



## Michigan National Organization for Women

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Members of the Michigan Senate Committee on Families, Seniors, and Human Services  
State Capitol  
Lansing, Michigan

Greetings:

The Michigan National Organization for Women **opposes House Bills 4188, 4189, and 4190** on your agenda today. The first two bills in this series would amend the Michigan Adoption Code (MCL 710.23b et al.) and Social Welfare Act (MCL 400.5a) to permit a religiously-affiliated child placing agency to carry out discriminatory foster care and adoption practices if these are written policies of the agency. House Bill 4190 would amend the Social Welfare Act (MCL 400.5a) to specifically prohibit the state Department of Human Services from taking an adverse action against a child placing agency.

**Background** - Currently, the state contracts about 40% of foster care placement and ALL adoption placements to about 70 agencies, many of which are faith-based. In FY 2014-15, about \$20 million in state and federal funds went toward supporting adoption and foster care placement; \$10 million of that went to faith-based agencies that would be allowed to discriminate under this legislation.

**Religious Liberty** - Some religions actively hold discriminatory or stigmatizing policies against divorced people, people who use contraception, women who have had abortions, lesbians, gay men, bi-sexuals, and transgendered people among others. Some go so far as to bar participation of members of those groups in its leadership, policy decision-making, or even membership. Under our system of government, religious adherents have the right to practice these beliefs in their own personal life and in houses of worship. No new law is needed to protect and preserve internal religious liberty of this kind.

**Serving the General Public** - However, these bills would protect from challenge the external practices of religiously-affiliated child placing agencies in delivery of their social welfare services to the general public, not just to members of their own religion. Once a religiously-affiliated organization decides to offer services to the general public, it should not be allowed to overlay its religious doctrine on the social welfare services offered. Services offered to the general public, whether by religiously-affiliated or non-religiously affiliated organizations, must be offered in a fair and just manner, abiding by the general civil rights laws in our state and country. Our country went through this painful conversation with ending Jim Crow laws, many of which were claimed to have a religious foundation.

**Taxpayer Subsidies** - Second, when a religiously-affiliated child placing agency accepts tax preferences (such as non-profit status) or actual contracts, grants, or subsidies from government to do work on behalf of that government, it must adopt a religiously neutral approach to offering its services just as government should do. The general public to whom services are offered may or may not hold the same religious

*NOW's purpose is to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men.*

beliefs as the agency offering the service and they should not be turned away based on the religious policies of the organizational provider.

**Whose Religious Freedom** - These bills threaten the religious freedom of the general public in the name of protecting the religious freedom of the service provider, in this case, child placing agencies.

**License Revocation for Discrimination** - We recommend that not only should these bills be defeated, but that any child placing agency which demonstrates biased and discriminatory policies based on religion, race, ethnicity, gender, marital status, contraceptive practices, and sexual orientation or gender identity in its written policies or in the conduct of its child placement functions **have its license revoked**. Certainly **no state funding should go to such an agency nor should preferred tax status be granted**. Child placement agencies, whether religiously affiliated or not, should have as their main purpose the **best interest of the children, not the best interest of their own religion**.

**Public Opinion** - Moreover, the public response to a similar bill passed in Indiana recently should serve as a warning to our Legislature about promoting discriminatory policies such as is contained in these bills. Child placement is a public service; these bills undo many of the civil rights gains of the past and the greater understanding and acceptance of diversity in our society. They make us seem unwelcoming and intolerant through state-sanctioned discrimination.

We urge you not to report out these bills.

Sincerely,

Mary Pollock  
Legislative Vice President