

**Senate Bill 1123 Amendment 1:**

**Amends the Civil Union Act to allow religiously affiliated child welfare agencies to discriminate against parties to a civil union and to subsequently refer the lesbian or gay applicant/parties to a civil union to DCFS for information concerning non-discriminating child welfare agencies for adoption or foster family home applications, licensure and placements.**

- SB 1123 permits sexual orientation discrimination to parties to a Civil Union, perpetuating the discrimination of applicants for licenses, and reducing the pool of available foster and adoptive homes to children, in violation of the Fourteenth Amendment rights of wards of DCFS recognized in the the B.H. Consent Decree.
- **All of the leading child welfare organizations<sup>1</sup> have recognized, based on years of rigorous scientific studies, that lesbian and gay parents are just as good at parenting as are heterosexual parents<sup>2</sup>; there is no legitimate state interest served by taking potential loving families out of the pool of placements.** As a result of this bill, the best placement –a child’s aunt or a skilled nurse or social worker who would welcome a child with special needs –may be rejected, simply because the prospective parent is lesbian or gay.
- **The federal equal protection clause bans the government from allowing private agencies to practice discrimination when choosing families for adoptive children.** The obligation to license foster parents and to screen adoptive parents is the state’s. When the state delegates part of that duty to a private agency the state remains responsible to make certain that the process is consistent with state and federal law, including the 14<sup>th</sup> Amendment; religiously affiliated agencies should not be permitted to discriminate, especially when doing so can hurt children by excluding a whole class of loving families.
- Permitting private, religiously affiliated agencies to block gay and lesbian applicants who are in a Civil Union from approval, even with an obligation to refer them elsewhere, sends a cruel and harmful message to gay and lesbian foster children: When you grow up, the agency that provides your care, would never let you take care of other kids.

<sup>1</sup> The Child Welfare League, the American Academy of Pediatrics, American Medical Association, American Psychiatric Association, American Psychological Association, American Academy of Child and Adolescent Psychiatry, the National Association of Social Workers, North American Council on Adoptable Children, and the American Academy of Family Physicians all oppose restrictions on gay parenting.

<sup>2</sup> Nanette Gartrell & Henny Bos, *US Longitudinal Lesbian Family Study: Psychological Adjustment of 17-Year-Old Adolescents*, 126 *Pediatrics*, June 7, 2010 (17-year-old daughters and sons of lesbian mothers were rated significantly higher in social, school/academic, and total competence and significantly lower in social problems, rule-breaking, aggressive, and externalizing problem behavior than age-matched sons and daughters of heterosexual parents.). Available at <http://www.nllfs.org/images/uploads/pdf/NLLFS-psychological-adjustment-17-year-olds-2010.pdf>. See also Alice Park, *Study: Children of Lesbians May Do Better Than Their Peers*, *TIME*, June 7, 2010. Available at: <http://www.time.com/time/health/article/0,8599,1994480,00.html>;