

Foster-care waiver draws mixed reactions

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WASHINGTON—The U.S. Department of Health and Human Services granted a waiver that allows a South Carolina children’s ministry to participate in a government-funded foster-care program, even though the agency places children exclusively with Christian families.

The decision drew mixed responses from Christian groups and religious liberty advocates. Some praised it as a victory for the free exercise of religion and ministry to vulnerable children, while others denounced it as government-funded religious discrimination.

Waiver granted to Miracle Hill Ministries

At the [request of Gov. Henry McMaster](#), HHS granted the waiver to Miracle Hill Ministries of Greenville, S.C. Department officials said requiring Miracle Hill to accept non-Christian families would violate the Religious Freedom Restoration Act by placing a substantial burden on providers’ sincerely held religious beliefs.

“With young people in need of stable foster homes throughout our state, I am determined to protect each and every one of the child-placing agencies that have been called to help us fill those needs,” McMaster said.

Last year, the South Carolina Department of Social Services determined Miracle Hill’s policy of working exclusively with Christian families placed it in violation of a regulation—established in January 2017—that bars discrimination on the basis of religion by any organization receiving funds

from HHS.

Miracle Hill Ministries reportedly had rejected a Jewish woman, Beth Lesser, who applied to be part of its mentoring program.

For nearly a year, Miracle Hill had operated under a provisional license that was due to expire within a few days.

‘Sincere religious exercise would be substantially burdened’

Steven Wagner, principal deputy assistant secretary of HHS Administration for Children and Families, sent [a letter to McMaster](#) dated Jan. 23 granting his request for a waiver.

Wagner noted the HHS Office for Civil Rights had reviewed the matter and “specifically found that Miracle Hill’s sincere religious exercise would be substantially burdened by application of the religious nondiscrimination requirement.”

He also noted “at least nine other foster care providers in Miracle Hill’s area appear available to assist potential parents in the event Miracle Hill is unable to partner with certain potential foster parents because of Miracle Hill’s religious beliefs.”

Miracle Hill leaders expressed thanks to McMaster and other elected officials who advocated on their behalf and praised the granting of the waiver.

“We are deeply gratified by this decision, which allows Miracle Hill to keep its license and continue serving nearly 200 foster children and more than 230 foster families,” said Reid Lehman, president and chief executive office of Miracle Hill Ministries. “It’s always been about the license, our right to

exist.”

‘Caring for the most vulnerable’



Russell Moore

Russell Moore, president of the Southern Baptist Convention’s [Ethics and Religious Liberty Commission](#), applauded the decision, focusing on ensuring the ability of faith-based foster-care providers to carry out their mission.

“Culture wars shouldn’t stand in the way of those seeking to care for children in need. That’s why I’m pleased to see Gov. McMaster advocating for agencies like Miracle Hill and also for HHS protecting the rights of those who are dedicated to caring for the most vulnerable,” Moore said.

“Far too many children are waiting, right now, either for adoption or foster families. I’m glad to see in this case that burdensome regulations won’t come at the expense of vulnerable children who need loving homes.”

‘Government-funded religious discrimination’



Amanda Tyler

On the other hand, Amanda Tyler, executive director of the [Baptist Joint Committee for Religious Liberty](#), insisted government-funded programs should not exclude otherwise-qualified foster families on the basis of their religion.

“The BJC opposes government-funded religious discrimination. Today’s action signals a dramatic and troubling shift. This waiver shows more concern for the providers than children in need and willing foster parents,” Tyler said.

“While the government often partners with private religious entities in ways that meet pressing social needs, it must do so with respect for boundaries that separate church and state and protect religious liberty for everyone. Government-funded placement programs should not be allowed to exclude qualified foster parents based on religion.”

‘Sets a dangerous nationwide precedent’

Rachel Laser, president and chief executive officer of Americans United for Separation of Church and State, asserted the waiver establishes a bad precedent and discriminates against vulnerable children.

“This is yet another example of the Trump Administration using religion to

advance a regressive political agenda that harms others. And this time, the target is not only religious minorities, but also our most vulnerable children—those in need of loving homes. It is unconscionable that this administration would use government funds to discriminate against the very populations our laws are designed to protect,” Laser said.

“While this policy is specific to South Carolina, it sets a dangerous nationwide precedent that elevates the beliefs of government-funded programs over the best interests of the children in their care. Religious freedom is a fundamental American right. It should never be used to justify discrimination.”