communications.
- 6) Enjoining Dad from signing the child up for activities or taking her as James or calling her James at any activities.
- 7) Enjoining the Father from allowing the children to remain in the presence of anyone who is not calling the child Luna or using the pronoun her and affirming Luna.

The Court finds the Mother made no request to be appointed as sole managing conservator. The Court finds the Mother made no request to surgically or chemically transition the child's sex or chemically castrate the child.

The Court finds that on October 18, 2019 at approximately 9:56 a.m. (day 4 of the jury trial) it was brought to the attention of the Court by Mother's Attorneys that the Mother's affirmative pleadings were her responsive pleadings filed October 2, 2019 labeled "Anne Georgulas' Answer to Counterpetition

to **Modify in Suit Affecting Parent-Child Relationship**". Mother states that she is asking for the Court to implement what is recommended by Dr. Albritton. The Court disagrees that a responsive pleading replaces the affirmative pleadings filed by Mother July 2, 2018. Therefore, the Court's Ruling addresses all live pleadings to which the Court heard testimony and evidence.

The Court finds that the 14th Amendment of the Constitution of the United States provides due process protection, which protects individuals from acts that deprive them of life, liberty, or property. These substantive due process rights are fundamental rights afforded by the 14th Amendment familial association, specifically parental rights or in this case a father's rights. It is a liberty interest for parents to have the autonomy to raise their children. The Texas Family Code Section 153.073, 153.074, 153.134 provides the Rights of Parent at All Times, Rights and Duties During Period of Possession, and Court Ordered Joint Conservatorship. These fundamental rights may only be limited in circumstances where the government's interest in a specific matter of public importance outweighs the individual's fundamental rights. In the United States, history has shown that it is warranted for the government to intrude into a parent's fundamental rights in order to prevent a child from being injured or killed. Is the intrusion reasonable under the circumstances in this case? The Court makes the following findings:

- 1) The Court finds that this case was set for trial October 15th, 16th and 17th 2019; the Court allowed two additional days on October 18, 2019 and on October 21, 2019 due to the complexity of the case.
- 2) The Court finds that this case involves two twin boys whose date of birth is May 7, 2019.
- 3) The Court finds that the legal first names of the boys are James Damon Younger and Jude Daniel Younger.
- 4) The Court finds the Mother is a pediatrician, has a car, and owns her own home.
- 5) The Court finds the Father to be unemployed, he does not have a car, and he does not have a home of his own.
- 6) The Court finds that Father has a "Save James" website where he has received donations between the amounts of \$118,000.00 to \$123,000.00 and \$16,000.00 from a church donor.
- 7) The Court finds that the Mother referred throughout the trial as the boys being "her child/children or my child/children, and used the pronouns she or her when referring to James
- 8) The Court finds that both Parents love their children.
- 9) The Court finds that there is not a Court Order that changes the child's name from James to Luna.
- 10) The Court finds that the Mother changed James' name to Luna on her own volition.
- 11) The Court finds that the Mother asked the child if he still wanted to be called James.
- 12) The Court finds that James did not initiate the conversation about having his name changed.
- 13) The Court finds that James' first choice of name, when asked by his Mother, was Starfire, but the Mother dissuaded James from this name.
- 14) The Court finds that the Father did not participate in the name change of James.
- 15) The Court finds that James appears comfortable as a male, female, or gender nonspecific.
- 16) The Court finds that both boys of tender years just want to live the life of a child.
- 17) The Court finds Dr. Albritton stated I deeply understand Dr. Georgulas's desire to proceed with what is a commonly accepted course, I also felt like this was a situation with a lot of fluidity and by that, what I mean is this is not of standard research project. The question is does the research apply to these children.
- 18) The Court finds Dr. Albritton stated I concur with Mr. Younger I'm not sure 100 percent of the time he shows performance for female activities. He likes to wrestle. He likes to run around the creek with swords and archery. I had some children who were driven just solely towards ballet and solely towards sparkle ponies. So I think there's some fluidity in terms of whether or not he meets those criteria 100 percent of the time.
- 19) The Court finds Dr. Albritton does not find the boys particularly mature, but as typical 7 year olds.

- 20) **The Court finds Dr. Albritton** stated James told him that he was thinking a great deal about whether he wanted to be a man or a woman, and Dr. Albritton thinks this is probably consistent with that viewpoint that's there's still some fluidity in his thinking and the rest of the interview.
- 21) **The Court finds Dr. Albritton** DSM-V Definition of Gender Dysphoria- Must have a marked incongruence between ones expressed gender and assigned gender for at least 6 months as manifested in 6 criteria and (B) The condition is associated with clinically significant distress or impairment in social, school, or other important areas of functioning. The child displays at least 6 of (A) but does not express condition (B). The Children did not appear distressed. Neither child is afraid of their father.
- 22) **The Court finds Dr. Albritton** stated that he thinks Jude feels under a great deal of pressure to try to make sense of this.
- 23) **The Court finds Dr. Albritton** stated that the child stated that when he gets older he could be called whatever he wants and implicated that maybe there are days that he doesn't feel like Luna.
- 24) **The Court finds Dr. Albritton** stated when I went to the home, Luna entered in a ballet costume. That wasn't specifically her, but I think Mom may have err on the side of allowing so much freedom, that maybe she's overcompensating for some of Mr. Younger's more restrictive approach.
- 25) **The Court finds Dr. Albritton** stated when the boys were brought by their Mother for a joint interview, James presented wearing high heels and a dress and he was a little overdressed. Your typical girl might be wearing leggings and sandals, but he seemed to be pretty dramatic in his dress, and I experienced the same thing when I went to the house.
- 26) **The Court finds Dr. Albritton** stated that Mom might have over corrected transgender and by taking to buying him a flag, she might have been immersing him in that particular mindset and that it would not be necessarily a good thing for it to be pushed or encouraged.
- 27) **The Court finds that James' first grade teacher described him as the happiest kid in the class.**
- 28) **The Court finds that James' first grade teacher** stated that James came to school with make up on a couple of times.
- 29) **The Court finds that Diane Zylka from Family Court Services** stated that Luna reported that she prefers to be called Luna rather than James, though she is comfortable with both names. This is Significant in that she doesn't identify only with one gender, but there's some fluidity.
- 30) **The Court finds Dr. Abe Tomatis** stated that he has not seen clinically significant distress with James.
- 31) **The Court finds that the Father** answered when asked, Mr. Younger, you're the father of these two children, Luna and Jude, right? Answer: Yes, ma'am.
- 32) **The Court finds that the Father** stated that he thinks it is more important for the public to know what's going on with the court than have his child live a private life.
- 33) **The Court finds that the Father** stated he is an orthodox Christian and his church is completely opposed to teachings as it relates to the position on transgender.
- 34) **The Court finds that the Father** stated he started seeing James wearing a rag on his head and calling himself a girl a couple of months after his third birthday.
- 35) **The Court finds that the Father** stated he took pictures of James in girl clothes while at his house.
- 36) **The Court finds that the Father** stated that there was a time where the child put on a dress while with his Father, but he still called himself James.
- 37) **The Court finds that the Father** has acquiesced to James attending kindergarten, first grade, and now second grade as a girl while the Mother pushed the girl issue full force.
- 38) **The Court finds that the Father** repeatedly stated that he is not in Court voluntarily; he is here to do this trial based on his former wife's request to modify the prior order.
- 39) **The Court finds that the Father** did not file any temporary restraining order or modification when James began kindergarten as a girl.

- 40) **The Court finds that the Father** did not file any temporary restraining order or modification when James began first grade as a girl.
- 41) **The Court finds that the Father** did not file any temporary restraining order or modification when James began second grade as a girl.
- 42) **The Court finds that the Father** admitted when asked-You heard Diane Zylka testify that you should get counseling with your children, right? A. She wanted family counseling, yes. Q. All right. And you haven't done that; is that correct? A. No.
- 43) **The Court finds that the Father** has not done any family counseling with the children but admits that, "It is of the essence of raising my children that family counseling be involved."
- 44) **The Court finds that the Father** stated that his wait and see approach means until Luna is an adult.
- 45) **The Court finds that the Father** knowing that trial was coming up thought it was appropriate to invite a news reporter from life site news into his home to interview his children for a news story.
- 46) **The Court finds that no Texas Judge or Texas Court** has Ordered the chemical castration, puberty blockers, hormone blockers, or any transgender reassignment surgery on James to become a female.
- 47) **The Court finds that the Father** may have initially had valid concerns regarding his children and the Mother making crucial decisions without his input. However, the **Court finds** that the Father finds comfort in public controversy and attention surrounded by the use of unfounded facts and is thus motivated by the financial gain of approximately \$139,000.00 he has received at the cost of the protection and privacy of his children.
- 48) **The Court finds that Dr. Levine** stated with regard to gender dysphoria, there's no simple uniform consensus. There's a majority opinion of watchful waiting, and then there are a few people who are passionately, and I need to emphasize that word, passionately advocating for early transition.
- 49) **The Court finds that Dr. Levine** stated there is statistical and scientific evidence that demonstrated the majority of children who are regarded with watchful waiting will desist.
- 50) **The Court finds that the Mother** stated that her child has been suffering distress probably within a couple of months before her child turned four.
- 51) **The Court finds that the Mother** stated that the order that gave her the right to be primary, did not give her the authority to change the name of the children.
- 52) **The Court finds that the Mother** stated when asked, your three-year-old, three and a half-year-old or more, you're at Kohl's, Jude is with you, and there's a polka dot dress in Kohl's and what exactly, if you can remember, what exactly does James say at that time when he sees the dress? A. Something like, that is the most beautiful dress I have ever seen. Can I have that dress? Q. Okay. Now, all the time before that moment, you have been implanting and affirming a male -- and a boy identity on James; is that right? A. Yes.
- 53) **The Court finds that the Mother** stated at that time the Father was allowing Luna to wear the hat that had the long braid and he, by his own testimony, said that he allowed the child to wear dresses in the house.
- 54) **The Court finds that the Mother** did not petition the Court to change the name of the child.
- 55) **The Court finds that the Mother** stated when asked about a picture whether James enjoys being with his dad, and that James enjoys being James sometimes? Mother replied, She was so proud to be able to wear clothes that would make dad proud that day because she really wanted to make dad feel like she could do what he wanted her to. Q. And is there anything wrong with that? A. Well, I think that in the long run, this is going to end up being very damaging to my child if she persists, which I don't know if she is going to.
- 56) **The Court finds when Mother** was asked if there's the affirmation, the social transition where you dress -- you cross dress, you go out in public as the opposite sex, and then the next step is the medical transition

where you start talking about the puberty blockers and the hormones and stuff; isn't that right? Mother replied, if the child persists, that is frequently based on an individual's child and family situation. That is frequently a course of action.

- 57) **The Court finds that when the Mother was asked, With regards to puberty blockers, it is a very big deal. It is a very significant decision for parents and families to make. Q. Shouldn't sterilization only be done if it is to save a patient's life? A. No.**
- 58) **The Court finds that when the Mother was asked, So in the backyard she'll whip it out and pee against a tree? A. Well, there are no trees, but yes. Q. Okay. That's kind of boyish, right? A. Well, I think it is also more convenient. She has that advantage, like everybody has their advantages and this is one of her advantages.**
- 59) **The Court finds that when the Mother was asked, Dr. Albritton talked about how he thought it was unusual for the child, James Luna, to be showing up at his office with dresses -- a dress on and high heels; do you remember that? A. Yes. Q. Is it odd for your patients to -- your girl patients to show up at that age, six, with dresses on and high heels at -- to the doctor's office? A. Yes. Q. That's unusual? A. Yes. Q. Okay. So this is going -- will you admit then dressing Luna James this way with the dresses on and high heels is beyond what you would typically even dress a normal girl as? A. That dress isn't. It is the high heels portion.**
- 60) **The Court finds that when the Mother was asked, Dr. Albritton goes on to say that while the implications of your actions are not entirely clear, it appears that you, Dr. Georgulas, have attempted to facilitate social transition in a manner that may cause James some overinvolvement in his transgender role. Do you read that to say that you are affirming or that you're going beyond affirmation and are actually encouraging? A. I would say that it is closer to -- might have gone over and above. Q. Over and above affirming? A. Right. Q. And over and above letting the child take the lead, correct? A. Correct.**
- 61) **The Court finds that the Mother has exceeded the scope of the exclusive rights and duties provided in the prior order.**
- 62) **The Court finds that the State of Texas has no compelling interest to justify such interference as to entering Orders requiring the Father to affirm Luna and honor her choices, both inside and outside the home.**
- 63) **The Court finds that the State of Texas has no compelling interest to justify such interference such as enjoining the Father's non-affirming behavior and/or taking Luna outside the home as James or allowing others to do so.**
- 64) **The Court finds that the State of Texas has no compelling interest to justify such interference as to Modify Father's possession on school nights when there are school-related activities that may occur during Father's possession so the Father will not refer to the child as James.**
- 65) **The Court finds that the State of Texas has no compelling interest to justify such interference as to enjoin the Father from condemning the Mother for saying Luna or from the Father hanging up when he hears the name Luna during electronic communications.**
- 66) **The Court finds that the State of Texas has no compelling interest to justify such interference as to enjoin Dad from signing the child up for activities or taking her as James or calling her James at any activities.**
- 67) **The Court finds that the State of Texas has no compelling interest to justify such interference as to enjoining the Father from allowing the children to remain in the presence of anyone who is not calling the child Luna or using the pronoun her and affirming Luna.**
- 68) **The Court finds that there has been no abuse, neglect, or family violence by either parent to the children or from one parent towards the other.**

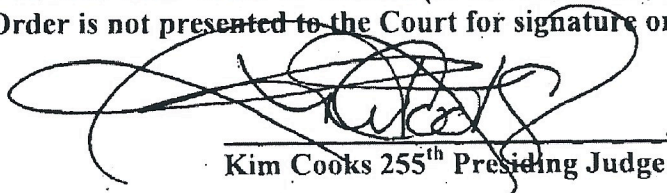
Therefore the Court makes the following Orders for the safety and welfare of the children and finds such as being in the best interest of the children:

- 1) The Court finds that this is a high conflict case and the appointment of a parenting coordinator is in the best interest of the children. The Court appoints Stacy Dunlop to be the Parenting Coordinator since he is familiar with the case. It is Ordered that Mr. Dunlop's fees will be paid 50/50 by the parents.
- 2) The Court Orders the Parents to remain Joint Managing Conservators with a geographical restriction for the children in Dallas County. The Court does not designate a primary parent.
- 3) The Court Orders the Mother the exclusive right to the services and earnings of the children, and the exclusive right to receive child support.
- 4) The Court Orders the parents to have the following joint rights requiring an agreement of the parents to: consent to all medications to be taken by the children, all medical, dental, and any surgical treatment involving invasive procedure, joint right to consent to psychiatric and psychological treatment, joint right to make educational decisions, and joint right to consent to marriage and enlistment in the armed forces of the United States and haircuts for the children. If the Parents cannot come to an agreement, they will make an appointment with Stacy Dunlop, the Parenting Coordinator, who will resolve the dispute by making a decision on behalf of the parents if they still disagree after discussing the disagreement with Stacy Dunlop.
- 5) The Court Orders the Father's possession and access to be customized to every 1st, 3rd, and 4th Friday when school is dismissed for the day or 5:00 p.m. when school is not in session and ending when school resumes on the following Monday or 9:00 a.m. Monday Morning; Every Wednesday from 5 p.m. to 8 p.m.; standard holiday and summer. The Court finds that it would be in the best interest of the children that the Father and Children attend family counseling with the goal of 50/50 possession; one week on and one week off as the counselor determines it is appropriate; projected by January 2020 or by June 2020. (Child support will be abated when possession is 50/50)
- 6) The Court Orders the Father to determine no more than two extracurricular activities for the children in the Spring Semester and for the Mother to determine no more than two extracurricular activities for the children in the Fall Semester until the children reach middle school (6th grade) where they may decide which extracurricular activities they want to be participating in. If the children have practice or a game during the other parents' period of possession and the parent is unwilling to take the children, the other parent may pick up the children and take them.
- 7) Due to both Parents equal contribution to the broken family dynamics, the Court Orders the Father with the Children and the Mother with the Children to attend family counseling by a counselor chosen by the Amicus/Parenting CoHouston1908
- 8) ordinator. The Counseling sessions shall address:
 - a) The trauma this case has caused the children and how the children and parents are to deal with the fact that everything about the children is public.
 - b) How the actions of the Parents have affected the emotional wellbeing of the children.
 - c) How to now protect the children from criticism from their peers and how to notice signs that the children are being bullied.
 - d) Accepting your children unconditionally while implementing appropriate boundaries.
 - e) How to be attuned to your children and understand them.
 - f) Parenting conflict resolution.

- g) How to show authority over your children and guide your children where they are comfortable and not feeling ashamed.
 - h) How to provide your children with the foundation to allow them to naturally evolve into healthy adults.
 - i) Allowing the children to be comfortable enough to verbally express themselves to both parents.
- 9) The Court Orders that the children shall continue counseling with their current counselors unless the parents disagree; at which time the Parenting Coordinator will find another counselor.
- 10) The Court Orders the Parents to pay ½ of all counseling.
- 11) The Court Orders the party not in possession of the children to have daily phone/facetime/skype with the children between the hours of 6 p.m. and 7 p.m. If the children are not available, the parent shall have the children return the call that evening. The Court Orders the Parents to not interfere with the phone calls by making comments during the phone calls.
- 12) The Court Orders a permanent injunction as to either party making disparaging remarks regarding the other parent in the presence of the children or in the children's listening.
- 13) Due to serious concerns for the protection and welfare of the children, the Court Orders a permanent injunction as to either parent or either parent allowing a third party to discuss this litigation in the presence of the children or in the children's listening, making any videos, interviews, news interviews, documentaries, television appearances, radio appearances, internet radio appearances, social media post picturing the children, and social media live feeds of the children discussing cisgender, transgender, gender fluidity, gender dysphoria, gender identity, whether they are masculine or feminine, while the children are under the age of 18 years of age.
- 14) Both Parties request for attorney fees are Denied.

The Case is set on 8.02 enter order or dismiss on November 22, 2019 @ 8:30 a.m. This is a show cause hearing. If an Order is not presented to the Court for signature on or before this date, the case will be dismissed.

October 24, 2019



Kim Cooks 255th Presiding Judge



STATE OF TEXAS }
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 28 day of Oct, A.D., 2019

FELICIA PITRE, DISTRICT CLERK
DALLAS COUNTY TEXAS
By [Signature] Deputy

