

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Discrimination

**A.R., o.b.o. herself and her
minor child, S.R.,**

Court File No.: _____

Judge: _____

Plaintiff,

vs.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

**Minnesota Department of Corrections;
Minnesota Department of Corrections
Commissioner Paul Schnell;
Swift County Department of Human
Services; Swift County Department of
Human Services Director Catie Lee,**

Defendants.

Plaintiff A.R., on behalf of herself and her minor child, S.R., through her attorneys, Jess Braverman and Sara Jane Baldwin of Gender Justice, 663 University Avenue West, Suite 200, St. Paul, Minnesota 55104, and John T. Sullivan of Dorsey & Whitney LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402, for her Complaint against Swift County and the Minnesota Department of Corrections, states and alleges as follows.

INTRODUCTION

S.R. was placed in the care and custody of Swift County when she was 12 years old. Around this time, S.R. discovered that she is a transgender girl. A.R., S.R.'s mother, informed Swift County that S.R.'s gender identity was a very big issue for S.R., and that she was afraid of being housed with boys because she is not a boy, and because she feared bullying and harassment. Nonetheless, Swift County placed S.R. in a boys' facility.

Despite the family's concerns, Swift County placed S.R. in a group home that, as a matter of policy, refuses to house any transgender children in placements consistent with their gender identity. In other words, Swift County chose to place S.R. in a facility that refuses to house any transgender girls with other girls. Swift County was aware of the group home's policy, as was the Minnesota Department of Corrections (DOC), the entity that licenses the facility.

As soon as S.R. arrived, the boys in her unit subjected her to transphobic bullying and harassment. She was called names such as "tranny," "shemale," and "faggot." She also was sexually harassed in the form of ongoing explicit questions about her genitalia. This took a toll on S.R.'s mental health. Both S.R. and A.R. repeatedly reported the ongoing bullying and harassment to Swift County and the DOC, but nothing changed.

When S.R. was placed with boys, S.R. and her mother were told that S.R. would be able to engage in programming with girls. This proved to be untrue. Any time S.R. acted out in response to the ongoing and unchecked bullying, the group home would withhold the option of programming with girls. Instead of taking any reasonable measures to stop the bullying and harassment, the group home punished S.R. by treating her like a boy.

Eventually, S.R. left the facility and moved back home with her mother. After doing so, S.R.'s behavioral issues dramatically improved. S.R.'s therapist attributed S.R.'s behavioral struggles at the group home to the hostile environment she experienced while housed in a facility with boys.

Swift County and the DOC were aware of S.R.'s placement in a boys' facility and of her ongoing bullying and harassment. Both had the responsibility and ability to change S.R.'s placement and to address the bullying, harassment, and improper punishments. Instead of helping S.R. and correcting the group home's unlawful conduct, however, Swift County and the DOC took active measures to allow the mistreatment to continue.

A.R. brings this lawsuit on behalf of herself and her minor daughter, S.R., to remedy Swift County's and the DOC's unlawful discrimination in public services on the basis of sex and sexual orientation (which includes gender identity) in violation of the Minnesota Human Rights Act.

PARTIES, JURISDICTION & VENUE

1. Plaintiff A.R. is a resident and citizen of the state of Minnesota.
2. S.R. is A.R.'s minor child.
3. Defendant Department of Corrections (DOC) is a state agency responsible for licensing providers of residential care and treatment, detention, or foster services for children in out-of-home placement. DOC is also responsible for inspecting facilities licensed to provide such care. DOC is a "public service" under Minn. Stat. § 363A.12.
4. Defendant Paul Schnell is the Commissioner of the DOC and is sued in his official and personal capacities.
5. Defendant Swift County is a county social services provider located within Minnesota. Swift County is a "public service" under § 363A.12.
6. Defendant Catie Lee is the Director of Swift County Department of Human Services and is sued in her official and personal capacities.
7. During all relevant times, S.R. was in the custody of Swift County.
8. During all relevant times, DOC licensed group homes run by Swift County in accordance with Minn. Stat. § 241.021 and Minn. Admin. R. Ch. 2960.
9. The District Court in Ramsey County, Minnesota, has original jurisdiction over the parties and A.R.'s claims pursuant to Minn. Stat. § 363A.33, subd. 6 and Minn. Stat. § 484.01, subd. 1.

10. Venue in this Court is proper pursuant to Minn. Stat. § 363A.33, subd. 6 because Respondent DOC has its principal place of business in Ramsey County.

11. A.R. filed timely MDHR charges against the group home, the DOC, and Swift County. MDHR found probable cause against all three entities. On October 2, 2025, MDHR closed out the case and provided notice to A.R. of her 90-day deadline to file a complaint.

FACTUAL ALLEGATIONS

Background Regarding Out-of-Home Placement for Transgender Youth in Minnesota

12. According to the Minnesota Department of Human Services (MN DHS), LGBTQ¹ youth are over-represented in Minnesota's child welfare system.²

13. One study indicated that as many as seventy-eight percent of LGBTQ foster youth endure harassment or abuse after being placed in out-of-home placement.³

14. Youth in out-of-home placement have the right to be free from harassment regarding their gender identity and/or sexual orientation, the right to the protection of their physical, mental, and emotional well-being, and the right to access services that prevent harm.

15. As MN DHS has stated, “[t]he importance of respecting a youth’s self-identity concerning sexual orientation and gender identity cannot be overstated.”⁴ This is because “[a]n LGBTQ youth who experiences disrespect or bias from facility staff or agency social workers is at greater risk of being bullied, harassed, isolated, depressed and/or suicidal.”⁵

¹ LGBTQ stands for Lesbian, Gay, Bisexual, Transgender, and Queer.

² Minn. Dep’t of Hum. Servs., Working with Lesbian, Gay, Bisexual, Transgender, Questioning/Queer Youth 2 (2013).

³ *Id.*

⁴ *Id.* at 17.

⁵ *Id.*

16. It is well understood that Minnesota children and youth have a legal right to safety while in foster care, according to the MN DHS.⁶

17. The State of Minnesota has some of the strongest laws in the country protecting transgender youth like S.R. from discrimination, harassment, and bullying in all areas of life including public services, education, and access to health care. These laws are nothing but hollow aspirations if the government itself treats them as such.

A.R. and S.R.

18. At the time of the events in this Complaint, S.R. was 12 years old.

19. S.R. is a creative child who enjoys playing video games, cooking and baking, knitting and crocheting, and sewing. S.R. has always been into fashion and makeup and is hoping to pursue cosmetology after high school graduation. S.R. has a wonderful sense of humor and loves animals.

20. S.R. is a transgender girl. In other words, she is a girl who was assigned male at birth.⁷

21. Plaintiff A.R. is S.R.'s mother.

22. S.R. and her mother live in Swift County, Minnesota.

S.R.'s Placement In Boys' Home #1

23. On November 4, 2020, a court transferred custody of S.R. to Swift County because S.R. was struggling with truancy and other behavioral issues in her home.

24. The purpose of the custody transfer was to place S.R. in a group home where she could receive resources and programming to stabilize her mental health and well-being.

⁶ *Id.* at 13.

⁷ Individuals are generally assigned a sex – “male” or “female” – at birth. This is typically based on external genitalia and not the multitude of other factors that bear on one’s sex such as hormones, internal reproductive organs, chromosomes, secondary sexual characteristics that develop during puberty, brain anatomy, and gender identity.

25. Swift County identified a placement for S.R. in a boys' facility (Boys' Home #1).
26. S.R. learned of the potential placement and told her mother that she was afraid of being placed in the facility because she is a transgender girl.
27. Upon learning this from S.R., A.R. reached out and shared the information with Swift County.
28. A.R. expressed that S.R. had been bullied and harassed in the past, and asked whether Swift County could provide S.R. with an LGBTQ+ friendly placement and whether S.R. could have access to LGBTQ+ resources.
29. Swift County disregarded A.R.'s concerns, and S.R. was placed in Boys' Home #1.
30. Patricia Wente, the children's mental health worker with Swift County, questioned the legitimacy of S.R.'s gender identity exploration, and suggested S.R. was being manipulative to get out of placement.
31. Danielle Krupke, Swift County child protection worker, assured A.R. that they were aware of previous bullying and harassment and that S.R. would be safe at Boys' Home #1.
32. On November 19, the director of Boys' Home #1 informed A.R. that S.R. would not be able to stay at the home because the home does not allow girls. He also noted that it was causing S.R. serious distress to be placed with boys and treated as a boy.

S.R.'s Placement In Boys' Home #2

33. According to the Minnesota Department of Human Rights, at the time Swift County chose to place S.R. in Group Home #1, there were as many as five placement options that allowed transgender youth to reside with others of the same gender identity.
34. Swift County did not explore any one of the available options. Instead they placed S.R. in Boys' Home #2 after she left Boys' Home #1.
35. Boys' Home #2 has a separate facility for girls but placed S.R. in its boys' facility.

36. Boys' Home #2, like all out-of-home placements, was required to obtain a license from DOC in order to operate. To obtain a license from DOC, Boys' Home #2 had to submit a "Statement of Intended Use" as part of its application.

37. Boys' Home #2's Statement of Intended Use provides that "[w]hen deemed appropriate by the case management team, a youth whose biological gender differs from the gender they identify, the youth will reside at the facility licensed for their biological gender and participate in programming at the facility that corresponds with the gender they identify with."

38. In other words, Boys' Home #2 categorically refuses to place transgender girls in girls' facilities regardless of any individual circumstances.

39. DOC, which is obliged to ensure group homes follow Minnesota law, licensed Boys' Home #2 knowing full well that it had a facially discriminatory placement policy in place.

Harassment and Bullying Against S.R.

40. At Boys' Home #2, S.R. faced relentless harassment and bullying. She was called slurs including "tranny," "shemale," and "faggot." S.R. was also asked explicit questions about her genitalia. She was subject to ridicule by boys as well as staff.

41. Boys' Home #2 forced S.R. to use the boys' bathroom during public outings.

42. Boys' Home #2 refused to allow S.R. to join an online support group for LGBTQ+ youth.

43. Boys Home #2 also refused to allow S.R. to engage in programming with girls despite what it represented to the DOC in its Statement of Intended Use. Initially, S.R. could not engage in programming with girls due to COVID restrictions. However, once those restrictions lifted, Boys' Home #2 continued to force her to engage in boys' programming.

44. Boys' Home #2 did nothing to stop the relentless harassment and bullying that S.R. faced. Instead, Boys' Home #2 inappropriately shifted responsibility onto S.R.: When S.R. acted out

in response to the bullying and harassment, Boys' Home #2 punished her by refusing to allow her to participate in programming with girls. In other words, Boys' Home #2 punished S.R. by treating her like a boy, even though doing so caused her emotional harm.

45. S.R. and A.R. informed both DOC and Swift County of the ongoing issues. A.R. contacted DOC's Inspection and Enforcement unit to voice her concerns. Despite having the duty and ability to directly address these issues, DOC and Swift County actively supported Group Home #2, leaving S.R. to face unchecked and ongoing discrimination, harassment, and bullying.

46. S.R.'s therapist suggested that Swift County provide services to help S.R. with her gender identity and to consider placing S.R. in a foster home so that she would not be housed with boys. S.R. also requested to be moved to a foster home. S.R. was not moved to a foster home.

47. On April 29, 2021, S.R. asked Group Home #2 if she could move to the girls' unit. Group Home #2 denied her request. S.R. ran away from the facility that same day.

48. On June 10, 2021, S.R. was discharged from Group Home #2 and placed back with her mother.

49. After S.R. returned home, her therapist noted that S.R.'s "behaviors were limited to the [Group Home] setting. Those behaviors reportedly did not occur at school while in [Group Home] placement and have not occurred at home since her return." Her therapist noted that "[i]t seems that her aggressive behaviors probably occurred due to a placement in a facility that was not set up for transgender youth."

COUNT I

Sex and Sexual Orientation Discrimination in Public Services Minnesota Human Rights Act

Plaintiff realleges the above allegations of this Complaint and alleges as follows:

50. It is an unfair discriminatory practice to discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of sexual orientation or sex. Minn. Stat. 363A.12, subd. 1.

51. A youth placed in a facility licensed by DOC has the “right to be free from bias and harassment regarding ... gender, ... and sexual orientation.” Minn. Admin. R. 2960.0050, Subpt. 1.P.

52. Defendants discriminated against S.R. in her access to, admissions to, full utilization of or benefit from a public service because of her sexual orientation and sex.

53. Defendants also contributed to a hostile environment for S.R. which denied her full utilization and benefits of a public service.

54. Defendants discriminated against S.R. when they forced her to be housed with boys and only allowed her to engage in programming for boys, when they refused to allow her to engage in programming with girls, when they failed to prevent gender and sex based bullying and harassment of S.R., when they subjected her to a hostile environment, and when they failed to protect her from sexual harassment.

55. The hostile environment S.R. experienced was severe, pervasive, and persistent so as to deny or limit S.R.’s ability to access and to have full utilization of or access to a public service.

56. As a direct and proximate cause of Defendants’ unlawful conduct, S.R. suffered harms including emotional distress, humiliation, and mental anguish entitling her to compensatory damages, the exact amount to be proven at trial.

57. As a direct and proximate cause of Defendants’ unlawful conduct, A.R. has incurred attorney’s fees, costs, and expenses.

COUNT II

Aiding and Abetting Discrimination Minnesota Human Rights Act

Plaintiff realleges the above allegations of this Complaint and alleges as follows:

58. It is an unfair discriminatory practice for the state and its departments and agencies to intentionally aid, abet, incite, compel, or coerce a person to engage in any of the practice forbidden by the Minnesota Human Rights Act or to intentionally attempt to aid, abet, incite, compel, or coerce a person to engage in any of the practices forbidden by the Minnesota Human Rights Act. Minn. Stat. § 363A.03, subd. 30; § 363A.14.

59. Pursuant to Minn. Stat. § 241.021 and Minn. Admin. R. 2960, DOC is responsible for licensing providers of residential care and treatment, detention, or foster services for children in out-of-home placement. The DOC licensed Group Home #2.

60. Pursuant to Minn. Stat. § 241.021, subd. 2, DOC is responsible for inspecting facilities licensed to provide residential care and treatment, detention, or foster services for children I out-of-home placement. The DOC inspected Group Home #2.

61. DOC discriminated against S.R. when it intentionally aided, abetted, incited, compelled, or coerced Defendant Swift County to engage in discrimination against S.R.

62. As a direct and proximate cause of Defendants' unlawful conduct, S.R. suffered harms including emotional distress, humiliation, and mental anguish entitling her to compensatory damages, the exact amount to be proven at trial.

63. As a direct and proximate cause of Defendants' unlawful conduct, A.R. has incurred attorney's fees, costs, and expenses.

COUNT III

Equal Protection Minnesota Constitution, Art. I, § 2

Plaintiff realleges the above allegations of this Complaint and alleges as follows:

64. It is a violation of the Minnesota Constitution to deprive anyone of the rights or privileges secured to any other citizen in the state.

65. S.R. was housed with boys and prevented from engaging in programming with girls, and so was treated differently than other girls because of her sex and sexual orientation.

66. Defendants denied S.R. access to housing and programming that aligned with her gender identity. S.R. was treated differently from other girls in that she was housed with boys and prevented from engaging in programming with girls because she is transgender.

67. As a direct and proximate cause of Defendants' unlawful conduct, S.R. suffered harms including emotional distress, humiliation, and mental anguish entitling her to compensatory damages, the exact amount to be proven at trial.

68. As a direct and proximate cause of Defendants' unlawful conduct, A.R. has incurred attorney's fees, costs, and expenses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- A. That the practices of Defendants complained of herein be adjudged, decreed, and declared to violate the rights secured to S.R. by the Minnesota Human Rights Act, Minn. Stat. § 363A.01 *et seq.* and the Minnesota Constitution.
- B. That a permanent injunction be issued prohibiting Defendants from engaging in the practices complained of herein.

- C. That the Court order Defendants to pay a civil penalty to the State of Minnesota pursuant to Minn. Stat. § 363A.29.
- D. That S.R. and A.R. be awarded compensatory damages in an amount greater than \$50,000.
- E. That S.R. and A.R. be awarded treble damages pursuant to Minn. Stat. § 363A.33 and 363A.29.
- F. The S.R. and A.R. be awarded punitive damages pursuant to Minn. Stat. § 363A.29 in an amount to be established at trial.
- G. That the Court retain jurisdiction until the Court is satisfied that the Defendants have remedied the practices complained of herein and are determined to be in full compliance with the law.
- H. That the Court award Plaintiff her reasonable attorneys' fees, costs, and disbursements pursuant to state law.
- I. That Plaintiff be awarded pre- and post-judgment interest on any monetary damages awarded, pursuant to Minn. Stat. § 549.09.
- J. That the Court grant such other and further relief as it deems fair and equitable.

DEMAND FOR JURY TRIAL

Plaintiff A.R., on behalf of herself and her minor child, S.R., demands a jury trial in this action.

Dated: December 10, 2025

GENDER JUSTICE

/s/ Sara Jane Baldwin
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ACKNOWLEDGMENT

The undersigned acknowledges that pursuant to Minn. Stat. § 549.211, subd. 2, that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the ordinary course of the proceedings or to harass, or committed a fraud upon the Court.

Dated: December 10, 2025

/s/ John T. Sullivan
John T. Sullivan