

N.J. gay conversion therapy ban challenged in federal court

Susan K. Livio Religion News Service | Aug. 27, 2013

New Jersey's newly enacted ban on gay-to-straight conversion therapy for minors violates a licensed therapist's obligation to "respect the rights of clients to make decisions," according to a federal lawsuit filed by a Christian counselors group and professionals who use the practice.

The law, signed by Gov. Chris Christie on Aug. 19, bars any licensed therapist, psychologist, social worker or counselor from using therapies to change sexual orientation of children under age 18. Offenders jeopardize their licensed status under the new law, which does not apply to clergy or anyone who is not licensed by the state.

New Jersey is the second state in the nation to ban therapy that purports to change a child's sexual orientation from homosexual to heterosexual. California enacted the first ban, but Liberty Counsel, a national religious-based legal and public policy group, filed an injunction it before it took effect earlier this year. A judge overseeing the case heard arguments in April and has not issued a decision.

Liberty Counsel is also representing the parties that filed a challenge against New Jersey's law on Thursday. The plaintiffs are Tara King, a therapist in Brick, N.J.; Ronald Newman, a therapist in Linwood, N.J., the National Association for Research and Therapy of Homosexuality, and the American Association for of Christian Counselors.

According to the lawsuit, the law "will prohibit New Jersey Licensed Marriage and Family Therapists from respecting the rights of clients to make the decisions because the state has already made the decision for every client that may seek counseling from a licensed professional on the issue of sexual orientation."

Therapists are "hopelessly conflicted" between following the law and upholding its professional code of conduct, according to the lawsuit, filed in federal court in Camden, N.J.

The law also interferes with a therapist's First Amendment rights to free speech, as well as a family's right to informed consent about all of the therapeutic options available to help minors "reduce or eliminate their unwanted same-sex attractions, behaviors or identity," according to the lawsuit.

Garden State Equality, a civil rights organization that lobbied for the passage of the therapy ban, vowed today to help defend the law.

"This is no surprise," Garden State Equality Executive Director Troy Stevenson said. "The anti-LGBT groups that support the dangerous practice of sexual orientation change efforts, 'so-called conversion therapy,' have nothing to lose by filing a lawsuit. We have complete confidence in this legislation, and above all we will defend not only the law, but are dedicated to protecting the rights of LGBT youth to be free of the abuse caused by these discredited highly devastating practices."

In signing the bill into law, Christie noted many leading health organizations had determined such therapy was ineffective and harmful.

"The American Psychological Association has found that efforts to change sexual orientation can pose critical health risks including, but not limited to, depression, substance abuse, social withdrawal, decreased self-esteem and suicidal thoughts," Christie wrote. "I believe that exposing children to these health risks without clear evidence of benefits that outweigh these serious risks is not appropriate."

Spokesmen for the governor's office and the attorney general's office, which defends the state in legal matters, declined to comment on the lawsuit.

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