



## Protecting consciences of foster care providers

*St. Mary's Orphanage, Galveston, circa 1890s*

Since 1727, Catholic religious orders, parishes, and charities have provided aid to orphans in the newly forming United States of America and its territories. Shortly after the Louisiana purchase, the Ursuline sisters of New Orleans wrote Thomas Jefferson asking if they would be able to continue their mission to orphans as Catholic sisters in “these new United States.”

President Jefferson assured the sisters of the government’s patronage and his protection of their charitable work, even though the territory was no longer part of Catholic France, and he included a donation of financial support for the benefit of the charity.

In Texas, the Sisters of Charity of the Incarnate Word began serving orphans in San Antonio and Galveston in 1866. For more than 150 years, our adoption and foster care services have been integral in serving abused and neglected children in our state. However, public-private partnerships have eroded as religious exercise becomes increasingly burdened by

evolving misinterpretations of natural rights.

The reform efforts sought by the 85th Texas legislature rely heavily on private and faith-based providers for success. This strategy leverages the Church’s deep community relationships and mission-based commitment to care for children. HB 6 utilizes this strategy through the transfer of case management services to community providers who are in more frequent and personal contact with affected families.

Our foster care providers have been strong partners in foster care service delivery, parent recruitment, respite care, and support programs. Our professional staff are in much more frequent contact with families, recognizing issues and concerns more swiftly than state case workers. We strongly support the partnership between our charities and the state of Texas.

However, we have serious concerns about unintended consequences related to conscience protections. These concerns rise from the experiences of our institutions as targets of litigation in these areas.

We strongly urge legislators to address these concerns with clear conscience protection additions.

### Conscience Protection

HB 6 calls for increased capacity for the foster care system by encouraging collaboration with foster care providers, faith-based communities, and advocate groups. The Governor, Lt. Governor and Speaker recognize a critical part of redeeming our foster care system is to enlist the help of religious leaders and faith-based providers.

It would be tragic if the reforms did not allow us to provide this help in accordance with the very values that make our assistance so essential to the legislation's success. Therefore, reforms must protect

our free exercise of religion by providing conscience protections. This will safeguard Catholic charities so they do not facilitate abortion or place children with same-sex couples.

HB 3859/SB 892 provides conscience protections to ensure that child welfare providers who act based on sincerely held religious beliefs are not discriminated against in grants or ability to provide child welfare services.

Conscience protection will allow faith-based providers to continue to be a safe and loving refuge for children in crisis and to accompany them on their journey to healing and wholeness, breaking the cycle of abuse and neglect, one child at a time.

## The Freedom to Serve Children Act



The Freedom to Serve Children Act ensures that all organizations, including those with religious or moral convictions, continue to provide foster care.

In Texas, there are at least 340 adoption agencies and foster homes. More than 80 — 25 percent — are faith-based.



Not Faith-Based

Faith-Based

## Massachusetts: Opposed to Freedom to Serve



In 2003, Massachusetts legalized same-sex marriage but refused to provide conscience protections for Catholic Charities of Boston, which sought to continue placing children in homes led by a married mother and father, consistent with the teachings of the Roman Catholic Church. Though it had placed successfully more than 700 children over a century, Catholic Charities was forced to close its doors. The same process occurred again in Washington D.C. in 2010.



The Freedom to Serve Children Act maintains and protects Texas' diverse foster placement organizations so children can find a permanent, loving home.