



## Frequently Asked Questions

### **It is common to hear that laws protecting faith-based providers give them a “license to discriminate.” What is the truth on the matter?**

Such laws ensure that all providers can continue to serve children unafraid of government discrimination. Indeed, without concrete legal protections, child welfare providers would be exposed to potential government discrimination and loss of the support, funding, and licensing they need to serve children, birth moms, and families with the love, support, and opportunities they deserve.

The fact is that governments in Illinois, San Francisco, Massachusetts, Washington, D.C., and Philadelphia are discriminating against child welfare providers and those whom they serve simply because of the providers’ religious beliefs. Government discrimination that forces faith-based providers to shut their doors devastates the families and children who need that loving support and help the most. Child welfare provider laws prevent government discrimination and keep children first by ensuring that more providers stay in the field to serve.

### **Is it true that laws protecting faith-based providers would ban LGBT couples from being able to adopt or foster children?**

No. Same-sex couples are free to adopt or foster children in all 50 states and Washington, D.C., and laws protecting providers from government discrimination would do nothing to change that fact. In every state, there are numerous adoption and foster care providers that will place children with same-sex couples. Child welfare provider laws preserve a diversity of private providers in the marketplace and protect providers’ ability to operate according to their values—and with families who share those values.

### **Wouldn’t such laws enable discrimination against interfaith couples and non-Christians?**

To the contrary, these laws prohibit discrimination against child welfare providers and preserve a thriving diversity of providers for children, birth moms, and families. Recognizing that both secular and religious providers operate with a set of values and beliefs, child welfare provider laws ensure that, regardless of those beliefs, the government doesn’t discriminate against them. And for some religious birth moms, it is important to them that their child is raised in a family of the same religious tradition as the mom—for example a Jewish birth mom desiring that her child be raised in a Jewish home.

### **Do these laws reduce the pool of qualified parents who can adopt – especially same-sex couples – and thus makes children wait longer for safe and loving homes?**

Just the opposite. Numerous providers across the country already work with same-sex couples and will continue to do so—these laws do nothing to restrict this. More importantly, faith-based providers actually expand the pool of qualified parents because they excel at recruiting adoptive and foster parents from their own faith communities—including for special needs and hard-to-place children. Shutting down faith-based providers—who’ve worked in this space for decades—eliminates a primary resource for expanding the pool of adoptive and foster parents. You simply don’t recruit more parents by eliminating recruiters.

Faith-based child welfare providers play an important role in our system, particularly in places like Michigan, where Catholic Charities and Bethany Christian Services alone account for 25-30% of the state’s foster care placements, or in Arkansas, where almost half of all foster families have been recruited by one Christian organization. If our country is going to serve the more than 400,000 children in the foster care system, 100,000 of whom are awaiting adoption, then the government needs to let all willing and qualified participants help, free from government discrimination.

### **Aren’t these laws very unpopular and have limited support from legislators?**

To the contrary. Recent polling shows that 9 in 10 Americans agree the best way to help children in need is to maintain the diversity and number of providers serving them. The same polling showed that a majority of Americans believe we should ensure all adoption providers can continue to serve children (58 percent) rather than forcing them to place children with same-sex couples (42 percent). These laws enjoy broad support with legislators as well, with nine states adopting laws that protect the freedom of providers to operate consistent with their faith.

### **Should faith-based child welfare providers be eligible for grants, contracts, and other public benefits?**

Religious organizations may not be denied a public benefit simply because they are religious or hold views the government doesn’t like. And they cannot be forced to give up their religious identity as a condition of partnering with the government to serve the common good. Religious child welfare providers must be able to serve women and children in need in keeping with the very religious beliefs that motivate them in the first place. Our country is at its best when governments work with faith-based and other non-profit organizations in each community to solve problems.

### **Do these laws offer any benefits to birth moms?”**

Birth mothers and adoptive families are served when providers are protected. These laws give moms and families more choices and access to a broader diversity of providers that can best serve them. Many women who choose adoption for their child have a deep faith, whether Jewish, Catholic, Muslim, Protestant, or another faith. A birth mother may want to work with an adoption provider

that shares her faith. This decision is deeply personal, and faith is too important a dimension of her experience to ignore. She may also want to know that her child will be raised by a family that shares her faith or in a home with a mom and a dad. The inclusion of faith-based providers in our child welfare system means that a birth mother has real options when she decides to entrust her child to an organization for placement.

### **Aren't faith-based child welfare providers hostile to LGBT youth, using their religious freedom to traumatize children?**

No. Child welfare providers are duty-bound to act in the best interest of every child and provide them with invaluable support and care. To this end, every state has laws that protect anyone from abusing a child or exposing them to any harmful practices or activities. Child welfare provider laws do nothing to undermine those important protections. Rather, they simply ensure that the government does not discriminate against a child welfare provider who declines to provide or facilitate a service at odds with its sincerely held religious beliefs.

### **Do these laws enable race-based discrimination in foster care programs?**

No. The Social Security Act that governs foster care explicitly prohibits a state or entity involved in adoption or foster care placements from discriminating against an adoptive or a foster parent on the basis of the race, color, or national origin of the person or of the child involved. Laws that provide protection for adoption and foster care providers would not permit race-based discrimination.

