

Child Welfare Provider Inclusion Act

What does the Child Welfare Provider Inclusion Act of 2014 do?

The Child Welfare Provider Inclusion Act of 2014 (H.R. 5285, S. 2706) would prohibit the federal government and any state that receives certain federal funding from discriminating against child welfare service providers (*e.g.*, adoption and foster care providers) on the basis that the provider declines to provide, facilitate, or refer for a child welfare service that conflicts, or under circumstances that conflict, with the provider's sincerely held religious beliefs or moral convictions.

Why is the Inclusion Act needed?

The Inclusion Act is needed because child welfare service providers are being subjected to discrimination because of their sincerely held religious beliefs and moral convictions. For example, certain religiously-affiliated charities in Massachusetts, Illinois, California, and the District of Columbia have had to stop serving adults and children through the provision of adoption and foster care services because of requirements imposed upon them to place children in households headed by two persons of the same sex. These requirements are contrary to their sincerely held religious belief and moral conviction that children ought to be placed in homes headed by a married couple – one man and one woman. In Illinois alone, more than 3,000 children in foster care (more than 20% of the state's total) were displaced from religiously-affiliated organizations.

Does the Inclusion Act prevent any child welfare service provider from participating in child welfare services?

No. Nothing in the Inclusion Act prevents any child welfare service provider from participating in child welfare services. The Act ensures that a provider will not be excluded in any manner (*e.g.*, contracts, grants, licensing), on the basis of its religious and moral beliefs, from participating in such services, which is one reason the Act is called the Inclusion Act.

Does the Inclusion Act deny any child or adult any service?

No. If any child welfare service provider declines to provide, facilitate, or refer for a child welfare service for religious or moral reasons, other child welfare service providers would remain free to do so. The fact that such services may still be provided by other child welfare service providers is yet another reason why the Act is called the Inclusion Act – no services are excluded.

Does the Inclusion Act respect the rights of mothers and fathers?

Yes. Women and men who want to place their children for adoption should be free to choose from a diversity of adoption agencies, including those that share the parents' religious beliefs and moral convictions. The Inclusion Act recognizes and respects this parental choice.

What are the consequences if the federal government or a state violates the Inclusion Act?

Any child welfare service provider aggrieved by a violation of the Inclusion Act may obtain judicial relief, and if the provider prevails in court, can recover reasonable attorneys' fees and costs. In addition, if a state is liable for violating the Inclusion Act, then the federal government will withhold fifteen percent of its federal funds for child welfare services.