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Illinois Catholics lose fight over adoptions, foster care

by Kevin Eckstrom by Religion News Service

An Illinois judge has ruled that the state can terminate adoption and foster care services with Catholic Charities, saying the church-run agency has no "recognized legal right" to a state contract.

Circuit Judge John Schmidt ruled Thursday (Aug. 18) that state officials can cancel contracts with Catholic Charities after church officials said they could not comply with a new civil unions law that could require them to place children with same-sex couples.

"No citizen has a recognized legal right to a contract with the government," Schmidt ruled, lifting a July 12 temporary injunction that maintained the annual contracts dating back 30 years.

Schmidt said the church had failed to show a "recognized property right" entitling them to maintain the contracts.

The state moved to end the year-to-year contracts after four Illinois dioceses said they would not place children in homes with two unmarried adults. Church attorneys claimed a religious exemption from state anti-discrimination laws.

"Clearly the intent of the civil union law was not to force the state to end these contracts and force the transfer of thousands of children's cases," said Bishop Daniel Jenky of Peoria, saying he was "extremely disappointed" by the ruling.

The Chicago-based Thomas More Society, which represents the four dioceses, said attorneys "are reviewing the ruling and considering next actions."

A spokeswoman for state Attorney General Lisa Madigan told the Chicago Tribune that Schmidt's decision "will allow the state to continue focusing on what's best for the care and well-being of children."

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