

**Oppose SB 1993 (Cultra):
Religious discrimination by adoption agencies
would undermine the best interests of children**

SB 1993 (Cultra) would amend the Illinois Child Care Act to allow religious institutions licensed to provide adoption services to discriminate unlawfully at the expense of children and prospective parents.

SB 1993 is not needed to protect or advance the religious beliefs of birth parents and children.

The religious beliefs of birth parents and children may be relevant to placement decisions, but the Child Welfare Act already fully protects those interests by requiring that a child's religion be taken into account "whenever practicable" in making certain placement decisions. *See* 225 ILCS § 10/13. In contrast, SB 1993 only advances the interests of religious institutions, by authorizing them to impose their own religious test when evaluating whether a particular placement is in the "best interests" of a child.

SB 1993 would undermine the best interests of children.

The faith or beliefs of a prospective adoptive parent should not factor into placement decisions other than as already provided in the Child Welfare Act. SB 1993, however, authorizes an agency to promote a particular faith – that of its sponsoring institution – when deciding what placement is in the child's "best interests." For example, SB 1993 expressly authorizes an agency to reject placement with a prospective parent where he or she practices a different faith, or is an atheist or agnostic. That reduces the pool of potential adoptive parents for a child based on an agency's religious affiliation and allows the "correct" faith for the placement (and parent) to be determined by whatever religious institution sponsors the agency that happens to be handling the child's case, effectively treating children as religious fodder, rather than placing them with the family found to be best suited to meet each child's individual needs.

SB 1993 would legalize religious discrimination.

Religious discrimination is contrary to state and federal Constitutional guarantees of freedom. Illinois should not allow an adoption agency to pick and choose among prospective adoptive parents based on the agency's religious preferences, and to judge those sharing the faith of the church-based agency to be "better" parents. If the best interests of a child would be equally served by their placement with either of two families, one family should not lose the opportunity to adopt solely because they practice a religious faith different than the church or institution running a given agency. Any other approach facilitates use of the adoptive process as a means for proselytizing.

Moreover, there is an inherent danger that the religious discrimination that would be legalized by SB 1993 will be used as a pretext for discrimination against lesbian and gay adoptive parents – which is an ongoing problem in Illinois. *See, e.g.*, Manya Brachear, "State probes religious foster care agencies over discrimination," *Chi. Trib.* (3/2/11).

SB 1993 might invest public funds in religious discrimination.

Many private agencies contract with the State of Illinois in placing DCFS wards, and receive government funds to do so. It is unconstitutional for the State to underwrite religious discrimination and/or sexual orientation discrimination in the adoptive process, as SB 1993 would do.

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