



Across the country, states are passing harmful laws that allow adoption and foster care agencies to make decisions for children in their care based on religious beliefs rather than on the best interests of the child. A bill introduced in the Congress would similarly permit a child welfare service provider to deny services to families or youth in its care on the basis of a moral or religious belief. This bill also states that if a state took action against such an agency to enforce the state’s own nondiscrimination laws or policies, the state would have its child welfare federal funding cut. These laws create a license to discriminate and allow agencies to flatly refuse to consider well-qualified prospective families for child placement—and still receive government funding. Children in state care are hurt by these laws, because qualified foster and adoptive parents could be turned away. These laws also hurt LGBTQ<sup>a</sup> youth who may be denied care by agencies or be unable to receive affirming, supportive care.

Each year, over 117,000 youth are waiting to be adopted—more than double the number actually placed in adoptive homes. Worst of all, over 20,000 youth age out of foster care each year without being adopted, placing them at higher risk of incarceration, being trafficked, homelessness, and unemployment.

Currently, ten states have religious exemption laws permitting adoption and foster care agencies to discriminate against LGBTQ youth in their care as well as prospective parents, including those who are LGBTQ, in an interfaith couple, or single. These laws mean that children are kept in foster care or group homes rather than allowing them to be adopted by loving parents who don’t pass an agency’s religious test. There are millions of people, including an estimated two million LGBTQ people, who would consider serving as foster or adoptive parents but could experience discrimination legal under existing state laws, policies and practices.

Figure 1: By the Numbers

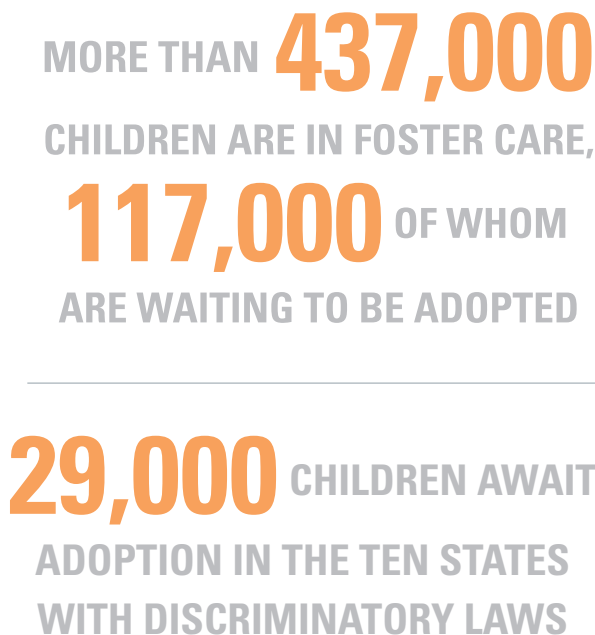
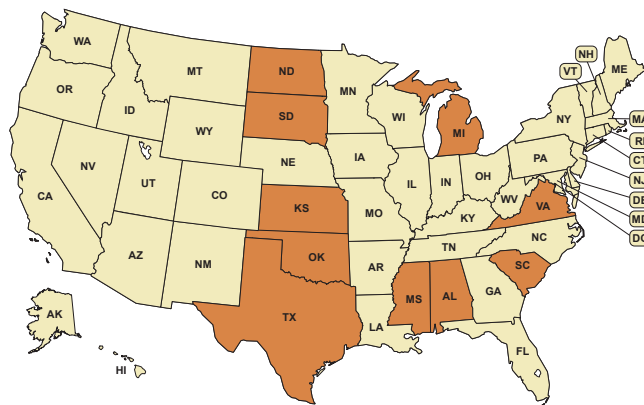


Figure 2: States Across The Country That Have Passed Legislation Harmful to Children in State Care



● States that permit state-licensed child welfare agencies to refuse to place and provide services to children and families, including LGBT people and same-sex couples, if doing so conflicts with their religious beliefs (10 states)

Source: U.S. Department of Health and Human Services, “The AFCARS Report: Preliminary FY 2016 Estimates as of October 2017, No. 24.”

Source: Equality Maps. Movement Advancement Project. <http://lgbtmap.org/equality-maps/religious-exemption-laws> (current as of September 2018).

<sup>a</sup> Lesbian, Gay, Bisexual, Transgender, Queer.

## WHAT'S AT STAKE

- ✘ A child welfare worker could decide to keep a child in foster care rather than place her with a loving, qualified lesbian couple.
- ✘ A Christian agency could deny adoption by Jewish parents, and a Jewish agency could deny adoption by Christian parents.
- ✘ Agencies could refuse to allow an orphaned child to be adopted by an extended family member like a gay uncle or a transgender grandparent.
- ✘ Agencies could refuse to place LGBTQ youth with accepting parents, but could instead place them with parents who intend to force them into harmful "conversion therapy," a medically discredited practice to change the sexual orientation or gender identity of a child or adult.
- ✘ An agency could refuse to place a child with serious medical needs with a nurse who has the skills to care for her, just because that nurse is gay or of a different faith than the agency.

## RECOMMENDATIONS

- Pass the federal Every Child Deserves a Family Act, which prohibits federally funded adoption and foster care agencies from discriminating against children in care or potential parents based on sexual orientation, gender identity, or marital status.
- Repeal state laws that allow adoption and foster care agencies to discriminate against children in care or potential parents based on the agencies' or caseworkers' religious beliefs.
- Pass state laws and issue state regulations that prohibit adoption and foster care agencies that receive state funding from discriminating against children in care or potential parents based on sexual orientation, gender identity, marital status, or religion.
- Require and fund comprehensive cultural competency training for adoption and foster care agencies and potential parents, including how to provide supportive and affirming care for LGBTQ children and youth.
- Broaden the pool of qualified parents for foster children by providing guidance in the expansion of recruitment efforts to ensure consideration of all interested and qualified parents, regardless of their sexual orientation, gender identity, or marital status.
- Train judges and attorneys involved in foster care and adoption on nondiscrimination and culturally competent, affirming care.

