



HUMAN  
RIGHTS  
CAMPAIGN®

**Written Testimony of Sarah Warbelow, Legal Director of the Human Rights Campaign, In Opposition to HB 4188, 4189, and 4190  
To the Michigan Senate Committee of Families, Seniors, and Human Services  
On April 22, 2015**

Ms. Chairman and Members of the Committee:

My name is Sarah Warbelow, and in addition to being a native Michigander I am the Legal Director of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our more than one and a half million members and supporters nationwide, including more than 40,000 in Michigan, I submit this statement in opposition to HB 4188, 4189, and 4190, which would allow secular and religious child placing agencies, including agencies who receive taxpayer dollars, to refuse a foster care or adoption placement that is otherwise in the best interest of the child if such placement would conflict with religious beliefs of the agency.

All children deserve a loving, stable home, and discrimination against eligible lesbian and gay parents undermines our children's opportunities. Enshrining a special right to discriminate in the provision of a public service by a private agency flies in the face of these children's best interests. Today it is time to protect the most vulnerable among us by ensuring all Michigan's children, including LGBT children, will not be denied placement in an eligible home.

By contracting with adoption and foster care agencies that discriminate against lesbian and gay parents, Michigan effectively reduces the number of eligible adopted and foster parents throughout the state. In order to expand the pool of permanent homes for the 3,000 children and youth awaiting adoption in Michigan, it is critical to remove all barriers that prevent the participation of qualified LGBT families. Far too many agencies and individual child welfare professionals continue to operate with bias toward LGBT parents, leading to discrimination. This legislation would serve to codify this discrimination. Furthermore, leading national child welfare organizations including the Child Welfare League of America, Donaldson Adoption Institute, the North American Council on Adoptable Children, and Voice for Adoption have affirmed their support of LGBT parenting and adoption and spoken out against similar legislation. By continuing to contract with adoption and foster agencies that discriminate against lesbian and gay parents, Michigan prevents children from entering loving potential homes.

The bills before you for consideration today would authorize licensed, state-funded adoption and foster care agencies to discriminate in making adoption and foster care services available to children and prospective parents. Besides allowing for discrimination against LGBT parents and children, these bills raise two problems. First, adoption is not a religious freedom issue. Offering adoption and foster care services to the public is a secular, not religious, activity. Children in the foster care system are the state's children while they are there. Second, adoption is not a private act; no adoption can be finalized without the approval of the state and a court order. Agencies licensed to facilitate adoptions and foster care are functioning as agencies of the state. Because they are agents of the state, licensed child-placing agencies are not engaged in private acts. Just as the state cannot deny any citizen the equal protection of the laws, neither can agents of the state, i.e. licensed-child-placing agencies, even if they are run by or affiliated with faith-based organizations.

It is in the best interests of children who have a right to a loving and permanent home to end discrimination against eligible prospective loving parents – not to enshrine discrimination in the state law.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Warbelow". The signature is written in black ink and is positioned above the typed name and title.

Sarah Warbelow  
Legal Director  
Human Rights Campaign