

BACKGROUND

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Adoption, Foster Care, and Conscience Protection

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Abstract

Foster care and adoption policy should put the best interests of children first. Public policy therefore should seek to increase the likelihood of adoption by removing barriers to families that are seeking to adopt and providers that are seeking to place children in need of a home. Achieving this goal requires a public policy that provides freedom to the diverse groups that serve the needs of children. Provided these agencies meet basic requirements protecting the welfare of children, they should be free to operate according to their values, especially their religiously informed beliefs about marriage.

Foster care and adoption policy should put the best interests of children first. In any given year, hundreds of thousands of children spend time in the U.S. foster care system, a quarter of them seeking adoption into a loving family. Yet many of these children bounce from home to home, never adopted, and enter adult life without any family ties. Public policy therefore should seek to increase the likelihood of adoption by removing barriers to families that are seeking to adopt and providers that are seeking to place children in need of a home.

Achieving this goal requires a public policy that provides freedom to the diverse groups that serve the needs of children: freedom to maintain licensing, recruit potential adoptive families, and find permanent, loving homes for vulnerable children. Private child welfare providers, in particular, have an important role to play in uniting children with families. They can help to increase adoption rates

KEY POINTS

- Foster care and adoption policy should put the best interests of children first.
- Putting children first requires public policy that seeks to increase the likelihood of adoption by removing barriers to families seeking to adopt and providers seeking to place children in need of a home.
- Protecting a diversity of private providers and their ability to operate according to their values—and with families that share those values—makes it more likely that the greatest possible number of children will be connected with permanent, loving families.
- Provided agencies meet basic requirements protecting the welfare of children, they should be free to operate according to their values, especially their religiously informed beliefs about marriage.
- Protecting religious liberty and the freedom of private and faith-based organizations to work in accordance with their values takes nothing away from anyone.

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by effectively and compassionately addressing the concerns of potential families.

Provided these agencies meet basic requirements protecting the welfare of children, they should be free to operate according to their values, especially their religiously informed beliefs about marriage. Policy should respect the freedom of foster care and adoption agencies that believe children do best when raised in a married mother-and-father home.

Systemic inefficiencies in the foster care system often overpower the good intentions of the many social workers and government agencies charged with providing an effective safety net for vulnerable children.

Protecting the conscience rights and religious liberty of private adoption providers takes nothing away from others. Indeed, not every private provider needs to perform every service—and state-run agencies can provide a complete array of services. Protecting a diversity of private providers and their ability to operate according to their values—and with families who share those values—makes it more likely that the greatest possible number of children will be connected with permanent, loving families.

Thousands of Children Languish in Foster Care

Although the total number of children currently in the foster system nationally has declined over the past 10 years, hundreds of thousands of children continue to funnel through the system every year,

many without hope of ever finding a permanent home. Of the roughly 400,000 children in the foster care system today, 18 percent have been in foster care for more than three years, and 9 percent have been in the system for more than five years.¹ Fluctuating between foster care homes, relatives, and other caretakers, these children's lives are often marked by uncertainty and instability.

Systemic inefficiencies in the foster care system often overpower the good intentions of the many social workers and government agencies charged with providing an effective safety net for vulnerable children. A lack of state accountability, funding incentives that increase foster care rolls, and a complex bureaucracy hinder a child's chance for swift placement in a permanent, loving home. As Thomas Atwood, former president of the National Council for Adoption, explains:

Sadly, for many tens of thousands of children and youth, foster care is more like a trap door than a safety net, beneath which they languish for years in multiple placements without the loving parents and permanent family that all children need and deserve. Long-term foster care is the de facto case plan for many children. As a result, every year tens of thousands of youth age out of foster care without a family.²

The number of adolescents aging out of foster care every year (i.e., never finding a permanent family placement and entering adulthood alone) has risen from 19,000 to over 23,000 during the past decade.³ Without the emotional, relational, and financial support structure of a loving, permanent family, these children are at increased risk for low academic achievement and poverty.⁴

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1. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "Trends in Foster Care and Adoption: FFY2002-FFY2012," p. 1, http://www.acf.hhs.gov/sites/default/files/cb/trends_fostercare_adoption2012.pdf (accessed November 13, 2013), and U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "Preliminary FY 2012 Estimates as of November 2013," The AFCARS Report, No. 20, p. 2, <http://www.acf.hhs.gov/sites/default/files/cb/afcarsreport20.pdf> (accessed November 14, 2013).
 2. Thomas C. Atwood, "Foster Care: Safety Net or Trap Door?" Heritage Foundation *Backgrounder* No. 2535, March 25, 2011, p. 1, <http://www.heritage.org/research/reports/2011/03/foster-care-safety-net-or-trap-door> (accessed November 13, 2013).
 3. U.S. Department of Health and Human Services, "Preliminary FY 2012 Estimates as of November 2013," p. 3.
 4. Nicholas Zill, "Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption," National Council for Adoption, *Adoption Advocate*, No. 35 (May 2011), p. 6, https://www.adoptioncouncil.org/images/stories/NCFA_ADOPTION_ADVOCATE_NO35.pdf (accessed November 13, 2013).

Indeed, this increased risk exists for most children in foster care. Nicholas Zill, a psychologist and founding Director of Child Trends, summarizes some of the trends among children in foster care:

Although children in foster care represent only a small fraction of the total child population of the United States, they represent a much bigger portion of the young people who go on to struggle with concerning behaviors, including: creating serious disciplinary problems in schools, dropping out of high school, becoming unemployed and homeless, bearing children as unmarried teenagers, abusing drugs and alcohol, and committing crimes.⁵

These social costs also bring a price tag for taxpayers. Many teens who age out of the foster care system without the stability and support of a permanent family will rely on numerous government benefits during their adult lives. According to the National Council for Adoption, the roughly 29,000 teens who aged out of foster care in 2007 will cost over \$1 billion per year in average public assistance and support.⁶

Policy should seek to find permanent homes for these children, structured to increase the number of available families connected with children eligible for adoption. Nearly a quarter of all children currently in foster care—roughly 100,000—are currently waiting to be adopted. As Nicholas Zill reports, “There were 57,000 children adopted from foster care during Fiscal Year 2009, but there were 115,000 waiting to be adopted on September 30th of that year.”⁷

Americans Remain Willing to Adopt

In the face of great need, many Americans have considered adoption and are willing to adopt infants and children in foster care. One in five Americans have considered or are considering adopting chil-

dren from foster care.⁸ Yet the systemic inefficiencies of the current foster care system often dissuade potential parents from continuing or even beginning the process of adoption. Again, Atwood explains:

The problem with parent recruitment is not a lack of parenting resources. Rather, the foster care system is perceived as the DMV of child welfare, and not without reason.... Countless prospective parents and caregivers do not even make the first call because they believe they will face endless voice mail menus, unreturned phone calls, ridiculous intrusions, and red tape, such as requirements to change the widths of their doorways, install a sprinkler system, or obtain a letter from a social worker before allowing their foster child to have a sleepover in the next county.⁹

Private providers, especially those that incorporate faith perspectives, can help alleviate this problem by better attending to the unique and personal needs and concerns of potential adoptive families. The National Council for Adoption stresses the importance of private and faith-based providers:

Public-private partnerships have shown promising results in reaching prospective adoptive parents as well as keeping them in the system.... For example, the One Church, One Child program works to increase the number of African American children adopted out of foster care by actively recruiting permanent adoptive homes....

Private agencies also possess the ability to provide a “seamless system” of support services, including post-placement services, for adoptive and foster parents. They are also well regarded for their record of making adoptive and foster parents feel valued throughout the process....

5. Ibid., p. 2.

6. Based on average enrollment by youth aging out of foster care in taxpayer-subsidized programs including Unemployment Insurance, Workers’ Compensation, Social Security Insurance, food stamps, public housing, Temporary Assistance for Needy Families, and Women, Infants, and Children. The estimate also includes estimated cost of mental health hospitalization and criminality (cost of imprisonment). Lauren Kelley, “Aging Out of Foster Care—Societal Costs and Individual Wellbeing,” *Adoption Factbook V* (Baltimore: National Council for Adoption, 2011), pp. 243–252.

7. Ibid.

8. Atwood, “Foster Care: Safety Net or Trap Door?” p. 9.

9. Ibid.

Expanding the role of public-private partnerships in recruiting, training, and retaining adoptive and foster parents will help...ultimately lead to more children being adopted out of foster care.¹⁰

Some states, however, have advanced policies that threaten private providers' freedom to serve children and families in accordance with sincerely held religious or moral beliefs.

Connecting Children with Permanent Families

Across the United States, there are more than 1,000 private, licensed foster care and adoption providers.¹¹ Many are faith-based organizations whose religious and moral beliefs motivate their care for some of the most vulnerable children in society.

The impact of these groups is significant. In 2007, of the roughly 76,000 unrelated domestic adoptions that occurred in the United States, more than 20,000 were handled by private providers. While public agencies continue to provide the largest number of domestic adoptions every year, the work and success of private, often faith-based organizations help to increase the number of children who find permanent homes every year.

The value of faith-based communities and providers extends well beyond their ability to connect vulnerable children with loving homes or guide prospective families through the labyrinth of the foster care and adoption systems. In addition to offering legal, administrative, and material support to adoptive families and birth mothers, private and faith-based organizations often provide intangible—yet invaluable—spiritual, emotional, and relational support that large, bureaucratic state-run agencies are ill-equipped to offer.

Furthermore, through compassionate counseling and practical support, faith-based and private institutions help thousands of women experienc-

ing unexpected pregnancies.¹² For instance, in 2007, over 18,000 infants found permanent families through adoption. In addition to offering medical and material support for pregnant women, pregnancy centers also provide education on the adoption process for women seeking loving homes for the children they carry. Private and faith-based organizations play an important role in connecting families that wish to adopt with birth mothers who are carrying their children to term.

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With these unique capacities, private and faith-based providers make a significant impact in joining infants, children, and teens with families each year.

Bethany Christian Services. With more than 100 offices across the United States today, Bethany Christian Services has been connecting vulnerable children with permanent, loving homes for almost 70 years. Bethany Christian Services' mission is to demonstrate "the love and compassion of Jesus Christ by protecting and enhancing the lives of children and families through quality social services."¹³

In 2012 alone, the organization served over 188,000 people through adoption and foster care placements and other counseling and support services. That same year, Bethany assisted families across the country in welcoming 656 infants into their homes, found temporary homes for over 2,200 children in foster care, and helped over 600 older foster care children find permanent families. Betha-

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10. Elisa Rosman, Chuck Johnson, and Marc Zappala, "Finding Permanence for Kids: NCFR Recommendations for Immediate Improvement to the Foster Care System," National Council for Adoption, *Adoption Advocate*, No. 17 (September 2009), <https://www.adoptioncouncil.org/publications/adoption-advocate-no17.html> (accessed November 13, 2013).
 11. U.S. Department of Health and Human Services, Administration for Children and Families, Child Welfare Information Gateway, "National Foster Care & Adoption Directory Search," <https://www.childwelfare.gov/nfcad/> (accessed November 13, 2013).
 12. Although the number of infants adopted each year has declined over the past 20 years (largely due to more unmarried, pregnant women choosing to become parents), tens of thousands of infants find loving, adoptive homes every year.
 13. Bethany Christian Services, *2012 Annual Report*, <http://www.bethany.org/assets/2012-Annual-Report.pdf> (accessed November 13, 2013).
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ny has also established a Life Impact Fund in each of its offices across the U.S. to provide practical, financial, and material assistance to families facing an unexpected pregnancy.¹⁴

Catholic Charities. Independent Catholic Charities affiliates, which are located in almost every diocese in the country, often provide foster care and adoption services to their communities. In 2012 alone, Catholic Charities affiliates provided adoption services (foster care and adoption placement, home study, adoption support groups, and other services) to more than 31,000 individuals. Of the more than 3,000 adoptions that Catholic Charities helped complete in 2012, almost 600 infants found families and over 1,700 children were adopted from foster care. That same year, more than 1,600 special needs or “hard-to-place” children found permanent homes with the help of Catholic Charities.¹⁵

The potential of faith-based organizations for success in connecting families with children in need of loving homes has been recognized by state and federal governments.

LDS Family Services. Started in 1919, the Church of Jesus Christ of Latter Day Saints (LDS) Family Services provides infant adoption services to families and children in the United States and Canada. In addition to providing adoption placement services for prospective families, LDS Family Services also offers practical help and counseling to couples with unplanned pregnancies. Supported

by grants from the larger LDS Church, Family Services is able to provide adoption placement at a relatively low fee, reducing some of the financial barriers for adoptive parents.¹⁶

Efficiently and Effectively Connecting Families to Waiting Children

For every child waiting to be adopted from foster care, there are 500 married households and three religious congregations in America.¹⁷ Private adoption providers, particularly those affiliated with religious communities, can help mobilize families to respond to this great need. The following are two examples.

Wait No More. Launched in 2008 by Focus on the Family, Wait No More hosts events that gather government leaders, churches, private adoption providers, and prospective adoptive parents to provide information and opportunities to begin the adoption process on site. The one-day events introduce prospective families to the hundreds of children waiting for adoption in their own communities and provide the tools, information, and network to encourage families to consider opening their homes and lives to vulnerable children.

Wait No More events have taken place in 14 states and with remarkable results. To date, thanks to Wait No More events, 2,600 families have begun the adoption process from foster care.¹⁸ In Colorado alone, the number of children in foster care waiting for adoption was cut in half within just a couple of years due to ongoing efforts such as Wait No More and other faith-based collaborations.¹⁹

Harvest of Hope. Pastor DeForest “Buster” Soaries and his congregation of the First Baptist Church at Lincoln Gardens in New Jersey began their foster care work in response to the alarming

14. Ibid.

15. Mary L. Gautier and Carolyne Saunders, *Catholic Charities USA 2012 Annual Survey Final Report*, Georgetown University, Center for Applied Research in the Apostolate, September 2013, pp. 56–57, <http://www.scribd.com/doc/171435581/2012-Annual-Survey-Report-Executive-Summary> (accessed November 13, 2013).

16. Church of Jesus Christ of Latter Day Saints Family Services, “Adopting with LDS Family Services,” <https://itsaboutlove.org/ial/ct/adopting-families/is-adoption-right-for-us/adopting-with-lds-family-services/?lang=eng> (accessed November 13, 2013).

17. Atwood, “Foster Care: Safety Net or Trap Door?” p. 9.

18. Focus on the Family, “Wait No More: Finding Families for Waiting Kids,” <http://icareaboutorphans.org/whatwedo/WaitNoMore/> (accessed November 13, 2013).

19. Electa Draper, “Adoption Initiative Halves Numbers of Kids Needing Families,” *Denver Post*, March 5, 2010, http://www.denverpost.com/news/ci_14516591 (accessed November 13, 2013).

number of newborns being left in local hospitals. Harvest of Hope partners with other churches to connect foster children to loving families, leading a statewide network of churches educating prospective adoptive families. The organization has outperformed government agencies in finding permanent homes for children and teens.²⁰ Since the program began, Harvest of Hope has recruited 385 foster families, placing a total of over 900 children in temporary foster care. Some 149 families have adopted 235 children.²¹

The potential of faith-based organizations for success in connecting families with children in need of loving homes has been recognized by state and federal governments.²² The Obama Administration, for example, notes the significance of private, faith-based organizations in increasing the number of adopted children and supporting adoptive and foster families:

[D]espite the powerful role government can play in supporting adoption, the responsibility is always shared with families, communities and faith-based organizations to support children and families who need homes. So many faith-based and community organizations across the country are doing tremendous work to ensure that every child has a happy, safe home. This includes houses of worship that encourage their members to adopt and commit to supporting adoptive and foster families in their congregations.²³

Yet policies are now threatening the freedom of private and faith-based providers to abide by their religious and moral beliefs while continuing to meet the needs of children, parents, and communities effectively.

Freedom of Private Adoption Providers Threatened

In a number of states, sexual orientation laws, coupled with the redefinition of marriage or the creation of same-sex civil unions, are attacking the freedom of private foster care and adoption providers who believe children deserve a married mother and father. These providers should not be forced to forfeit the very beliefs that motivate them to care for families and vulnerable children.

Private foster care and adoption providers who believe children deserve a married mother and father should not be forced to forfeit the very beliefs that motivate them to care for families and vulnerable children.

As Atwood notes with regard to the threat that sexual orientation laws pose to child welfare agencies, “Not only do these laws violate religious liberty, they harm children because they force high-quality, compassionate social service agencies to shut down. If all faith-based agencies closed due to such laws, the adoption and child welfare field would be decimated, depriving thousands of children growing up in families.”²⁴ Below are three examples.

Boston Catholic Charities, Massachusetts. For more than 100 years, Catholic Charities in Boston, Massachusetts, had a successful record of connecting children to permanent families, placing more children in adoptive homes than any other state-licensed agency.²⁵ Then, in 2003, the state began to recognize same-sex unions as marriages

20. Harvest of Hope Family Services, “Foster Care,” <http://harvestofhopefamily.com/services.php> (accessed November 13, 2013); Collette Caprara, “Family Fact of the Week: Foster Care and the Future of Children,” The Heritage Foundation, The Foundry, November 15, 2012, <http://blog.heritage.org/2012/11/15/family-fact-of-the-week-foster-care-and-the-future-of-children/>.

21. Jennifer Marshall, “What Limited Government Looks Like: Adopting a Foster Child,” The Heritage Foundation, The Foundry, November 23, 2011, <http://blog.heritage.org/2011/11/23/what-limited-government-looks-like-adopting-a-foster-child/> (accessed November 7, 2013).

22. Atwood, “Foster Care: Safety Net or Trap Door?” p. 14.

23. The White House, Office of Faith-Based and Neighborhood Partnerships, *Partnerships for the Common Good: A Partnership Guide for Faith-Based and Neighborhood Organizations*, p. 13, <http://www.whitehouse.gov/sites/default/files/faithbasedtoolkit.pdf> (accessed November 13, 2013).

24. Atwood, “Foster Care: Safety Net or Trap Door?” p. 12.

25. Matthew W. Clark, “The Gospel According to the State: An Analysis of Massachusetts Adoption Law and the Closing of Catholic Charities Adoption Services,” *Suffolk University Law Review*, Vol. XLI, No. 4 (2008), <http://heinonline.org/HOL/LandingPage?handle=hein.journals/sufflr41&div=5&id=&page=> (accessed November 13, 2013).

following a decision by the Massachusetts Supreme Court. That decision, coupled with an earlier state policy on sexual orientation, forced all state-licensed adoption providers to be willing to place children with same-sex couples.²⁶

Rather than abandon Catholic teaching that marriage is between one man and one woman and the conviction that children deserve to be raised by a married mother and father, Catholic Charities of Boston was forced to end their foster care and adoption programs. In the two decades before it ended those services, the organization had helped approximately 720 children to find permanent adoptive homes.²⁷

D.C. Catholic Charities, District of Columbia.

In 2010, the District of Columbia passed a law redefining marriage to include same-sex couples. The redefinition of marriage, coupled with the District's sexual orientation policy, would have required Catholic Charities' foster care and adoption services to place children with same-sex couples.²⁸ Despite requests by the Archdiocese of Washington that it provide robust protection of private organizations' moral and religious beliefs about marriage and family, the D.C. government refused to grant an exemption. Because it would not violate its deeply held beliefs that had guided more than 80 years of service in the District, Catholic Charities was forced to transfer its foster care and adoption program to other providers.

Evangelical Child and Family Agency, Illinois. For decades, the Evangelical Child and Family Agency (ECFA) had contracted with Illinois to provide foster care services. In 2011, however, a new state civil union law, coupled with an existing sexual orientation policy, effectively forced private agencies to license unmarried, cohabitating couples—including same-sex couples—as foster care parents in order to keep state contracts. Because ECFA was convinced that children deserve to experience the unique benefits provided by a married mother and a father, the state would not renew its foster care contract.²⁹ As a result, ECFA was forced to transfer the cases of the foster children it served to different agencies and end the foster care program that had connected children with permanent families.

Pushing out faith-based foster and adoption providers comes at a real cost; these organizations provide real—and unique—services. “One of our main things we were looking for in an agency was one that shared our religious and faith beliefs,” explains John Shultz, who with his wife Tammy adopted four foster care children through ECFA. Without the support of ECFA, “I don’t think I could’ve weathered the storm of the foster care system,” remarked Tammy.³⁰

When combined with other private providers in Illinois, including numerous Catholic Charities affiliates,³¹ ECFA and other faith-based organizations in the state were forced to stop serving over 2,000 children, transferring their cases to other providers.³²

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26. Maggie Gallagher, “Banned in Boston: The Coming Conflict Between Same-Sex Marriage and Religious Liberty,” *The Weekly Standard*, Vol. 11, No. 33 (May 15, 2006), <http://www.weeklystandard.com/Content/Public/Articles/000/000/012/191kgwgh.asp> (accessed November 13, 2013).
 27. News release, “Catholic Charities of Boston to Discontinue Adoption Services,” Statement by Archbishop Sean O’Malley, Archdiocese of Boston, March 10, 2006, http://www.bostoncatholic.org/uploadedFiles/News_releases_2006_statement060310-1.pdf.
 28. Chuck Donovan, “The D.C. Government’s Strike Against Foster Kids—and Religious Liberty,” The Heritage Foundation, The Foundry, February 19, 2010, <http://blog.heritage.org/2010/02/19/the-d-c-government%E2%80%99s-strike-against-foster-kids-%E2%80%93-and-religious-liberty/> (accessed November 7, 2013).
 29. Evangelical Child and Family Agency, *2012 Annual Report*, p. 2, <http://www.evancfa.org/downloads/ECFAAnnualReportFY2012.pdf> (accessed November 13, 2013); Karla Dial, “Illinois Christian Foster Care Group Loses State Contract,” CitizenLink, September 14, 2011, <http://www.citizenlink.com/2011/09/14/illinois-christian-foster-care-group-loses-state-contract/> (accessed November 13, 2013).
 30. Marriage Anti-Defamation Alliance, “Schulz, Craigen, Montague,” December 15, 2011, <http://marriageada.org/schulz-craigen-montague/> (accessed November 13, 2013).
 31. Sarah Torre, “Civil Union Law Forces Catholic Charities to Drop Adoption Service,” The Heritage Foundation, The Foundry, June 1, 2011, <http://blog.heritage.org/2011/06/01/civil-union-law-forces-catholic-charities-to-drop-adoption-service/>; Sarah Torre, “Charities Become Collateral Damage in the Debate Over Marriage,” The Heritage Foundation, The Foundry, July 14, 2011, <http://blog.heritage.org/2011/07/14/charities-become-collateral-damage-in-the-debate-over-marriage/>.
 32. Many A. Brachear, “3 Dioceses Drop Foster Care Lawsuit,” *Chicago Tribune*, November 15, 2011, http://articles.chicagotribune.com/2011-11-15/news/ct-met-catholic-charities-foster-care-20111115_1_civil-unions-act-catholic-charities-religious-freedom-protection (accessed December 16, 2013).

State Regulations Threaten Religious Liberty

Faith-based providers have faced similar decisions even outside of states where marriage has been redefined or same-sex civil unions recognized.

In 2011, the state of Virginia considered amending its child welfare regulations to add sexual orientation to the state's family services nondiscrimination policy. Refusing to abide by this regulation would cause an agency to lose its state-issued license to place children for adoption in Virginia. If this regulation had passed, the dilemma would have been staggering: A religiously affiliated agency that believes marriage is between one man and one woman would have been forced to violate its moral beliefs or shut its doors.³³

The legal right of an unmarried or same-sex couple to adopt should not require every adoption provider to perform such adoptions: Requiring that they do so places the interests of adults over those of children, the exact opposite of what good policy on adoption should do.

Although these proposed changes were ultimately rejected, the episode highlights the need to protect the religious liberty of adoption providers from government coercion. Public policy should promote the best interests of children, not drive out providers over debates about adult sexuality.

Religious Liberty Takes Nothing Away

Protecting the rights of conscience and religious liberty takes nothing away from anyone. Allowing private adoption providers to operate according to their own values—including declining to place children in unmarried or same-sex households—does not prevent public agencies or other private providers from choosing to do so.

Regardless of how states decide to craft policy allowing unmarried individuals or same-sex cou-

ples to adopt children, private providers should not be forced to violate their beliefs. Public agencies and some private providers, when allowed by state law, can choose to license unmarried and same-sex couples for adoption. Nothing is taken away if other private providers decline to do so. The legal right of an unmarried or same-sex couple to adopt, where it exists, should not require every adoption provider to perform such adoptions: Requiring that they do so places the interests of adults over those of children, the exact opposite of what good policy on adoption should do.

Yet some argue that policy should support only agencies that facilitate adoptions for all couples. For example, the euphemistically titled Every Child Deserves a Family Act, H.R. 2028 and S. 1069, would effectively strip both funding and legitimization from private adoption agencies that believe that children deserve a married mother and father. Such a policy would severely undermine the freedom of foster care and adoption agencies across the country, potentially reducing the number of foster care and adoption agencies working on behalf of America's vulnerable children.

The Every Child Deserves a Family Act does not place the needs of children first; rather, it places the desires of adults first. Everyone agrees that every child deserves a family, and policy should encourage as many providers as possible to be working to match children with families. Defunding and delegitimizing agencies does nothing to further this goal.

What Should Be Done

Foster care and adoption policy should always place the welfare of children first. In order to meet this goal, Congress should protect the right of private and faith-based adoption and foster care providers to continue providing valuable services to families and children.

One specific way to do so involves Title IV-E of the Social Security Act. Through this law, the federal government provides payments to states for each eligible child cared for in the state's foster care program.³⁴ Generally, to be considered eligible for federal government reimbursement, a child in the state's care must be placed in a foster care home or

33. Sarah Torre, "Virginia Protects Religious Liberty in Adoption and Foster Care," The Heritage Foundation, The Foundry, April 22, 2011, <http://blog.heritage.org/2011/04/22/virginia-protects-religious-liberty-in-adoption-and-foster-care/>.

34. 42 U.S.C. 671.

in congregate care that meets government licensing standards. Policymakers should ensure that states receiving Title IV-E funding allow private child welfare providers to continue serving in accordance with their religious or moral beliefs about marriage and family structure.

Conclusion

America's foster care programs are in dire need of systemic reform to ensure that more of the 400,000 children and teens who filter through the system every year find permanent, loving homes. Foster care and adoption policy should put the best interests of children first and seek to increase the number of families willing to foster and potentially adopt children, not risk reducing the number of agencies or families working for children.

Achieving this goal requires collaboration between the government and private organizations where a host of agencies have the freedom to help

recruit families and unite them with children. Provided these agencies meet basic requirements protecting the welfare of children, they should be free to operate according to their values, especially their religiously informed beliefs about marriage. Policy should respect the freedom of foster care and adoption agencies that believe children do best when raised in a married mother-father home.

Protecting the freedom of private and faith-based organizations to work in accordance with their values does not prohibit individuals and couples from using state-run or other private providers that do not operate according to those principles. A diversity of providers only increases the chances that more children and teens waiting for adoption will finally be connected with a permanent, loving family.

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