

Frequently Asked Questions

Q. What is this case about?

Attorneys for the ACLU and ACLU of Michigan filed a lawsuit in U.S. District Court today to challenge the state's practice of permitting state-contracted, taxpayer-funded child placement agencies to use religious criteria to reject prospective foster and adoptive parents and to turn away qualified families based on their sexual orientation. The lawsuit states that this practice violates the Establishment and Equal Protection Clauses of the United States Constitution.

There are currently 13,000 children in the state foster care system. Our lawsuit states that the State of Michigan is hurting its most vulnerable children and violating the Constitution by allowing agencies hired by the State to find families for children to deny these children qualified foster and adoptive families based on religious eligibility criteria that have nothing to do with the ability to care for a child.

Decisions about adoption and foster family placements for children who are in the State's custody should be made based on the best interest of the child, not the religious beliefs of the agency. In addition, taxpayer money should not be used to fund agencies that discriminate based on religion or sexual orientation.

This case does not challenge private adoption placement practices.

Q. Who are the plaintiffs? Who are the defendants?

A. Plaintiffs include Kristy and Dana Dumont of Dimondale and Erin and Rebecca Busk-Sutton of Detroit, two same-sex couples who have been turned away by state-contracted child placing agencies due to religious objections to same-sex couples. Detroit resident Jennifer Ludolph, who spent several years in the Michigan foster care system, is also a plaintiff, objecting to the use of taxpayer dollars to deny children good families based on religious exclusions.

Defendants include Michigan Department of Health and Human Services Director Nick Lyon and Michigan Children's Services Agency Executive Director Herman McCall.

Q. Is there legislation addressing whether faith-based child placement agencies must provide services that conflict with their religious beliefs?

In 2015, the Michigan legislature passed and Gov. Rick Snyder signed a law that states that child placement agencies shall not be required to provide services that conflict with their religious beliefs when providing private child placement services outside of foster care case management and adoption services provided under contract with the state. However, some appear to be interpreting the statute as authorizing agencies to use religious criteria to disqualify prospective families even when those agencies are doing state-contracted work for children in the foster care system. .

Q. How many other states allow state-contracted, taxpayer funded agencies to discriminate against potential adoptive or foster parents because of the agency's religious beliefs?

A. Five states (Alabama, Texas, Virginia, and North and South Dakota) have passed laws that allow state-contracted child placing agencies to refuse to accept prospective foster or adoptive

families based on religious objections. Mississippi has such a law that applies only to LGBT prospective families.

Q. How many children are in Michigan's welfare system?

Michigan has approximately 13,000 children in the foster care system.