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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STATE OF WASHINGTON; STATE OF
OREGON; STATE OF MINNESOTA; STATE
OF COLORADO; STATE OF
CONNECTICUT; STATE OF DELAWARE;
DISTRICT OF COLUMBIA; STATE OF
HAWAII; STATE OF ILLINOIS; STATE OF
MAINE; STATE OF MARYLAND;
COMMONWEALTH OF MASSACHUSETTS;
STATE OF MICHIGAN; STATE OF NEW
JERSEY; STATE OF NEW YORK; STATE
OF RHODE ISLAND; STATE OF
WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of U.S. Department of
Health and Human Services; UNITED STATES
HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND
FAMILIES; and ANDREW GRADISON, in his
official capacity as Acting Assistant Secretary
of U.S. Health and Human Services
Administration for Children and Families,

Defendants.

Case No. 6:25-cv-01748-AA

DECLARATION OF APRIL THOMAS-
JONES

DECLARATION OF PLANNED PARENTHOOD OF DELAWARE

I, April Thomas-Jones, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a resident of Pennsylvania. I am over the age of 18, competent to testify to the matters herein, and make this declaration based on my personal knowledge.

2. I am the President & CEO of Planned Parenthood of Delaware (PPDE). I have a Bachelors Degree in Public Relations, Journalism, and Advertising from Temple University and a Masters in Education from Lincoln University, with nearly 20 years of non-profit leadership experience.

3. Planned Parenthood of Delaware possesses expert knowledge and skills in serving adolescents. PPDE has established a systematic process to enhance the knowledge, attitudes, and skills of youth-serving professionals through well-designed professional development events. These trainings include clear goals, skill-building sessions, and feedback to improve participant effectiveness.

4. I submit this declaration in connection with Plaintiff States' Motion for Preliminary Injunction and Complaint for Injunctive and Declaratory Relief pertaining to the August 6, 2025 Notice of Award (NOA) from the United States Department of Health and Human Services (HHS) Administration for Children and Families (ACF) regarding state Personal Responsibility Education Program (PREP) grants; the August 7, 2025 PREP Supplemental Terms and Conditions (Supplemental T&Cs), and the August 26, 2025 directive letter from ACF to grantees (the PREP Directive). I have personal knowledge of the matters set forth below, or with respect to the matters for which I do not have personal knowledge, I have reviewed information gathered from Planned Parenthood of Delaware's records by others within the organization.

5. The Division of Public Health (DPH) supports the development and sustainability of a statewide professional development partnership. This initiative aims to promote healthy outcomes and reduce sexual risk behaviors among adolescents by fostering collaborative

partnerships, promoting positive lifestyles, and ensuring the availability of effective health education and services. These efforts contribute to DPH's vision of creating an environment where all Delawareans can achieve their full potential for a healthy life.

6. Division of Public Health is a PREP grantee. PPDE contracts with DPH and receives PREP funding through this contract. PPDE operates as a sub-grantee of DPH, delivering services to promote healthy outcomes and reduce sexual risk behaviors among adolescents. PPDE's management team is accountable to DPH and subject to regular monitoring and review by DPH.

7. As part of its work, PPDE operates in one state to administer comprehensive, evidence-based educational programming to reduce pregnancy, HIV, sexually transmitted infections (STIs), and birth rates for youth. This work is funded completely by PREP. In Delaware, PPDE provides Sexual Education Training Initiatives to reduce teen pregnancy and reduce sexual risk behaviors among adolescents. PPDE provides these services at 13 of 19 school districts and 5 community-based organizations. Across the State, 2276 youth are served by the programs PPDE implements with PREP funding. In 2024, PPDE received \$246,166 in PREP funding to provide these services in Delaware.

8. PPDE's programming is evidence-based, medically accurate, and age-appropriate. PPDE's programming addresses both abstinence and the use of contraception, as well as at least three of six "adulthood preparation subjects" as described in 42 U.S.C. § 713(b)(2)(C). It is provided in the cultural context most appropriate for individuals in the particular population group to which the programming is directed and targeted towards high-risk youth. Additionally, PPDE's programs use positive youth development principles when offering trauma-informed prevention programming. To reduce racial, ethnic, and geographic-based sexual health disparities by targeting middle/high school-aged youth with particular emphasis on vulnerable populations, including homeless youth, those in foster care and in youth correctional settings. The program team regularly collects and reports data on training, program activities, and participant outcomes to ensure effective implementation and compliance with federal and state requirements.

Effectiveness of programs

9. As part of its work administering state education programming, PPDE measures outcomes by systematically collecting and analyzing data on participant training, program implementation, and outcomes. This information is regularly reported to federal and state agencies to ensure effective program delivery and compliance with all regulatory requirements.

10. The program uses PREP pre- and post-surveys to measure student progress. The pre-survey, given at the start, collects information about students' backgrounds, knowledge, attitudes, and goals. The post-survey, given at the end, looks at what students have learned, how their skills and confidence have improved, and how satisfied they are with the program. By comparing these surveys, we see that students gain knowledge and skills, feel more confident, and find the program valuable. This shows the program is effective in helping students learn and grow.

Communications from Federal Government

11. PPDE is aware that on or about April 14, 2025, DPH received a letter from ACF's Family and Youth Services Bureau (FYSB)'s Division of Positive Youth Development indicating that ACF was performing a "medical accuracy review" and requesting submission of "any current curricula and programmatic materials" related to state PREP grants. FYSB stated that the "purpose for the medical accuracy review of program materials is to ensure the information being shared with program participants is medically accurate and complete."

12. PPDE is also aware that on August 6, 2025, DPH received a notice of Award (NOA) describing the financial information associated with DPH PREP grant award funds. The NOA states, "[t]he use of Federal funds from this award constitutes the grantee's acceptance of the listed terms and conditions." In the Remarks section, the NOA states, "Recipients are prohibited from including gender ideology in any program or service that is funded with this award." The Terms and Conditions section states, in part, "[t]he statutory authority for the PREP program under which this grant has been awarded, at 42 U.S.C. § 713, does not authorize teaching students that gender identity is distinct from biological sex or boys can identify as girls and vice versa, or that there is a vast spectrum of genders that are disconnected from one's sex. Therefore, gender ideology is

outside of the scope of the statutory authority for this award. In addition, any costs associated with gender ideology are not allowable expenditures of federal grant funds or maintenance-of-effort funds for this grant because they are not necessary, reasonable, or allocable for the performance of this award. See 45 C.F.R. §§ 75.403-405.”

13. PPDE is also aware that on August 7, 2025, ACF published Supplemental T&Cs applicable to awards and award modifications that add funding. The Supplemental T&Cs prohibit grant recipients from including so-called “gender ideology” in PREP-funded programs and services. Per ACF’s notice, these Supplemental T&Cs are effective immediately.

14. PPDE is also aware that on August 26, 2025, DPH received another letter from ACF (the PREP Directive) stating that Delaware’s “current PREP curricula and program materials are out of compliance with the PREP statute and HHS regulations and must be modified” because Delaware’s curriculum and materials include “gender ideology.” The identified content, ACF claims, is “outside of the scope of PREP’s authorizing statute...and all references to it must be removed from the PREP curricula and program materials.” ACF further instructs Delaware “**to remove all content concerning gender ideology from its curricula, program materials and any other aspects of its program delivery within 60 days of receipt of this letter.**” ACF asserts that it may take “additional enforcement action,” and listed as possibilities “allowing HHS to withhold, disallow, suspend, or terminate Federal awards.”

Harms to PPDE

15. PPDE is currently and will continue to experience harm as a result of the NOA, the Supplemental T&Cs, and the PREP Directive. The NOA, Supplemental T&Cs, and the PREP Directive have created immense confusion and negatively impacted our organization’s ability to plan for the future.

16. The federal government’s threat to Delaware to restrict federal financial assistance if content concerning “gender ideology” is not removed puts at risk \$250,000.00. This would have a catastrophic effect on PPDE’s work.

17. For example, our PREP grant covers the salary of 2 employees at PPDE. With the uncertainty of the PREP grant's continuation past October 27, 2025, our organization is being forced to contemplate reducing or terminating these valuable employees' positions.

18. Professional development activities and training will no longer be provided to teachers and community-based providers responsible for delivering sexual health education to adolescents. As a result, the comprehensive education and evidence-based materials that previously reached approximately 3,000 youth annually will no longer be disseminated. Additionally, workshops and outreach efforts designed to equip parents and communities with resources to support adolescent sexual health and risk reduction will be discontinued. The absence of these critical supports is expected to significantly limit the capacity of educators, families, and communities to engage adolescents in informed, healthy decision-making. Discontinuation represents a substantial gap in preventive education and community engagement efforts, potentially impacting health outcomes among Delaware's youth.

Harms to middle/high school-aged youth with particular emphasis on vulnerable populations including homeless youth, those in foster care and in youth correctional settings.

19. If PPDE loses PREP funding, PPDE would be unable to meet its obligations to provide age-appropriate and medically accurate education to youth who are at particular risk of becoming pregnant or contracting HIV and other STIs. Youth in Delaware, especially high-risk youth, will suffer.

20. The elimination of curriculum and programming which include medically accurate, inclusive information around sexuality, gender identity, and diversity will result in higher rates of youth depression, suicide, teen pregnancy and STI infections. Teachers, parents, and youth in Delaware have come to rely on PPDE to provide access to trauma-informed, evidence-based interventions in order to promote healthy lives.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 26, 2025, at Delaware, Wilmington.

s/ April Thomas-Jones
APRIL THOMAS-JONES
President & CEO of Planned Parenthood

CERTIFICATE OF SERVICE

I certify that on October 8, 2025, I served the foregoing upon the parties hereto by the method indicated below, and addressed to the following:

Susanne Luse
Sarah Feldman
Assistant United States Attorneys
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☐ HAND DELIVERY
☒ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☐ E-SERVE

s/ Leanne Hartmann

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