

Catholic Social Services denied foster care contract for refusing to work with same-sex couples based on religious principle

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THE DAILY CALLER
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DCNF (<https://dailycaller.com/2019/04/22/philadelphia-catholic-social-services/>)



(Photo By Bill Clark/CQ Roll Call)

A federal court ruled Monday against reinstating a Philadelphia Catholic Social Services' foster care contract unless the Catholic agency agrees to work with same-sex couples.

A 2018 investigation into Catholic and Christian organizations revealed that Catholic Social Services also chose not to work with same-sex couples for faith-based reasons, after Bethany Christian Services refused to work with a same-sex couple on the basis of their

religious beliefs, (https://redirect.viglink.com/?format=go&jsonp=vglnk_15559719776341ThAhVhFTQIHYZoBDUQFggbMAg%26client%3Dinternal-uds-cse%26cx%3D013858372769713515008%3Am9uq4uupsfm%26usg%3DAOvVawlsSS_UeNpf) according to the Inquirer (<https://www.philly.com/news/foster-care-lgbtq-catholic-social-services-religious-freedom-philadelphia-dhs-20190422.html>)

. Though Bethany Christian Services capitulated to pressure from the city to change their policy, Catholic Social Services refused – causing the city of Philadelphia to end the Catholic company’s foster care contract.

The case,

Sharonell Fulton, et al. v. City of Philadelphia

(<https://www.becketlaw.org/case/sharonell-fulton-et-al-v-city-philadelphia/>)

, went to the Supreme Court which denied Catholic Social Services its foster care contract reinstatement in

July of 2018, according to the Inquirer. (<https://www.philly.com/philly/news/foster-care-philadelphia-dhs-same-sex-couples-catholic-social-services-lawsuit-20180713.html>)

U.S. District Court Judge Petrese B. Tucker said at the time that the decision was to ensure “that the pool of foster parents and resource caregivers is as diverse and broad as the children in need of foster parents.”

A court ruled Monday, for the second time, denying Catholic Social Services their foster care contract after examining the Catholic company’s complaint that the previous ruling was an infringement on their

religious (https://redirect.viglink.com/?format=go&jsonp=vglnk_155597194400915&key=eThAhVhFTQIHYZoBDUQFggEMAA%26client%3Dinternal-uds-

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liberty, according to the Inquirer. The Third Circuit Court of Appeals said that they saw no hindrance of religious liberty but instead admired the city's judicial attempts to ward off discrimination.

"At this stage and on this record, we conclude that CSS is not entitled to a preliminary injunction,"

the decision said. (<https://www.aclu.org/legal-document/fulton-v-city-philadelphia-third-circuit-opinion>)

"The City's non-discrimination policy is a neutral, generally applicable law, and the religious views of CSS do not entitle it to an exception from that policy...It has failed to make a persuasive showing that the City targeted it for its religious beliefs, or is motivated by ill will against its religion, rather than sincere opposition to discrimination on the basis of sexual orientation. Thus we affirm."

"Religious liberty is one of our most fundamental freedoms, and it protects all of us from government interference in whether, when, and how we practice our faith. It does not entitle taxpayer-funded child welfare agencies to impose their own religious eligibility criteria on important government programs," said Leslie Cooper, deputy director of the

American Civil Liberties Union (https://redirect.viglink.com/?format=go&jsonp=vglnk_155597119065213&key=e7609c039c08d3ae00aebd97e6f0bffd&lib:ix%2F%26sa%3DU%26ved%3D0ahUKEwj098at30ThAhXVoFsKHfhSBE0QFggIMAE%26clieAe1MH3SmqS&ref=https%3A%2F%2Fdailycaller.com%2F&title=The%20Daily%20Caller%20's%20LGBT%20&HIV%20Project,

in a statement issued by the ACLU (<https://www.aclu.org/news/appeals-court-rejects-license-discriminate-child-welfare>) Monday.

"The city of Philadelphia recognizes the need to maximize the number of families available for children in foster care and has every right to insist that the agencies it hires accept all qualified families. Nothing in the Constitution puts the religious beliefs of these agencies ahead of the needs of the children in their care," Cooper said.

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BREAKING: We won our case against Catholic Social Services of Philadelphia, which can no longer use religious criteria to turn away same-sex couples as prospective foster families.

Religious freedom cannot be used as a license to discriminate.

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“This ruling is devastating to the hundreds of foster children who have been waiting for a family and to the dozens of parents working with Catholic Social Services who have been waiting to foster a child. We’re disappointed that the court decided to let the city place politics above the needs of kids and the rights of parents, but we will continue this fight.”

-Lori Windham
Senior Counsel



Nick Reaves
@NickRReaves

Today the Third Circuit ruled against foster families and the agency they work with, holding that they can’t continue serving children in need while still following their religious beliefs.

[#KidsRightsNotFights](#) 1/

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However, Mayor Jim Kenney of Philadelphia voiced gratefulness for the Court’s “thoughtful decision.”

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“Our policy ensures that same-sex couples do not face discrimination as they seek to offer loving homes to Philadelphia children in need of foster care,” Kenney told The Inquirer. “At the same time, the policy safeguards religious liberties. We are proud that Philadelphia is a welcoming, inclusive city that values the diversity of its residents. This policy is the embodiment of those values, and we are pleased that the court has now upheld it.”

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