

DECLARATION OF LENILYN DE LEON

Lenilyn De Leon declares as follows:

I am a child care provider in San Francisco.

I have known Ross Mirkarimi and Eliana Lopez since June 2010. I have provided child care to their son Theo since that time. The care started out as 3 times a week, but has been Monday through Friday for the past year.

Ross and Eliana shared the responsibilities in morning drop-offs and afternoon pick-up of Theo. They played an active and supporting role in Theo's daily routine.

In my interactions with them, I observed that they worked very cooperatively with each other for the well-being of Theo. I knew them as a very loving and caring family. They were the typical family who displayed their affection and support for one another. Theo's attendance is consistent and routine.

I never suspected anything going wrong and I never observed anything unusual. Theo was always a very happy, well-adjusted child. Theo was always talking about family and doing things as a family. When playing, Theo will quickly recognize that there was a mommy and daddy – when he is playing with his animals there was always a mommy, a daddy and a baby. Usually, it's because children have a very positive experience about something so they imitate what they see and know. Theo often spoke of his father in the day care and often shared stories of what they'd been doing. I always thought of the family as a very close, loving family.

~~When they were separated, as the provider who cared for Theo on a daily basis, I immediately noticed the negative effects of the separation on Theo. He was withdrawn, not as engaging, communicative or happy. He often looked sad. He would move away from the other children and sit quietly. I was very concerned because as time went on he became more withdrawn.~~

I was closed on December 31, 2011. The first time I saw Ross, Eliana and Theo in 2012 was on Wednesday, January 4th.

I got a call from Eliana on Tuesday, January 3rd. She said they were in Monterrey for the weekend and they were driving back to San Francisco that day and that Theo wouldn't be coming in. She did not sound distraught at all. She said Theo would be in tomorrow.

On January 4th, Ross dropped Theo off in the morning at 8:30am. Theo was very excited to come back because he hadn't seen me and his friends for a while because of the holidays. It was a typical day.

Eliana picked up Theo at 5:30pm. Eliana rang the doorbell, which rings my phone. I picked it up and said "Hi Eliana." She did not sound herself. She was soft spoken. I said, "Is everything okay?" She said "No, everything's not okay." I said, "Would you like me to bring Theo outside?" And she said, "Please, if you can." I got Theo and brought him to the car and they

left. I could tell there was something on her mind.

Thereafter, I could see the stress that Eliana was going through. She was trying her best to be brave in front of Theo and prevent him from being affected. But I also saw that it just tore her apart, understandably so. It was really tough.

~~Theo began to experience separation anxiety. There were issues that started to come up when Eliana would drop off Theo in the morning. It never happened before, ever, even during his first week. Theo would get extremely upset. He didn't want to be left behind. He wanted to be with mom. I think he was afraid of losing mom too. Every time the doorbell rang when Eliana came to pick him up, he would exclaim, "It's daddy! It's daddy!" It was awful.~~

~~I can't believe how just out of control this has become. It makes me really sad because this is not the family I know. It makes me really sad they are going through this.~~

~~I feel really bad for Theo because no child should ever be taken from their parents, especially when it's a happy loving family. I feel so bad for them.~~

I declare under penalty of perjury that the foregoing is true and correct as to those matters of which I have personal knowledge, and as to all other matters that I believe them to be true on information and belief. Signed this 11th day of June, 2012, in the City and County of San Francisco, California.

/s/ Lenilyn De Leon
Lenilyn De Leon