

House approves protection for religious child welfare agencies

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AUSTIN—The Texas House of Representatives approved a bill that faith-based foster care and adoption agencies praised as a safeguard for their religious liberty rights and opponents called state-sanctioned discrimination, particularly against same-sex couples.

The House voted 93-49 to approve [HB 3859](#) by Rep. James Frank, R-Wichita Falls, which protects the right of religious child welfare agencies that serve as providers in the state's child welfare system to exercise their "sincerely held religious beliefs."

Now the measure moves to the Senate, where Sen. Charles Perry, R-Lubbock, introduced similar legislation, [SB 892](#), which remains in committee.

'Room for all of us to care for these children'

The bill "provides conscience protection for faith-based providers ... who cannot abandon the tenets of our faith, which compels us to assist children in the Texas foster care system," said Randy Daniels, vice president for program development with [Buckner Children and Family Services](#).

"We believe there is room for all of us to care for these children, and we believe this bill ensures the inclusion of everyone, while enabling us to adhere to our deeply held religious convictions."

The [Texas Baptist Christian Life Commission](#) worked with Buckner and other agencies in support of the bill.

"It provides healthy protection for faith-based entities while not impacting

the many other placing agencies,” CLC Director Gus Reyes said, emphasizing faith-based agencies account for 25 percent of the child-placing capacity in Texas.

“This measure is designed to maintain their seat at the table, as the state seeks to solve its foster care crisis,” he continued. “Everyone has a role to play in addressing this crisis, as we believe kids who are wards of the state are our kids. We hope the Senate also passes this measure and that it is signed by the governor.”

‘Essential tool in reform’ or ‘license to discriminate’?

The Texas Catholic Conference of Bishops also supported the bill, calling it “an essential tool in reform” of the state’s child welfare system.

“Conscience protections allow our 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,” said Jennifer Allmon, executive director of the conference.

Kathy Miller, president of the Texas Freedom Network, asserted the bill “would allow extraordinary discrimination in the name of Texas and at taxpayer expense.”

“The bill’s clear intent is to authorize the misuse of religion as a license to discriminate against LGBT families and children in the state’s child welfare system,” she said.

Protect faith-based agencies from litigation

Under the bill, faith-based providers that contract with the state could not be compelled to make a foster or adoptive placement that violates their religious beliefs, such as placing a child in the home of a gay or lesbian

couple.

The bill also protects their right to deny referrals for abortion-related birth-control drugs or devices, to place a child in a parochial school and to refuse to contract with organizations that violate their beliefs.

Faith-based agencies in Texas have a history of providing care for vulnerable children that predates Child Protective Services, said Frank, a deacon at First Baptist Church in Wichita Falls.

“Unfortunately, the ability of many of the faith-based institutions to continue offering services is threatened by the prospect of litigation for declining to provide certain services (such as abortion) because of sincerely held religious beliefs,” Frank said in a statement on his [Facebook page](#).

“At a time when we need all hands on deck, we face the real risk of seeing a large number of these providers leave the field, as they are forced to make the choice between devoting a substantial amount of resources in fighting litigation and other adverse action, or using those resources on other services to fulfill the tenets of their faith.”

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