LICENSE TO DISCRIMINATE: ALABAMA HOUSE BILL 24

Allowing Social Service Agencies to Refuse Certain Families Harms Children

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movement advancement project

EXECUTIVE SUMMARY

Alabama House Bill 24 would allow child-placement agencies to make placement decisions based on their own religious beliefs, as opposed to following standards that advance the best interests of children, hurting the more than 4,745 children in the care of the state of Alabama, including more than 1,020 children who are awaiting adoption. This legislation would allow child-placement agencies to impose their beliefs on and discriminate against children and families, all while providing services paid for with taxpayer money. Importantly, House Bill 24 would:

- Allow agencies to turn away qualified parents simply because they fail to meet religious criteria imposed by the agency, ultimately reducing the number of qualified families available to care for Alabama children in government care.
- Use taxpayer dollars to endorse discrimination and ultimately spend more money on costly group homes rather than find qualified foster and adoptive homes for children.

INTRODUCTION

Freedom of religion is an important American value, which is why it is already protected by the First Amendment to the Constitution. But that freedom doesn't give people the right to impose their beliefs on others, or to discriminate. Yet Alabama is considering legislation that would allow child placement and adoption agencies to do just that—all while providing services paid for with taxpayer money.

This type of religious exemption legislation only hurts children. Child placement agencies should focus on providing loving, stable, forever homes for children. Instead, these laws would encourage and enable adoption agencies and their workers to reject parents who don't share the agency's religious beliefs. As a result, children may remain in government group homes and foster care rather than being adopted by qualified parents. The potential for abuse of this legislation is far-reaching, as agencies and individual workers—like all Americans—may have a very broad range of beliefs, and these laws would prioritize those religious beliefs over the best interests of children.

CHILD-PLACEMENT & CHILD WELFARE AGENCIES SHOULD PUT CHILDREN FIRST

It seems like common sense that a child-services organization should prioritize the best interests of children. Yet Alabama House Bill 24 would allow private child-placement agencies that receive state funding to refuse to provide services if doing so would conflict with their moral or religious beliefs. Service agencies need not be religiously affiliated to be permitted to discriminate. Rather they must only have a religious belief and, under this legislation, they could discriminate and still continue to receive state funding to care for children in the child welfare system. The potential impact of this type of legislation on the provision of child services is breathtaking.

More Than Four Thousand Children in Alabama Need Foster and Adoptive Homes

Consider that there are more than 4,745 children in foster care in Alabama[1], and more than 1,020 of those are awaiting adoption.[2] Children who lack permanent homes have added risk of major difficulties in transitioning to a healthy adulthood.[3] Despite the importance of permanency, however, there is a significant shortage of quality homes for children, and children may face years of instability before they are adopted.

Agencies consistently report that one of the biggest obstacles to placing children is finding interested, qualified families who want to foster or adopt.[4] All kinds of families are needed to care for the thousands of children in the child welfare system, including the hundreds of thousands needing foster homes and those awaiting adoption nationwide. Research finds that diverse families serve a frequently under-appreciated role in the child welfare system; single parents, unmarried couples, relatives, and families headed by lesbian, gay, bisexual, and transgender (LGBT) people have all been important members of the foster and adoptive community. For example, same-sex couples are four times more likely than married opposite-sex couples to raise an adopted child, and they are six times more likely to raise foster children.[5] There are more than 22,000 adopted children residing with same-sex couples in the United States.

Yet House Bill 24 would protect workers and agencies who reject these and other qualified parents simply because those parents fail to meet the religious criteria imposed by the agency.

Child-Placement and Child Welfare Agencies Must Put Children First

At the heart of child-welfare service is the well-being of the child. Each agency and staff member is tasked with ensuring the safety and well-being of every child in their care. This is called a duty of care, a legal obligation to care for children who are the state's charge. Agencies have this duty of care because children cannot care for themselves, find their own foster and adoptive homes, get their own food and shelter, or enroll themselves in school. Adults must help them obtain these crucial needs. How can agencies ensure that children get placed in adoptive homes as quickly as possible when the agencies are turning away qualified prospective parents?

Children also cannot choose which child-placement agencies take their cases. It is the responsibility of the state to ensure that every child-serving agency is showing the strictest duty of care; that each agency receiving state funding is doing everything in its power to ensure the well-being of children in its charge. Yet House Bill 24 would allow agencies to impose their own religious views on the children in their care. For example, under such a law, a child who just lost both his or her parents could be denied adoption by an aunt who is an unmarried mother.

HOUSE BILL 24 ENCOURAGES DISCRIMINATION, HARMS CHILDREN AND FAMILIES

House Bill 24 would create a broad license to discriminate in the placement of children in state care, allowing child-placement agencies and workers to discriminate with taxpayer dollars and put their religious beliefs ahead of the best interests of children. Allowing agencies to flatly refuse to consider well-qualified prospective families–and to still receive government funding–violates basic principles of child welfare and allows taxpayer dollars to be used to discriminate.

When agencies that receive federal or state funding are permitted to pick and choose which children to serve and which families to consider, it is the children that the state has in their care who are harmed. Potential harms under House Bill 24 could include:

Agencies could reject qualified parents who don't meet their religious criteria.

- Adoption agencies could decide to keep a child in a government group home rather than place them with a loving, qualified couple who don't adhere to the agencies' religious beliefs.
- A child-placement worker could decide to keep a child in foster care rather than place her with a loving, qualified lesbian couple or a Buddhist couple who wants to adopt.
- A Christian child placement agency could refuse Jewish parents, and Jewish child placement agency could refuse Christian parents.

Agencies and workers could discriminate against and refuse to serve sweeping categories of parents.

- Social service agencies could refuse to consider families headed by LGBT people because the agency opposes same-sex couples, same-sex marriage, or transgender people.
- Single people or cohabiting unmarried couples could be excluded from consideration.
- Social service organizations could refuse to consider prospective families with a different religious practice from their own, interfaith families, or families who are not religiously-affiliated.

Agencies would no longer need to make placement decisions based on the best interests of the child.

- An agency could refuse to allow a child to be adopted by an extended family member (often called kinship adoption, and frequently the best scenario for the well-being a child because it allows them to maintain family connections) like a gay uncle or lesbian grandparent.
- Agencies could refuse to place LGBT youth with accepting parents, but could instead place them with parents who intend to force them into conversion therapy.

Agencies could refuse adoptions to parents who don't share their religious beliefs about childrearing.

- An agency could reject qualified parents who don't share the agency's belief that the Bible supports spanking.

Taxpayer dollars are spent on discrimination and group homes rather than adoption.

- When qualified families are not considered as potential adoptive families simply because they do not meet an agency's religious criteria, or because of what their family looks like, children may spend more time in the child welfare system as a result. This denial of permanent homes is harmful for children, and it is also costlier to states. Research finds that excluding qualified prospective foster and adoptive parents has negative budget impacts for state governments. Group homes are estimated to cost seven to ten times more than in-home placements,[6] and states spend less per child on providing basic care once a child is adopted.[7]

CONCLUSION

The State of Alabama and child-placement and child welfare agencies that contract with the state should focus on providing loving, stable, forever homes for the children in their care. There are more than 4,745 children in foster care, one-quarter of whom are awaiting adoption. Instead, Alabama House Bill 24 would encourage and enable adoption agencies and their workers to keep those children in state care by rejecting parents who don't share the agency's religious beliefs–all while still receiving taxpayer dollars. This legislation not only harms children in state care, it would result in increased child welfare system costs and embolden discrimination.

ENDNOTES

[1] As of September 30, 2015 from AFCARS, https://www.acf.hhs.gov/sites/default/files/cb/afcars_state_data_tables_fy2015.xlsx (accessed March 17, 2017).
[2] *Ibid.*
[3] Research review is available in "CW360: A comprehensive look at a prevalent child welfare issue." Spring 2009. University of Minnesota. http://cascw.umn.edu/wp-content/uploads/2013/12/CW360_Sp2009_FINAL.pdf (accessed March 6, 2017).
[4] The Annie E. Casey Foundation. "Every Kids Needs A Family, Policy Report." 2015. http://www.aecf.org/m/resourcedoc/aecf-EveryKidNeedsAFamily-2015.pdf (accessed March 6, 2017).
[5] Gary J. Gates. "LGBT Parenting in the United States." February 2013. https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting.pdf (accessed March 17, 2017).
[6] The Annie E. Casey Foundation. "Every Kids Needs A Family, Policy Report."
[7] Nicholas Zill. "Better Prospects, Lower Costs: The Case for Increasing Foster Care Adoption." Adoption Advocate. May 2011. https://www.adoptioncouncil.org/images/stories/NCFA_ADOPTION_ADVOCATE_NO35.pdf (accessed March 17, 2017).

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