

Court forestalls end to Catholic adoption, foster care services

Tom Roberts | Jul. 15, 2011



A county court has temporarily blocked Illinois' attempt to cut its ties with Catholic Charities in three dioceses over the agency's refusal to place adoptive children with same-sex couples.

"We're not going to be removing children from homes," said Judge John Schmidt, who ordered July 12 in Sangamon County Circuit Court that the state continue to abide by existing contracts for at least another month. He scheduled a full hearing on the matter for Aug. 17.

In January, Illinois passed the Illinois Religious Freedom Protection and Civil Union Act, recognizing same-sex unions, that went into effect in June. The church, which teaches that homosexual unions contradict natural law and are sinful, refuses to place children with same-sex couples. Catholic Charities currently provides 20 percent of the adoptions and foster care services statewide and receives a reported \$30 million a year from the state for providing the services. The vast majority of adoptions involve children in the foster care system.

The Catholic Conference of Illinois has said the state's six Catholic dioceses had overseen the placement of about 3,700 abused and neglected children with families during the past 10 years.

The Illinois bill, however, states that if an agency receives state money it cannot discriminate against same-sex couples but must treat them as married couples.

Contracts between the state and Catholic Charities have been renewed almost automatically each year, but the state refused to renew the contracts once the gay rights bill became effective. That action followed months of back-and-forth discussions between church and state agencies regarding Catholic Charities' refusal to deal with same-sex couples.

Attorney Peter Breen, executive director and legal counsel for the Thomas More Society, which is representing the dioceses of Joliet, Peoria and Springfield in the dispute, said in a July 8 phone interview that the dioceses were seeking relief from the state's decision and attempting "to ensure that the state of Illinois does not take negative action against Catholic Charities. We want to be able to continue to operate while this lawsuit is pending."

Breen also said that Catholic Charities merely wished to continue "historic practices," noting that in the past the

agencies would refuse to consider unmarried couples but would refer them to other adoption agencies.

?Unmarried couples have been eligible to be foster parents and we have not worked with them, and they made arrangements with [the Illinois Department of Children and Family Services] successfully. Why is it when civil unions occur, why has everything changed now??

A statement posted on the Thomas More Society Web site noted that Schmidt had described the contract termination letter sent by the Department of Children and Family Services late on Friday, July 8, as having the ?appearance of gamesmanship.?

Breen, in that statement, described the judge?s decision as ?a great win for the 2,000 children under the care of Catholic Charities, protecting those kids from the grave disruption that the state?s reckless decision to terminate would have caused.?

Breen said the state, in arguing discrimination, is citing the Illinois Human Rights Act. But, he said, that act was amended in 2000 when ?a specific allowance for religiously based adoption agencies was carved out in that law.?

The dispute does not involve the Chicago archdiocese, which in 2007 discontinued licensing foster parents for foster care or adoption because it was unable to get insurance to cover such work.

In a related development, the Rockford, Ill., diocese announced earlier that Catholic Charities offices there would no longer offer state-funded adoptions and foster care services. Because the new law does not include an exemption allowing religious organizations to refer adoptions or foster care involving same-sex or unmarried cohabitating couples to other agencies, the diocese ?is forced to permanently discontinue? such services, said Penny Wiegert, spokesperson for the diocese, at a May 26 news conference.

Wiegert said in a July 13 phone interview that the diocese would not reverse its decision regardless of the outcome of the July 12 court decision. She said that while the diocese was pleased with the decision, ?it appears to be a short-term solution. We feel there is still a very real level of uncertainty that exists for these agencies until the Illinois legislature can pass a definitive amendment that clarifies the intent and language? of the act.

She said the entire Catholic Charities operation in the Rockford diocese, which had been handling approximately 350 foster family and adoption cases in northern Illinois with a state budget of \$7.5 million, had been taken over by the Youth Service Bureau of Illinois Valley.

The new agency has hired all of the former Catholic Charities caseworkers and has also assumed leases on many of the buildings used in the 11 counties in which Catholic Charities operated, she said.

Consequently, according to Wiegert, the children involved were able to stay with the same families and caseworkers.

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