

Court Ruling Won't Force Foster Care Agencies to Compromise Christian Principles

As a result of a federal court ruling in 2019 that faith-based foster and adoption agencies in Michigan cannot be forced to close, because they will not compromise their religious beliefs by placing foster children with same-sex or unmarried couples, the Michigan Department of Health and Human Services now has been ordered to continue working with St. Vincent Catholic Charities and to pay the organization legal fees of \$550,000.

The legal settlement came after the U.S. Supreme Court ruled unanimously last year in favor of Catholic Social Services, a foster care agency that refuses to compromise its religious beliefs by placing children with same-sex couples. The High Court's decision in *Fulton v. City of Philadelphia* ruled that a foster care agency has the First Amendment right to restrict placement to families that follow its religious beliefs.

In October 2019, Judge Robert Jonker found that Michigan Attorney General Dana Nessel and the state were discriminating against faith-based agencies such as St. Vincent Catholic Charities, a 70-year-old non-profit organization that specializes in finding foster and adoptive homes for hard-to-place older children, sibling groups and children with special needs. The state is the sole source of foster care and adoption referrals for agencies like St. Vincent.

Judge Jonker prohibited the state from terminating or suspending contracts with St. Vincent and ruled that it can continue to place children exclusively in families that have

biblical beliefs about marriage. The judge also ruled that Michigan's new state adoption policy was contrary to state and federal law, and denied most elements of the state's motion to dismiss the case, which allows litigation to proceed.

St. Vincent and adoptive parents Chad and Melissa Buck sued to keep the state and U.S. Department of Health and Human Services from acting against it for not placing children for foster care or adoption with same-sex couples. The ruling keeps St. Vincent's doors open and ensures it can continue to support the Bucks, who have adopted five special needs children.

Before 2018, the state allowed faith-based agencies to refer unmarried and same-sex couples to other adoption agencies. However, after Nessel's election, the attorney general moved to settle a lawsuit the American Civil Liberties Union filed against the state, on behalf of two same-sex couples, for allowing St. Vincent to place children according to its biblical definition of marriage as between one man and one woman. The settlement resulted in new rules requiring faith-based agencies to assist same-sex couples and LGBT individuals in all phases of the child-placement process.

During the 2018 election for attorney general, Nessel described supporters of the state's policy of working with faith-based child-placing agencies as "hatemongers." In his 2019 ruling, Judge Jonker said Nessel forced St. Vincent to choose between its religious beliefs and its contract with the state.

"That kind of targeted attack on a sincerely held religious belief is what calls for strict scrutiny," wrote Jonker. "The state's real goal is not to promote nondiscriminatory child placements, but to stamp out St. Vincent's religious belief and replace it with the state's own."

A report by the U.S. Department of Health and Human Services

found that as of Sept. 30, 2020, more than 400,000 children nationwide were in foster care, with 117,000 waiting to be adopted. In Michigan, there are approximately 13,000 children in foster care and 300 children who still need an adoptive family. More than 600 children exit at age 18 each year without adoptive families.

Liberty Counsel founder and chairman Mat Staver said, “This is a great decision in favor of religious freedom and the well-being of Michigan’s most vulnerable children. St. Vincent Catholic Charities has faithfully provided children in crisis with loving homes. The Supreme Court ruling and now this settlement will stop the Michigan attorney general’s discriminatory targeting of faith-based adoption agencies.”
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