



Stark Discrimination Against Faith-Based Adoption Agencies

What is H.R. 1681, the so-called “Every Child Deserves a Family Act”?

H.R. 1681 is a bill introduced by Rep. Pete Stark (D-CA) on May 3, 2011. It would “prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.”

How would this law be enforced?

The law would be enforced by cutting off any federal funding to or federal contracts with any entity (including a state or a private adoption or social service agency) involved in adoption or foster care placements that violates the “non-discrimination” provisions of the law.

Who would be most directly affected by this law?

Many adoption placements are carried out by private, faith-based social service agencies. Some of these decline in principle to place children for adoption with homosexuals, same-sex couples, or any unmarried couples, because homosexual relationships or sexual relationships outside of marriage are in violation of their religious and moral teachings.

Under Rep. Stark’s bill, such faith-based adoption agencies would be forced to either compromise their beliefs, or go out of business altogether. Family Research Council believes that such a law would seriously infringe upon the religious liberty of such organizations.

Have faith-based agencies suffered from such policies at the state level?

Yes. The legalization of same-sex “marriage” in Massachusetts in 2004 and in the District of Columbia in 2010 forced Catholic Charities to terminate their adoption work in those jurisdictions. The same thing happened in Illinois in 2011 in the wake of that state’s adoption of “civil unions,” which provide all of the legal rights and benefits of marriage available under state law to same-sex couples.

Would this law have an impact on states as well?

Yes. No state currently bars homosexual individuals from adopting children (Florida stopped enforcing its ban on homosexual adoption in 2010 following a state court ruling against it). However, some states bar adoption by same-sex couples or by any unmarried couple (effectively preventing same-sex couples from adopting in states that do not permit same-sex “marriage”). In addition, Arizona recently adopted a law giving preference to married opposite-sex couples in adoption over single persons or unmarried or same-sex couples.

H.R. 1681 would force states to repeal such laws, or face a cut-off of federal funds related to adoption and foster care.

Would this bill increase the number of children placed for adoption?

Although Rep. Stark claims that this is one of the purposes of the bill, its effect would likely be just the opposite. By driving experienced faith-based agencies out of the adoption business, it would result in fewer adoption providers and thus leave unserved or under-served the parents and children currently brought together by those faith-based agencies.

Are there reasons other than moral or religious ones not to place children with homosexual adoptive or foster parents?

Yes. Social science research has made it clear that children do best when raised by a married mother and father. Households headed by cohabiting couples or by homosexuals are less stable than households headed by a married mother and father. Homosexual conduct is associated with higher rates of sexual promiscuity, sexually transmitted diseases, mental illness, substance abuse, and domestic violence, so placing children with homosexual parents would place them at an elevated risk.

Is there another agenda at work in this bill?

Yes. Treating homosexual couples the same as married heterosexual couples would clearly advance the cause of the legalization of same-sex "marriage." It makes no sense to require states and private organizations which do not recognize same-sex "marriage" to treat unmarried same-sex couples the same as married opposite-sex couples for purposes of adoption.

Would the bill infringe upon states' rights?

Yes. Family law, including adoption, has historically been a subject for state legislation, not federal. There is no justification for changing that precedent in the way proposed by this bill.