

focus

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MICHIGAN
CATHOLIC
CONFERENCE

Catholic Charities

Uniting Children with Loving Families

“When it is necessary for a child in this state to be placed with an adoptive or foster family, placing the child in a safe, loving, and supportive home is a paramount goal of this state.” —MCL 722.124e

Throughout Catholic teaching, caring for orphans and vulnerable children is a consistent theme. Foster care and adoption are two critical vehicles for putting that teaching into action, vehicles that Catholics and Catholic institutions have long championed. In speaking about adoption, St. Pope John Paul II called it “a great work of love,” as well as “a true exchange of gifts.”¹ More recently, Pope Francis reiterated that for “those who live in the peripheries,” including children who have felt rejection or who have faced difficult family circumstances, “we must offer the best we have.”²

Within Michigan, “the best we have” is a constant necessity for child placement services. Prior to placement in the state’s foster care system, many children have faced trauma, abuse, or neglect. Other have struggled with special needs or the devastating consequences of the opioid epidemic on families. In order to support these children, the State of Michigan partners with a diverse range of agencies, including those that are faith-based. When family reunification is not possible, these organizations also connect children to new, safe, and love-filled homes.^{3,4}

Michigan’s diversity in the field of child placement has helped attract new foster and adoptive families, which ultimately results in more loving homes for children. The system acknowledges that prospective parents are not looking for a “one-size-fits-all” approach when considering foster care

and adoption services. Some birth, foster, and adoptive parents seek an agency that shares their religious values. Other parents consider factors such as geography, specialized services offered, or staff experience. The Michigan Department of Health and Human Services (DHHS) has long recognized that the “unique partnership between public and private agencies for adoption planning and placement of foster children” contributes to the state’s success in these areas.⁵

Unfortunately, a new policy crafted in March 2019 between Michigan’s attorney general and the ACLU would require DHHS to end state contracts with agencies who refuse to violate their beliefs about marriage and family.⁶ The policy stems from a lawsuit (*Dumont v. Lyon*) against DHHS, which falsely alleges that the religious principles of faith-based organizations are discriminatory and thus disqualify their partnership with the State. Rather than benefiting vulnerable children, this change will likely have long-term consequences that negatively impact the important work of placing children in suitable homes. This **focus** delves into current challenges facing faith-based child placement programs, the agencies’ responses, and the critical role of the faith community in child welfare services. ■

Foster Care in Michigan^{3,4}

- Nearly 13,000 kids in foster care
- 300 still need an adoptive family
- 600+ age out of foster care every year

Catholic Agencies and Child Placement Services

Within each Catholic charitable agency in Michigan, the beliefs of the Catholic faith “motivate and permeate all programs and services.” Staff care about the worth of every person, treating all clients with dignity and respect, regardless of their faith background. The Catholic philosophy of “love thy neighbor,” based on the *Gospel of Matthew Chapter 25*, is lived daily. It is lived both through the child placement work and through all other services the organization offers, such as counseling; immigration assistance; refugee resettlement and employment; food pantries and soup kitchens; personal needs closets; marriage, pregnancy and parenting support; substance abuse treatment; and more.



With respect to child placement work, Catholic organizations have been particularly successful at recruiting foster and adoptive parents that other agencies—and the State—cannot. Catholic agencies go beyond State minimum requirements to offer as much loving care to children and families as possible, covering additional costs with private donations and volunteers. Parents and families have long expressed gratitude for the tireless dedication of agencies and their staff as the State has partnered with Catholic Charities for well over 70 years. While each organization is different, some additional services include monthly foster parent training opportunities; comprehensive consultations, mentors, and parent support groups; medical, dental, and clothing assistance for children; funds to help children participate in extracurricular activities; and transportation for birth parents to children’s activities and appointments. The State’s new policy, however, ignores this success. In fact, the State’s ultimatum forces faith agencies to choose between violating their religious beliefs or shutting down services. Neither option benefits Michigan’s vulnerable children. ■

Michigan’s New Foster Care and Adoption Policy

MYTH Michigan’s new policy will allow more of the State’s vulnerable children to find safe and loving homes.

REALITY DHHS will no longer work with certain adoption and foster care agencies, likely causing existing programs to close and foster parents to exit the system, which will result in longer waiting times for kids.

MYTH Allowing faith-based agencies to continue operating in accordance with their religious beliefs would interfere with the work of providers with different convictions.

REALITY Religious agencies have not prevented foster or adoption placements. The State makes the ultimate decision on a parent’s fitness, and individuals may work with other agencies.

MYTH Faith-based child placement agencies use public money to discriminate. As such, they should not be eligible to receive state funding.

REALITY DHHS does not pay for the home studies for prospective parents. And this has never been about funding—it’s about whether faith-based agencies can provide foster and adoption services to the kids most in need.

MYTH If the State of Michigan does not address the language outlined in the new policy in its contracts, it will be breaking the law.

REALITY Michigan’s new policy directly violates a 2015 state law enacted to protect the conscience rights of faith-based agencies.

MYTH Foster and adoptive parents aided by Catholic agencies can work with other agencies going forward, if Catholic or other faith-based agencies decide to close.

REALITY Parents develop relationships with their agencies and depend on them for support. Closing down agencies disrupts the lives of children and families who have already suffered too much uncertainty.

What Does Michigan Law Say?

In 2015, the Michigan Legislature approved three bipartisan bills that protect the right of faith-based foster care and adoption agencies to operate in accordance with their religious beliefs. The legislation maintained the pluralistic, diverse nature of child placement agencies in Michigan and ensured that foster and adoptive parents would have a wide range of options. Michigan Catholic Conference (MCC) strongly advocated for the measures, which simply put the existing DHHS policy at the time into law and preserved the successful partnership between the State and faith-based agencies. The bills became Public Acts 53–55 of 2015. More specifically, these laws:

- Protect private child placement agencies who contract with the State from being forced to provide services or accept referrals that conflict with their religious beliefs.
- Prohibit the government from taking adverse action against any provider that is unable to provide certain services or to accept a referral based on its religious beliefs.
- Require a provider to refer an applicant to a list of other providers on the DHHS website or to a provider that is willing and able to help them.

The law states that Michigan agencies “*have the right to free exercise of religion under both the state and federal constitutions...[including] the freedom to abstain from conduct that conflicts with an agency’s sincerely held religious beliefs*” (MCL 722.124e). ■

Michigan Catholic Agencies Respond

Due to their desire to continue serving families, two Catholic agencies who contract with the State for foster care and adoptive services have challenged Michigan’s new policy. Two lawsuits have been filed as a result of the State’s actions.^{8,9} Motivated by their faith mission, Michigan Catholic agencies perform—and excel at—work within the child placement field. They also offer additional assistance to those in need, including clothing and food for low-income individuals and families, legal and practical support for immigrants and refugees, and counseling for marriages and children. Simply put, the religious beliefs of Catholic charitable organizations do not get in the way of placing children in loving and safe environments. Instead, these beliefs *are*

at the very core of why they do this critical work. The two lawsuits are detailed below:

CASE *Buck v. Gordon*
PLAINTIFF St. Vincent Catholic Charities, the parents of five adopted children with special needs, and a former foster child
LAW FIRM Becket
LOCATION Western District of Michigan (Federal)
FILED April 15, 2019

ARGUES Michigan’s new policy violates the First and Fourteenth Amendments of the U.S. Constitution and was intended to stop the State from working with religious agencies.

CASE *Catholic Charities West Michigan v. Michigan DHHS*
PLAINTIFF Catholic Charities West Michigan
LAW FIRM Alliance Defending Freedom
LOCATION Western District of Michigan (Federal)
FILED June 26, 2019*

**Originally filed in the Michigan Court of Claims on April 25, 2019 and later moved to federal court*

ARGUES Michigan’s new policy violates a 2015 state law that allows faith-based agencies to maintain contracts with the State while also operating in accordance with their deeply held religious beliefs.

At stake in the cases is the future of Catholic and other faith-based foster care and adoption services in Michigan. Many agencies are the oldest and most effective partners for the State, and they have played an influential role in breaking the cycle of addiction, abuse, and homelessness for children. Their work should be celebrated, not condemned. In light of ongoing and adversarial efforts to push the Catholic Church out of the public square, MCC—on behalf of the Catholic bishops in Michigan—supports these lawsuits and other actions to defend religious liberty. ■



Photo Credit: Becket

Catholic Agencies in a National Context

Catholic adoption and foster care programs in Michigan are not alone in facing challenges from either the State or hostile organizations. Adverse actions in other areas of the country have falsely painted the beliefs of Catholic agencies about marriage and families as discriminatory and dangerous. As a result, several Catholic organizations have been forced to close their public adoption and foster care services, including in Boston, Massachusetts (2006); San Francisco, California (2006); Washington D.C. (2010); Illinois (2011); and Buffalo, New York (2018). Most recently, the City of Philadelphia prohibited Catholic Social Services (CSS) from placing children into foster homes, despite CSS's exemplary record. The decision was not based on a complaint, nor on the agency keeping children from loving homes; it was because of the organization's longstanding beliefs about marriage. A 2018 lawsuit challenged the decision, and CSS continues to explore legal options.¹⁰

In light of these challenges, Catholics and all people of goodwill should recognize and respond to the ongoing threats to religious freedom. The service of faith-based organizations is not a threat to society but rather a natural and welcome partnership that addresses real day-to-day needs for vulnerable people. Whether Catholic agencies help children find homes, support victims of human trafficking and refugees, or offer food and clothing to struggling community members, their service matters to communities across the nation. Faith-based agencies need the support of people of faith to continue their life-affirming work. Catholics must also demonstrate to elected officials why longstanding religious liberty protections should be preserved. ■

How Can You Help?¹¹

- Urge your members of Congress to support the Child Welfare Provider Inclusion Act (H.R. 897 and S. 274) which would prevent the federal government, and any state receiving federal child welfare dollars, from taking adverse action against a provider that declines to violate its religious or moral principles.
- Learn more about foster care (855-MICHKIDS) or adoption (1-800-589-6273).
- Become a tutor, mentor, or court-appointed special advocate (CASA) for a foster child by contacting your local child placement agency or local CASA office.¹²
- Offer to help foster or adoptive parents take their children to activities and appointments.
- Support Catholic foster care and adoption programs by offering administrative help or by donating clothes, suitcases, baby supplies, and other needed items.
- Visit micatholic.org/foster to find Catholic agencies in Michigan that provide foster and adoption services.



Photo Credit: Becket

1. "Address to the Meeting of Adoptive Families," Pope John Paul II, 9/5/2000: tinyurl.com/yxpwrwvm. 2. "Address to the Hospital of the Innocents Institute," Pope Francis, 5/24/2019: tinyurl.com/y4scyhml. 3, 11. "Adoption" and "Foster Care," Michigan DHHS websites, accessed 6/24/19: tinyurl.com/y27yy99c and tinyurl.com/yd935rhy. 4. "Transition-Age Youth in Foster Care in Michigan," Fiscal Year 2015, Child Trends: tinyurl.com/yxa2ofx6. 5. "Adoption: Open Your Heart and Your Home," Michigan DHHS website, accessed 6/5/2019: tinyurl.com/y27yy99c. 6. *Dumont v. Lyon Settlement Agreement*, U.S. District Court for the Eastern District of Michigan, Southern Division, 3/22/2019: tinyurl.com/y36dffyk. 7. *CCWM v. Michigan DHHS*, Michigan Court of Claims, 4/25/2019: tinyurl.com/y5kum59e. 8. *Buck v. Gordon*, U.S. District Court for the Western District of Michigan Southern Division, 4/15/2019: tinyurl.com/y44hbeda. 9. *CCWM v. Michigan DHHS*, U.S. District Court for the Eastern District of Michigan, Southern District, 6/26/2019: tinyurl.com/yysryhhu. 10. "Sharonell Fulton et al v. City of Philadelphia," Becket Law, accessed 6/25/19: tinyurl.com/y3w6qq6w. 12. Become a CASA Volunteer," Michigan CASA website, accessed 7/11/19: tinyurl.com/yya6n6gr

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