



Child Welfare Provider Inclusion Act

KEY POINTS

CWPIAs defend adoption and foster care agencies from government discrimination based on protected beliefs.

Forcing child welfare agencies to either violate their beliefs, close their doors, or serve in a significantly more limited capacity **is detrimental to the children** and families these agencies serve.

Since 2010, **49** CWPIAs have been introduced in **19** states.

Family Research Council recommends and supports Child Welfare Provider Inclusion Acts (CWPIAs) because children and families are best served in a country where faith-based adoption and foster care agencies are allowed to remain open and operate according to their sincerely-held religious beliefs. CWPIAs prevent government discrimination against such agencies.

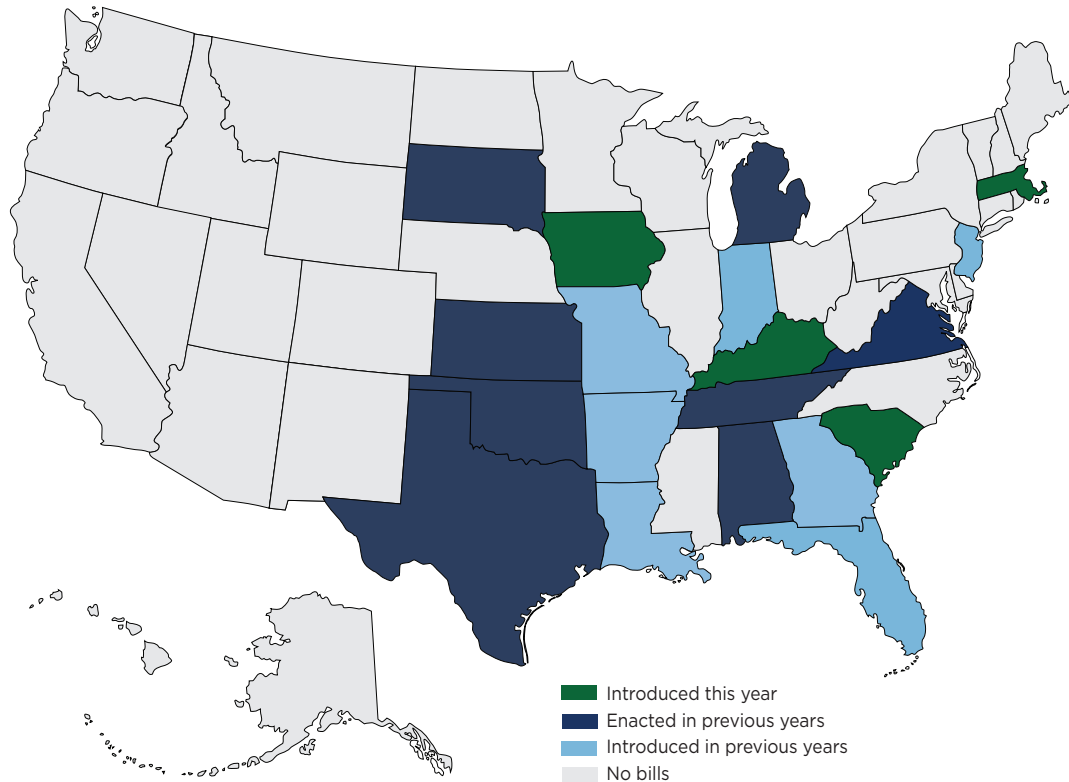
For many years, faith-based child adoption and foster care agencies have been contributing to the public welfare in the United States, helping countless children and families in need. These agencies are highly effective, connecting local church networks with high-risk children in great need of a home. Until recent governmental pressure, these agencies have operated in line with their sincerely-held religious beliefs—many of them holding to a traditional Judeo-Christian understanding of marriage and family. Unfortunately, when the U.S. Supreme Court redefined marriage in *Obergefell v. Hodges* in 2015, these agencies were accused of discrimination due to their unwillingness to place children with same-sex couples. Brought on by targeted lawsuits, government discrimination has punished faith-based agencies for their religious beliefs, hampering, if not halting, the operations of some of the most prominent child welfare agencies working to care for children in need.

Contrary to what is often portrayed in the media, CWPIAs do not stop same-sex couples from becoming adoptive or foster parents. Nor do they limit the pool of potential foster and adoptive parents. The majority of child welfare agencies in the United States are willing to place children with same-sex couples; CWPIAs do not impact their operations, but merely protect faith-based providers. Furthermore, most faith-based agencies will help these couples find other agencies willing to assist them. Yet this is not sufficient for activists targeting faith-based agencies because their beliefs about marriage and sexuality do not match their own.

Forcing child welfare agencies to either violate their beliefs, close their doors, or serve in a significantly more limited capacity is detrimental to the children and families these agencies serve. Allowing faith-based agencies to operate alongside non-faith-based agencies ensures that more children in need will receive care, not fewer. This is crucial, as the number of children waiting to be adopted far exceeds the number of adoptions that actually take place.

Since 2010, 49 CWPIAs have been introduced in 19 states. Ten states have enacted these bills in some form—Alabama, Kansas, Michigan, Mississippi, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Virginia.

Child Welfare Provider Inclusion Acts



Legislative Intent: Sadly, attacks on religious organizations have only become more frequent in recent years. With the rise of SOGI bills (bills that seek to enshrine sexual orientation and gender identity into law, primarily via nondiscrimination laws at the state and federal level), protections for faith-based adoption and foster care agencies are greatly needed to ensure that these agencies can continue serving their communities.

CWPIAs defend adoption and foster care agencies from government discrimination based on protected beliefs. Strong CWPIAs provide clear definitions for both “government discrimination” and “protected beliefs,” listing specific actions that constitute government discrimination and specifying which sincerely-held beliefs are protected. Such beliefs are often related to the biblical views of marriage, sexuality, and gender. Some CWPIAs may only protect agencies’ written beliefs, but ideally, they will protect agencies’ beliefs, whether *written* or not.

Key Provisions:

Protects adoption and foster-care providers from government discrimination, based on protected beliefs, in the context of providing adoption and foster care services.

Government discrimination is clearly defined, with special application to adoption and foster care.

Protected beliefs are clearly defined: (a) Marriage is or should be recognized as the union of one man and one woman; (b) sexual relations are properly reserved to such a marriage; and/or (c) Male (man) and female (woman) refer to an individual’s immutable biological sex as objectively observed by anatomy and genetics at time of birth.