

IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL DISTRICT
SANGAMON COUNTY, ILLINOIS

CATHOLIC CHARITIES OF THE DIOCESE)
OF SPRINGFIELD-IN-ILLINOIS, an Illinois)
non-profit corporation, CATHOLIC)
CHARITIES OF THE DIOCESE OF PEORIA,)
an Illinois non-profit corporation, CATHOLIC)
CHARITIES OF THE DIOCESE OF JOLIET,)
INC., an Illinois non-profit corporation, and)
CATHOLIC SOCIAL SERVICES OF)
SOUTHERN ILLINOIS, DIOCESE OF)
BELLEVILLE, an Illinois non-profit)
corporation,)

Plaintiffs,)

v.)

STATE OF ILLINOIS, LISA MADIGAN, in)
her official capacity as the Attorney General of)
the State of Illinois, ERWIN McEWEN, in his)
official capacity as Director of the Department)
of Children & Family Services, State of Illinois,)
and the DEPARTMENT OF CHILDREN &)
FAMILY SERVICES, State of Illinois ROCCO)
J. CLAPPS in his official capacity as Director of)
the Department of Human Rights, State of)
Illinois, and the DEAPRTMENT OFHUMAN)
RIGHTS, State of Illinois,)

Defendants, and)

SUSAN TONE PIERCE, as Next Friend and)
on behalf of a certified class of all current and)
future foster children in custody of DCFS in a)
federal case titled *B.H. v. McEwen*, No. 88 cv)
5589 (N.D. Ill. 1988); SARAH RIDDLE and)
KATHERINE WESEMAN,)

Proposed Intervening Defendants.)
)
)
)

Case No. 11-MR-254

Honorable Judge Schmidt
Presiding Judge

**MEMORANDUM OF LAW OF AMICI
CURIAE NATIONAL ASSOCIATION
OF SOCIAL WORKERS, NATIONAL
ASSOCIATION OF SOCIAL WORKERS
ILLINOIS CHAPTER, AND EVAN B.
DONALDSON ADOPTION INSTITUTE
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

**MEMORANDUM OF LAW OF AMICI CURIAE
NATIONAL ASSOCIATION OF SOCIAL WORKERS,
NATIONAL ASSOCIATION OF SOCIAL WORKERS ILLINOIS CHAPTER,
AND EVAN B. DONALDSON ADOPTION INSTITUTE
IN SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT AND IN
OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

STATEMENT OF INTEREST

The National Association of Social Workers (NASW) is the largest association of professional social workers in the world. Established in 1955, it currently has nearly 145,000 members and has chapters throughout the United States, and in Puerto Rico, Guam, and the Virgin Islands, and an International Chapter in Europe. The NASW Illinois Chapter has 6,689 members. With the purpose of developing and disseminating standards of social work practice while strengthening and unifying the social work profession as a whole, NASW provides continuing education, enforces the *NASW Code of Ethics*, conducts research, publishes books and studies, promulgates professional standards and criteria, and develops policy statements on issues of importance to the social work profession.

NASW adopted a policy statement on lesbian and gay issues in 1977, which was subsequently revised and expanded; that policy and the *NASW Code of Ethics* prohibits social workers from discriminating on the basis of sexual orientation. In addition, NASW’s family policy recognizes that lesbian and gay people are a part of existing families and provide important caregiving to children, as well as to other family members (National Association of Social Workers, *Family Policy* in SOCIAL WORK SPEAKS 134 (8th ed., 2009)).

NASW’s policy statement, *Foster Care and Adoption* (National Association of Social Workers, in SOCIAL WORK SPEAKS 146 - 153 (8th ed., 2009)), supports the principle that “Every

child has a right to a permanent, continuous, and nurturing relationship with a parenting person or people who convey to the child an enduring sense of love and care.” Other core principles are that “The best interest of the child is the primary consideration when developing the permanency plan.... Barriers that are unsupported by tested experience — such as resistance to...nontraditional family patterns (including lesbian and gay, bisexual, and transgender parents) as potential foster care and adoption resources—must be removed.” Finally, NASW’s policy states that “The child must, nevertheless, be seen as the primary client whose need for a permanent plan must take priority.”

The Evan B. Donaldson Adoption Institute is a national, non-profit organization devoted to improving adoption policy and practice. To achieve this goal, the Evan B. Donaldson Adoption Institute engages in research regarding adoption, trains and educates child welfare professionals, and advances public policies that support ethical, high quality adoption practices.

Based on their expertise, and because of their dedication to furthering the best interests of children and sound child welfare policies and practices, NASW, NASW Illinois Chapter, and the Evan B. Donaldson Adoption Institute (“Amici”) are gravely concerned about the consequences that would flow from a ruling allowing state-funded organizations to refuse to license prospective foster parents on religious grounds based on the applicants’ sexual orientation and marital status. Amici submit this amicus brief to assist the Court in appreciating how such a ruling would conflict with Illinois law and its child welfare policy, harm children, conflict with competent and professional child welfare practice, and violate the Establishment Clause of the U.S. Constitution and the equivalent guarantee in the Illinois Constitution. Amici urge this Court on these grounds to grant Defendants’ pending motion for summary judgment and deny Plaintiffs’ motion for summary judgment.

INTRODUCTION AND SUMMARY

At the outset, Amici wish to recognize Catholic Charities' laudable history of providing valuable services for at-risk families and vulnerable children. Numerous employees of Catholic Charities diligently care for the children and families they serve both with professionalism and compassion. That the position of the Catholic Charities Dioceses that brought this lawsuit is without merit does not diminish the valuable contributions of these individuals, or the immeasurable impact they have made in improving the lives of Illinois children.

In this case, however, four Dioceses of Catholic Charities ("Plaintiffs" or "the Dioceses") seek a court order declaring that they are entitled to new contracts with the State of Illinois to perform state-funded services for children in state care even though the Dioceses insist on excluding a broad class of prospective foster parents from consideration as potential placements for the children in their care – and they acknowledge that their reasons for doing so are completely unrelated to child welfare. As explained below, to permit these Dioceses to perform foster care services in this manner would do a grave disservice to Illinois children.

Illinois child welfare statutes, regulations, case law, and public policy require that child placement decisions be made in accordance with an individualized determination on a case-by-case basis of which home best serves each child's unique needs, and forbid discrimination on the basis of sexual orientation and marital status. Governing professional and ethical standards for child welfare professionals also prohibit the intrusion of bias into child placement determinations. There is no child welfare-related justification whatsoever for excluding couples in civil unions from consideration as foster parents, and the Dioceses do not argue that there is. The categorical elimination of a class of prospective foster homes from consideration is not

permitted under Illinois law, and could deny many children their best opportunity for a better life.

In addition, the relief Plaintiffs seek would be unconstitutional as a matter of state and federal law. The Dioceses object on religious grounds to placing the children in their care in the homes of couples in civil unions and state that their *only* basis for refusing to process these couples' applications to be foster parents is religious. They bring this lawsuit seeking state funds to continue what they themselves describe as a "religious practice" of "declining as a matter of conscience to process foster care and adoption applications from unmarried cohabiting couples" (Second Amended Complaint at ¶9). Such an outcome is impermissible. The Establishment Clause of the First Amendment and Article X, Section 3 of the Illinois Constitution both absolutely prohibit state-funded service providers from determining who receives services by reference to religion. This is precisely what the Dioceses acknowledge that they seek to do.

The ramifications of the Dioceses' claim are extraordinary. If permitted to succeed, it would permit the intrusion of impermissible and discriminatory considerations contrary to child welfare into foster care placement decisions, and light the way for the discriminatory provision of state-sanctioned social services by religious providers in numerous other contexts. It also would send a state-sanctioned message of exclusion not only to unmarried couples in civil unions, but also to lesbian and gay foster children, who would be told that they are morally unworthy ever of forming families of their own. Illinois law and public policy and the Establishment Clause protect the children in state care from experiencing such a result.

ARGUMENT

- 1. To exclude children categorically from certain prospective foster homes based solely on the dictates of a particular religious doctrine would conflict with Illinois child welfare law and policy, would deny many children the placements that best serve their best interests, and would not constitute competent and professional provision of child welfare services.**

The State of Illinois' overarching mandate in providing child welfare social services is to make child placements in accordance with an individualized determination of what is in each child's best interest. *See* 45 C.F.R. § 1355.34(c) (2011); 750 ILCS 50/20a (2010) ("The best interests and welfare of the person to be adopted shall be of paramount consideration in the construction and interpretation of this Act") (Adoption Act); 20 ILCS 505/5(1-1) (2010) (When placing a child in substitute care, the child's best interests "shall be the paramount concern") (Child Family Services Act); 705 ILCS 405/1-3(4.05) (2011) (Juvenile Court Act); 20 ILCS 520/1-5, 1-15(12) (2010) (Foster Parent Law); Ill. Adm. Code tit. 89, § 301.60 (2011); *In re M.P.*, 928 N.E.2d 1287 (Ill. App. Ct. 2010). In child welfare matters, "[a] child's best interest is not part of an equation. It is not to be balanced against any other interest... [A] child's best interest is and must remain inviolate and impregnable from all other factors." *In the Interest of Ashley K.*, 212 Ill. App. 3d 849, 879 (1st Dist. 1991). Indeed, "the best interests of the child is the paramount consideration to which no other takes precedence." *In re I.H.*, 238 Ill. 2d 430, 445 (2010) (quoting *In re Austin W.*, 214 Ill. 2d 31, 49 (2005)); *see also In re Terrell L.*, 368 Ill. App. 3d 1041, 1046 (1st Dist. 2006). For social service providers to exclude children categorically from an entire class of homes based on the dictates of a particular faith would conflict with this mandate.

Illinois has a comprehensive statutory and regulatory scheme designed to ensure successful child placement by careful evaluation of prospective foster and adoptive parents in

light of the particularized needs of each individual child. The Illinois Department of Children and Family Services (“DCFS”) conducts a case-by-case evaluation of each prospective foster parent that includes background checks and a home study including an individualized recommendation regarding the type of child a family is best suited to parent. Ill. Admin. Code tit. 89, § 402.4(c)-(d). While DCFS requires all foster parents to be “stable, law abiding, responsible, mature individuals,” DCFS makes an individualized assessment as to their “health, strength, and mobility” in order to determine the best match between children and parents. Ill. Admin. Code tit. 89, § 402.12(c), (d)(1) (2011). Understanding the uniqueness of each child’s needs, DCFS looks for foster parents who are “sensitive to issues of culture, ethnicity, religion, and children’s connectedness with their families” 20 ILCS 520/1-5 (2011). Other factors DCFS examines include the prospective foster parent’s “characteristics, limitations, and responsibilities[.]” Ill. Admin. Code tit. 89 § 402.12(d)(3); health, *id.* at § 402.14; employment, *id.* at § 402.11; and financial resources, *id.* at § 402.12 (j). In addition, DCFS takes into consideration the foster parents’ own children already in the home, *id.* § 402.12 (d)(2) (2011), and the religious beliefs of the child and prospective foster parents. 225 ILCS 10/13 (2011). Allowing religiously-affiliated child welfare agencies to refuse to process a category of license applications – those of same-sex or different-sex couples in civil unions -- undermines the individualized evaluation process codified in Illinois’ statutes and regulations, as well as in DCFS’ policy documents. *See* Ill. Dep’t of Child. & Family Svcs., Procedures § 301.60(b), *Placement Selection Criteria: Assessing the Child’s Individual Needs*.

Declining to process a category of would-be foster parents’ applications diminishes the number of prospective homes for children in need, undermining the state’s interest in achieving permanency and stability for children, *see* 705 ILCS 405/1-2(1). Allowing faith-based agencies

agencies to obstruct the applications of a category of capable, caring parents increases the likelihood of institutionalization for Illinois children and prolongs the period of impermanency, which is not in any child's best interests. 45 C.F.R. § 1355.25(c) (2011); Ill. Adm. Code tit. 89, § 315 (2011).

The sexual orientation of the prospective adoptive parents has no bearing on any of the factors used to assess the fitness of a home for an Illinois child, and accordingly none of the requirements or factors used in DCFS' evaluations bears any relationship to the sexual orientation of the prospective foster parents. *See* Ill. Admin. Code tit. 89, § 309.110(c) (2011). Illinois law requires courts and social service professionals to make child welfare decisions, including decisions concerning foster and adoptive placements, without bias and on a sexual orientation-neutral basis. *In re C.M.A.*, 306 Ill. App. 3d 1061, 1067, 715 N.E.2d 674 (1999) (sexual orientation not relevant to adoption); *Petition of K.M.*, 274 Ill. App. 3d 189, 194, 653 N.E.2d 888 (same); *In re Marriage of R.S. and S.S.*, 286 Ill. App. 3d 1046, 1055, 677 N.E.2d 1297 (1996) (custody); *In re Marriage of Pleasant*, 256 Ill. App. 3d 742, 752, 755, 628 N.E.2d 633 (1993) (visitation). Illinois statutes prohibit discrimination in essential aspects involved in the provision of foster care and adoption services, including in the licensing of social workers, 225 ILCS 20/7 (2011), and family therapists, 225 ILCS 55/30(c) (2011).

Individual biases – whether grounded in the dictates of a particular faith or otherwise – may not play a role in child placement decisions. “Private biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect.” *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984) (custody decision cannot turn on negative attitudes toward interracial relationships); *Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985) (zoning decision cannot turn on negative attitudes toward mentally disabled, even though discrimination based on

mental disability is not suspect, citing *Palmore*). Courts may not countenance any form of private bias skewing recommendations as to a child's best interests. *See* Ill. Supreme Court Rule 63(A)(8) and (9).

Additionally, child welfare professionals must abide by professional ethical obligations to refrain from discriminatory practices. *See, e.g.*, NATIONAL ASSOCIATION OF SOCIAL WORKERS, CODE OF ETHICS R. 4.02 (2008) ("NASW Ethics Code"), *available at* <http://www.socialworkers.org/pubs/code/code.asp> (emphasis added) ("[s]ocial workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, *sexual orientation*, age, *marital status*, political belief, religion, or mental or physical disability") (emphasis added). Not only are social workers required to refrain from discrimination on the basis of sexual orientation or marital status, they also are instructed to work actively to eliminate such discrimination. *See* NASW Ethics Code R. 6.04(d) ("[s]ocial workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any person, group, or class on the basis of race, ethnicity, national origin, color, sex, *sexual orientation*, gender identity or expression, age, *marital status*, political belief, religion, immigration status, or mental or physical disability") (emphasis added). Social workers are subject to an obligation to practice ethically even if their employers' policies instruct them to do otherwise. *See* NASW Ethics Code R. 3.09(a) (stating, in relevant part, that "[s]ocial workers should not allow an employing organization's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work...").

No child welfare basis exists for discriminating against lesbians and gay men in foster parenting or adoption. An overwhelming body of scholarly research demonstrates that no correlation exists between parental sexual orientation and the ability to be a good parent or to

raise healthy and well-adjusted children,¹ and that the children of same-sex couples and heterosexual couples exhibit no significant differences on a wide variety of child health and welfare measures.² Accordingly, all of the leading child welfare professional organizations, including the American Academy of Pediatrics, the National Association of Social Workers, the Child Welfare League of America, the North American Council on Adoptable Children, and the Evan B. Donaldson Adoption Institute strongly support the practice of licensing lesbian and gay people as foster and adoptive parents according to identical criteria applied to all other applicants.³ These child welfare organizations also acknowledge that efforts to prohibit lesbian

¹ See, e.g., Am. Acad. of Pediatrics, *Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 341, 343 (2002) (hereinafter “AAP *Technical Report*”); Am. Acad. of Child & Adolescent Psychiatry, Policy Statement, *Gay, Lesbian, Bisexual or Transgender Parents Policy Statement* (2009), http://www.aacap.org/cs/root/policy_statements/gay_lesbian_transgender_and_bisexual_parents_policy_statement; Child Welfare League of Am., *Position Statement on Parenting of Children by Gay, Lesbian, and Bisexual Adults* (hereinafter “CWLA *Position Statement*”), <http://www.cwla.org/programs/culture/glbtposition.htm>; Child Welfare League of Am., *Standards of Excellence for Family Foster Care Services* § 3.18 (1995) (hereinafter “CWLA *Standards of Excellence*”).

² See, e.g., AAP *Technical Report*, *supra* note 1 at 339; Am. Psychiatric Assoc., Position Statement, *Adoption and Co-parenting of Children by Same-sex Couples: Position Statement* (Nov. 2002), <http://www.psych.org/Departments/EDU/Library/APAOfficialDocumentsandRelated/PositionStatements/200214.aspx>.

³ See, e.g., AAP *Technical Report*, *supra* note 1 at 343; Nat’l Assoc. of Soc. Workers, *Foster Care and Adoption*, SOCIAL WORK SPEAKS 150 (8th ed., 2009) (“Legislation seeking to restrict foster care and adoption by gay, lesbian, bisexual and transgender people should be vigorously opposed.”) (hereinafter “NASW *Foster Care and Adoption*”); CWLA *Standards of Excellence*, *supra* note 6 at § 4.7; N. Am. Council on Adoptable Children, *Position Statements: Eliminating Categorical Restrictions in Foster Care and Adoption* (2007), <http://www.nacac.org/policy/positions.html#eliminating> (hereinafter “NACAC *Eliminating Categorical Restrictions*”); Jeanne Howard, Evan B. Donaldson Adoption Inst., *Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer for Boys and*

and gay adults from serving as foster and adoptive parents are contrary to the mainstream professional consensus.⁴ Indeed, when state courts have considered the legality of measures that prevent gay or lesbian individuals from being foster or adoptive parents, they have issued decisions vigorously affirming the position that categorical restrictions aimed at preventing adoption and foster care placements with lesbian or gay persons are neither constitutional nor in the best interests of children. *See, e.g., Ark. Dep't of Human Servs. v. Cole*, No. 10-840, 2011 Ark. LEXIS 131 at *24-25 (Ark. 2011); *Fla. Dep't of Children & Families v. Adoption of X.X.G.*, 45 So. 3d 79, 87-88 (Fla. 3d DCA 2010); *Dep't of Human Servs. v. Howard*, 238 S.W.3d 1, 8 (Ark. 2006). It is impossible to reconcile the expert consensus that there is no child welfare justification for discriminating against same-sex couples in adoption or foster care with allowing state-funded agencies to exclude from consideration same-sex and different-sex couples in civil unions.

A foster care agency that insists upon excluding an entire class of people from consideration as potential foster parents for reasons completely unrelated to child welfare is not performing the essential features of its function – namely, the provision of competent and professional care to children. In contexts where individual social service employees have made

Girls Who Need Homes? (2006)

http://www.adoptioninstitute.org/policy/2006_Expanding_Resources_for_Children.php; Jeanne Howard & Madelyn Freundlich, Evan B. Donaldson Adoption Inst., *Expanding Resources for Waiting Children II: Eliminating Legal and Practice Barriers to Gay and Lesbian Adoption from Foster Care* (2008),

http://www.adoptioninstitute.org/publications/2008_09_Expanding_Resources_Legal.pdf.

⁴ *See, e.g., CWLA Position Statement, supra* note 1; N. Am. Council on Adoptable Children, *Position Statements: Gay and Lesbian Adoptions and Foster Care* (2007), <http://www.nacac.org/policy/positions.html#gay>; Howard, *supra* note 3 (“Based on both the available research and growing experience, adoption by gays and lesbians holds promise as an avenue for achieving permanency for many of the waiting children in foster care....”).

similar claims of religious freedom to exclude categorically a class of people from services – whether in private practice or as public employees – courts have sided with the employer, finding that the employee was not entitled to religious accommodation, and that the employee was not adequately performing the job required. *See, e.g., Bruff v. North Mississippi Health Services, Inc.*, 244 F.3d 495, 497-98 (5th Cir. 2001) (employer was not required under Title VII to accommodate a counselor-employee by excusing her from counseling patients on subjects that conflicted with her religious beliefs; the court noted that, in contrast to the typical religious accommodation request, the plaintiff counselor who refused to counsel patients about their nonmarital relationships “determined that she would not perform some aspects of the position itself”); *Knight v. Connecticut Dept. of Public Health*, 275 F.3d 156, 164-65 (2nd Cir. 2001) (denying free exercise claims of two public employees, a nurse and sign language interpreter, both because their religious speech at work impeded their ability to do the job, and because to permit them to share their religious beliefs with clients while conducting state business would raise a “legitimate First Amendment Establishment Clause concern”); *Berry v. Department of Social Services*, 447 F.3d 642 (9th Cir. 2006) (county social services employer entitled to prohibit employee from discussing religious beliefs with clients because of potential for Establishment Clause violation); *Keeton v. Anderson-Wiley*, 733 F. Supp.2d 1368 (S.D. Ga. 2010), *appeal pending* (public university entitled to dismiss student from counseling program after she insisted that she would counsel gay or lesbian clients that they could change their sexual orientation through religious therapy); *Ward v. Wilbanks*, 2010 U.S. Dist. LEXIS 127038 (E.D. Mich. Jul. 26, 2010), *appeal pending* (public university entitled to dismiss student from counseling program after she refused to counsel gay or lesbian clients about their relationships); *Moore v. Metropolitan Human Service Dist.*, Slip Copy, 2010 WL 3982312 (E.D. La. 2010) (public

employee social worker not entitled to religious accommodation after being told not to engage in Christian counseling methods or else she would face termination; court noted that limiting her religious interactions with clients was necessary to avoid an Establishment Clause violation). If an individual employee voicing similar desires to discriminate or otherwise engage in religious activity is unqualified to perform social services, then certainly a state-funded agency caring for children on behalf of the state is similarly unqualified.

For some children in the Dioceses' care, the best foster home may be the home of a jointly licensed couple in a civil union. To permit the Dioceses to refuse to consider such a home for reasons that have nothing to do with child welfare would violate the body of Illinois law that requires an individualized determination of each child's best interests.⁵ Additionally, to allow the Dioceses to exclude an entire class of potential foster parents based on their sexual orientation or marital status would contravene Illinois law prohibiting discrimination, and would run contrary to the ethical standards governing child welfare providers. Most importantly, however, to permit the Dioceses to limit the options of the children in its care based on discriminatory reasons, regardless of the needs of any individual child, could cause some Illinois children to be deprived of the family that best suits their needs.

⁵ The Dioceses argue that their refusal to license couples in civil unions does not have a negative impact on children because their discrimination takes place only *before* a child enters the system, and they claim that they will abide by Illinois law once a child is in the system. *See, e.g.*, Third Declaration of Patricia Fox in Support of Plaintiffs' Motion for Summary Judgment, ¶12. This is demonstrably untrue. For example, if a Diocese has a child in its care whose best option turns out to be placement with a relative who is in a civil union, but the Diocese refuses to license that relative, the Diocese has placed an obstacle between the child and his or her best interests, causing delay and instability for that child while the relative seeks an agency farther afield to process the application. *See id* at ¶15, noting the "paucity" of providers in many areas of Illinois.

2. The Establishment Clause and Article X, Section 3 of the Illinois Constitution constrain the State from funding foster care service providers who define the eligibility for social services by reference to religion.

The Dioceses impermissibly demand that the state fund what they call their “religious practice” of “declining as a matter of conscience to process foster care and adoption applications from unmarried cohabiting couples.” Complaint at ¶9. The Dioceses make no claim that their exclusionary practices are based in genuine child welfare needs – and of course they cannot do so, as Point I, *supra*, makes clear. Instead, their demand to exclude a class of people from state-funded services is based on criteria that derive solely “from plaintiffs’ religious faith, and not from ‘statute, administrative rule, common law, or any other source of civil or criminal law’”⁶ The State correctly has determined that funding what Plaintiffs call their religious practice of refusing to license couples in civil unions would violate the Establishment Clause.⁷

⁶ See also *id.* at ¶4 [sic – referring to the first paragraph so designated] (“As plaintiffs’ provision of adoption and foster care services and their declining to provide said services to unmarried couples, regardless of sexual orientation, are essential parts of their religious mission and religious practice”); ¶7 (referring to their exclusionary provision of social services as a “religious practice”); ¶9 (stating that plaintiffs “decline to provide [services to unmarried individuals] on account of [plaintiffs’] religion-based conscientious objections,” and referring to the act of “declining as a matter of conscience to process foster care and adoption applications from unmarried cohabiting couples, whatever their sexual orientation,” as a “religious practice”); ¶13 (“Nor do plaintiffs believe in the slightest that they are illegally discriminating . . . by virtue of their faithful religious practice in connection with adoptions and foster care”); ¶34 (“Nor are plaintiffs bound by any provisions restricting their religious practice with reference to adoption and foster care in plaintiffs’ contracts”); ¶39 (“Catholic Charities’ religiously grounded practice of declining to entertain or process applications for foster care or adoption on the part of unmarried same sex or heterosexual cohabiting couples”); ¶44 (stating that their refusal to process applications of unmarried couples derives from “sincerely held, fundamental religious convictions with respect to the morality of sexual cohabitation outside of marriage, and the morality of placing children for adoption or foster care in the homes of unmarried cohabiting couples”); ¶45 (describing their refusal to process unmarried couples’ applications as a “religiously based moral objection” and as derived from “sincere, deeply held, conscientious *religious* objections to what they deem immoral”); ¶47 (“deep-seated religion-based conscientious objections” to processing applications); ¶57 (expressing the “expectation” not only of continued state funding to recoup expense but also to support their “exercise of religious faith”).

The Dioceses argue that they will refer unmarried couples in civil unions to “other agencies,” and that therefore “no couple would be *denied* access to legally available adoption and foster care services” as a result of the Dioceses’ religious practice of denying such couples’ applications (Complaint at ¶3) (emphasis in original). However, this is plainly inadequate. As shown below, longstanding Establishment Clause precedent makes clear that state-funded social service providers may not deny an entire class of people services on religious grounds simply because the would-be applicants might be treated better elsewhere. A state-funded social service provider may not fence out applicants for a state license based on its own religious eligibility criteria.

The First Amendment provides that “Congress shall make no law respecting an establishment of religion.” U.S. Const. amend. I.⁸ Laws intended to advance or inhibit religion, or having either effect, violate the Establishment Clause. *Agostini v. Felton*, 527 U.S. 203, 222-23 (1997). Applied to the states through the due process clause of the Fourteenth Amendment, the Establishment Clause proscribes “sponsorship, financial support, and active involvement of [the state] in religious activity.” *Committee for Public Education and Religious Liberty et al. v. Nyquist*, 413 U.S. 756, 772 (1973) (citation omitted); *see also, e.g., Venters v. City of Delphi*, 123 F.3d 956, 969 (7th Cir. 1997) (“Broadly speaking, the establishment clause prohibits both the

⁷ While Amici do not address in this memorandum Plaintiffs’ arguments concerning the Illinois Religious Freedom Restoration Act, 775 ILCS 35/1, *et seq.* (“RFRA”), Amici agree with Defendants’ position that the state’s requirement of nondiscrimination in state contracts for the provision of child welfare services does not constitute a substantial burden on the Dioceses’ “exercise of religion” as defined in RFRA. 775 ILCS 35/15.

⁸ Additionally, the “Blaine Amendment” of the Illinois Constitution, IL Const. art. X §3, “Imposes restrictions concerning the establishment of religion that are identical to those imposed by the first amendment to the constitution of the United States.” *Klinger v. Howlett*, 56 Ill.2d 1, 3 (1973); *see also, Board of Education v. Bakalis*, 54 Ill.2d 448 (1973); *People v. Falbe*, 189 Ill.2d 635, 645 (2000).

national government and, through the operation of the Fourteenth Amendment, the states,” from “taking action that has the purpose or effect of promoting religion or a particular religious faith”) (citations omitted).

It is axiomatic that government may not fund religious organizations or institutions to perform religious practices, but may fund such organizations exclusively to perform a strictly *secular* function, so long as the organizations use neutral non-religious eligibility criteria in serving the public. *See, e.g., Bowen v. Kendrick*, 487 U.S. 589, 612 (1988) (in which the United States Supreme Court characterized its precedent as striking down “programs that entail an unacceptable risk that government funding would be used to ‘advance the religious mission’ of the religious institution receiving aid,” and noted that grantees of public aid must carry out their functions “in a lawful secular manner”); *see also id* at 623 (O’Connor, J., concurring) (“any use of public funds to promote religious doctrine violates the *Establishment Clause*”) (emphasis in original).⁹ In *Bowen*, for example, the Court analyzed a prior case in which the Court had found it permissible under the Establishment Clause to fund the construction of a hospital “conducted under the auspices of the Roman Catholic Church” in light of the “*purely secular* legal character” of the hospital operations, and “*particularly in the absence of any allegation that the hospital discriminated on the basis of religion or operated in any way inconsistent with its*

⁹ That an organization may have religious motives for performing a secular service is not significant in and of itself. Funding of a sectarian institution is not forbidden when the inherently religious nature of the institution can be separated from its secular work. *See Bowen*, 487 U.S. at 621. A grant recipient may be religiously inspired to do the work as long as government aid does not fund “specifically religious activities in an otherwise substantially secular setting.” *Hunt v. McNair*, 413 U.S. 734, 743 (1973); *see also Children’s Healthcare is a Legal Duty, Inc. v. Min De Parle*, 212 F.3d 1084, 1100 (8th Cir. 2000) (permitting funding of Christian Science sanatoria because the physical nursing service to sick individuals was separable from any religious activity taking place within the sanatoria).

secular charter.”*Id.* at 609, citing *Bradfield v. Roberts*, 175 U.S. 291 (1899).¹⁰ By contrast, the Dioceses’ administration of state-funded services pursuant to contract is, by their own admission, based expressly on religious criteria in determining who may apply for licenses and how foster placement will be accomplished.

Under a long line of United States Supreme Court precedent, “government practice is permissible for purposes of Establishment Clause analysis only if it meets the following test: (1) it has a secular purpose; (2) its principal or primary effect neither advances nor inhibits religion; and (3) it does not foster an excessive entanglement with religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971). With respect to government funding cases in particular, three further criteria are decisive. A court must consider whether government aid (1) results in governmental indoctrination; (2) defines recipients by reference to religion; or (3) creates excessive entanglement. *Agostini*, 523 U.S. at 234-35; *Mitchell*, 530 U.S. at 813. Publicly funded government services must be “ ‘allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a nondiscriminatory basis.’” *Mitchell*, 530 U.S. at 813, *quoting Agostini*, 523 U.S. at 231; *id.* at 845 (O’Connor, J., concurring in judgment); *see also, e.g., Americans United for Separation of*

¹⁰ *See also Zelman v. Simmons-Harris et al.*, 536 U.S. 639, 652-53 (2002) (government aid program must have neutral eligibility criteria with respect to religion); *Roemer v. Maryland Public Works Board*, 426 U.S. 736, 746 (1976) (plurality opinion) (“the State may send a cleric, indeed even a clerical order, to perform a *wholly secular task*”) (emphasis added); *Committee for Public Education & Religious Liberty v. Regan*, 444 U.S. 646, 659 (1980) (government funding must “cover only secular services”); *AJC v. Corporation for National and Community Service*, 399 F.3d 351, 357 (D.C. Cir. 2005) (government must “distribute funds in a manner that is neutral with respect to religion”). “In the absence of an effective means of guaranteeing that the state aid derived from public funds will be used exclusively for secular, neutral, and nonideological purposes, it is clear from our cases that direct aid in whatever form is invalid.” *Committee for Public Education & Religious Liberty v. Nyquist*, 413 U.S. 756, 780 (1973).

Church and State v. Prison Fellowship Ministries, 509 F.3d 406, 425 (8th Cir. 2007).¹¹ Here, what the Dioceses propose to do is expressly to define the recipients of state services by reference to religion.¹²

Moreover, courts are particularly concerned about avoiding Establishment Clause violations in contexts involving children because of their vulnerability to coercion, social pressures, and messages of exclusion. *See Teen Ranch v. Udow*, 479 F.3d 403, 409 (6th Cir.

¹¹ The line of Establishment Clause cases that discuss *indirect* funding of sectarian institutions, such as the use of vouchers to send students to parochial schools, is not applicable here because the Dioceses' funding flows directly from the state pursuant to a state contract. *See, e.g., Zelman*, 536 U.S. 639. Government funding qualifies as indirect only when it is a result of the "genuinely independent and private choices of individuals" as opposed to the "unmediated will of government." *Mitchell v. Helms*, 530 U.S. 793, 810 (2000), quoting *Agostini, supra*, 521 U.S. at 226 (internal quotation omitted). State funding here does not turn on the individual choices either of children in foster care (or, for that matter, of unmarried couples in civil unions seeking to become licensed foster parents, whom the Dioceses seek to exclude from its services). Children have no choice about whether they will enter the foster care system, and many if not most children have little or no meaningful choice about the state's selection of an agency to handle their care, about the case workers to which they will be assigned, or about the facility or home in which the state will place them. *See, e.g., Teen Ranch v. Udow*, 479 F.3d 403, 409 (6th Cir. 2007) (state funding of faith-based child welfare social service provider was direct and not indirect); *Americans United for Separation of Church and State v. Prison Fellowship Ministries, Inc.*, 509 F.3d 406 (8th Cir. 2007) (state funding of social service provider for inmates in prison constituted direct aid rather than indirect government aid because "the inmate had no genuine and independent private choice because he had only one option"), citing *Zelman*, 536 U.S. at 652-53, approving *Mitchell*, 530 U.S. at 842-43, concurring in judgment) (explaining that per-recipient direct aid to religious organizations is perceived differently from aid that recipients choose to use at religious or secular organizations).

¹² The beneficiaries of the Dioceses' services include not only the children in state care, but the individuals who apply for licenses to be foster parents. Applicants seek licenses to become foster parents for many reasons, including the desire to increase their families or to provide loving temporary care for a related child when a family member is unable to do so. The Dioceses acknowledge repeatedly that the act of processing applications for foster care licenses on behalf of couples in civil unions constitutes a "service" to these individuals, and that the Dioceses are "bound to render" these "services for the government" if they enter into a renewed contract with the state. *See* Complaint at ¶¶3, 4 [sic – second paragraph so designated], 9. Consequently, when the Dioceses decline to process applications for couples in civil unions, they are limiting the beneficiaries of a state-funded service based on the dictates of a particular religion.

2007) (noting the heightened concerns present in cases that involve children); *Lee v. Weisman*, 505 U.S. 577, syllabus, 588, 590-94, 598 (1992) (adolescents are particularly vulnerable, and the state imprimatur of religion is particularly problematic when a school-age student had no real alternative that “would have allowed her to avoid the fact or appearance of participation” in religious exercise; school prayers “bore the imprint of the State and thus put school-age children who objected in an untenable position”).

The Establishment Clause’s longstanding ban on government support for religious practice serves equality principles as well as protecting religious liberty. Preventing government funding of religious activities protects those who are fenced out from such services from experiencing both the dignitary and tangible harms that would result from being excluded on a discriminatory basis from government benefits and protections. “It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.” *Lee v. Weisman*, 505 U.S. 577, 596 (1992). “When the government puts its *imprimatur* on a particular religion, it conveys a message of exclusion to all those who do not adhere to the favored beliefs. A government cannot be premised on the belief that all persons are created equal when it asserts that God prefers some.” *Id.* at 606-07 (Blackmun, concurring). “The Establishment Clause is infringed when the government makes adherence to religion relevant to a person’s standing in the political community. Direct government action endorsing religion or a particular religious practice is invalid under this approach because it sends a message to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *Id.* at 607, citing *Wallace v. Jaffree*, 472 U.S. 38, 69 (1985) (O’Connor, J., concurring in judgment) (internal

quotation marks omitted); *accord, Santa Fe Independent School District v. Doe*, 530 U.S. 290, 309-10, 312 (2000) (quoting same).

State-sanctioned discrimination against couples in civil unions would send a message of exclusion not only to the members of the couples themselves, but also to lesbian and gay youth in state care.¹³ Gay, lesbian, and gender-nonconforming adolescents are disproportionately represented in foster care populations because they often experience rejection by their own families.¹⁴ The National Network of Runaway and Youth Services has estimated that 20-40% of youths who become homeless each year are lesbian, gay or bisexual,¹⁵ and reports from urban centers serving runaway adolescents likewise have shown similar percentages of LGBT youth among their clients.¹⁶ These LGBT youth often cycle through foster homes, group homes, and

¹³ The core feelings and attractions that form the basis for adult sexual orientation typically emerge by early adolescence (Dennis A. Anderson, *Lesbian and Gay Adolescents: Social and Developmental Considerations*, 77 *The High School J.* 13 (1993-1994); Richard R. Troiden, *The Formation of Homosexual Identities*, 17 *J. Homosexuality* 43 (1989)). Gender non-conforming behavior often manifests earlier in childhood. *See, e.g.*, Gerald P. Mallon, *Practice with Transgendered Children*, in *Social Services with Transgendered Youth* (Gerald P. Mallon ed., 1999).

¹⁴ For example, research on gay adolescent males found that 50% reported negative reactions from their parents when they disclosed their sexual identity, and that 26% were forced to leave home as a result. *See* Paul Gibson, *Gay Male and Lesbian Youth Suicide*, in *Report of the Secretary's Task Force on Youth Suicide*, at 3-112 (U.S. Dept. of Health and Human Services ed., 1989). In another survey, 33% of gay men and 34% of lesbians reported suffering physical violence at the hands of a family member as the result of their sexual orientation. *See* Philadelphia Lesbian and Gay Task Force, *Discrimination and Violence Against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania* (1996); *see also* Emery S. Hetrick & A. Damien Martin, *Developmental Issues and Their Resolution for Gay and Lesbian Adolescents*, in *Psychotherapy with Homosexual Men and Women* (Eli Coleman ed., 1987).

¹⁵ Reported in Pierre J. Tremblay, *The Gay, Lesbian and Bisexual Factor in the Youth Suicide Problem* (1994), at <http://www.virtualcity.com/youthsuicide/book.html>.

¹⁶ Gerald P. Mallon, *Let's Get This Straight: A Gay- and Lesbian-Affirming Approach to Child Welfare* (1999), at 129; Caitlin Ryan & Donna Futterman, *Lesbian & Gay Youth, Care & Counseling* 25-26 (1998); Child Welfare League of America, *Serving Gay & Lesbian Youths:*

the streets.

If the Dioceses' claim is permitted to succeed, these children would be told by the authorities caring for them and by their government that they are morally unworthy ever of forming families of their own, and that their future relationships in adulthood – no matter how loving, how committed, or how responsible – will be inferior to those in other families. For adolescents who are already confronting the myriad challenges associated with being in foster care, this is particularly damaging. “[T]he experience of gay, lesbian, and bisexual teenagers is often one of isolation, fear of stigmatization, and lack of peer or familial support.”¹⁷ LGBT

The Role of Child Welfare Agencies 1, 7 (1991); Gabe Kruks, Gay and Lesbian Homeless/Street Youth: Special Issues and Concerns, 12 J. Adolescent Health 515 (1991); Seattle Commission on Gay and Lesbian Youth, Report on Gay and Lesbian Youth in Seattle 13 (1988).

¹⁷ Just the Facts Coalition, *Just the facts about sexual orientation and youth: A primer for principals, educators, and school personnel*, Washington, DC: American Psychological Association (2008) Retrieved from www.apa.org/pi/lgbcp/publications/justthefacts.html. (hereinafter “Just the Facts”). In response to numerous studies describing the harm suffered by lesbian and gay individuals as a result of societal prejudices against them, the U.S. Surgeon General has stated that “our culture often stigmatizes homosexual behavior, identity and relationships These anti-homosexual attitudes are associated with psychological distress for homosexual persons and may have a negative impact on mental health, including a greater incidence of depression and suicide, lower self-acceptance and a greater likelihood of hiding sexual orientation[.]” David Satcher, Surgeon General, U.S. Dep’t of Health & Human Servs., *The Surgeon General’s Call to Action to Promote Sexual Health and Responsible Sexual Behavior* 4 (July 9, 2001) (internal citations omitted), available at www.surgeongeneral.gov/library/sexualhealth/call.pdf. The American Psychological Association similarly has recognized that “sexual stigma, manifested as prejudice and discrimination directed at non-heterosexual sexual orientations and identities, is a major source of stress for sexual minorities” and “a factor in mental health disparities found in some sexual minorities.” Am. Psychol. Ass’n, Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation (hereinafter “APA Report”) 1 (2009), available at www.apa.org/pi/lgbt/resources/therapeutic-response.pdf. As with other historically stigmatized groups, the impact of social prejudice is especially pronounced among the young, who experience self-hatred when they internalize societal prejudice against same-sex relationships. Ilan H. Meyer, Prejudice, Social Stress, and Mental Health in Lesbian, Gay & Bisexual Populations: Conceptual Issues and Research Evidence, 129 Psychol. Bull. 674, 680-85 (2003).

youth who experience rejecting behaviors from their caregivers are severely impacted and risk significantly higher levels of mental health problems, substance abuse, sexual endangerment, and suicide attempts compared to counterparts who have received familial acceptance and support.¹⁸ The Establishment Clause protects these children – who are among the most vulnerable members of our society – from a government-sanctioned message that they are “not full members of the political community.” *Santa Fe, supra*, 530 U.S. at 309.

Several recent federal appeals court decisions illustrate the unprecedented scope and impropriety of the Dioceses’ demand in this case. In *Teen Ranch, Inc. v. Udow*, 479 F.3d 403 (6th Cir. 2007), a faith-based provider of social services to troubled youth in state care brought suit against the state of Michigan after the state declined to renew its contract on the ground that Teen Ranch was unwilling to modify its practice of incorporating religious beliefs into its programming. *Id.* at 407. Teen Ranch raised many of the claims brought by plaintiffs here, alleging that Teen Ranch was entitled to further state contracts, and that not renewing the contracts violated the Free Exercise Clause of the First Amendment, and the Due Process Clause. *Id.* The Sixth Circuit rejected all of Teen Ranch’s claims, holding, among other things, that the state “cannot fund placements at Teen Ranch [given the religious programming] without running afoul of the . . . Establishment Clause.” *Id.* at 409. The court also concluded that the state’s refusal to fund Teen Ranch’s religious programming did not violate Teen Ranch’s free exercise

¹⁸ Caitlin Ryan et al., Abstract, *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 *Pediatrics* 346, 349-350 (2009); see also Belinda Needham & Erika Austin, *Sexual Orientation, Parental Support, and Health During the Transition to Young Adulthood*, 39 *J. Youth & Adolescence* 1189, 1196 (2010); Caitlin Ryan, *Family Acceptance in Adolescence and the Health of LGBT Young Adults*, 23 *J. Child & Adolescent Psychiatric Nursing* 205, 208 (2010) (youth reporting low levels of family acceptance had significantly worse scores for negative health outcomes such as depression, substance abuse, and suicidal ideation and attempts).

or free speech rights, and that the termination of its contract did not violate due process. *Id.* at 409-10; *see also* *Pedreira v. Kentucky Baptist Homes for Children*, 579 F.3d 722 (6th Cir. 2009) (denying motion to dismiss an Establishment Clause claim alleging that a faith-based social service provider impermissibly had used state funds to inculcate religion and discriminate against youth who were not co-religionists, and holding that the facts of an employee’s termination for being a lesbian were relevant to determination of whether there was a violation of the Establishment Clause). In another instructive case, *Americans United for Separation of Church and State v. Prison Fellowship*, 509 F.3d 406, 425 (8th Cir. 2007), the Eighth Circuit similarly held that the Establishment Clause barred continued state funding for a faith-based agency that provided services to prison inmates, citing the service provider’s impermissible use of discriminatory religious criteria to determine which inmates successfully performed in its program and qualified for related benefits. *Id.*

Further, as the *Teen Ranch* case makes clear, the Dioceses’ attempt to couch their claims in the language of religious freedom is unavailing because they accept state funds to perform a state function – namely, serving youth in state care. *See* Complaint at ¶49 (“As the State of Illinois is *parens patriae* for all children within its borders who are found to be abandoned, abused, or neglected, it is only by agreement with state authorities . . . that a social welfare agency may provide foster family services . . .”).¹⁹ “The principle that government may

¹⁹ Nor can Plaintiffs point to Federal Executive Order No. 13559, dated November 17, 2010 for support. As an initial matter, this executive order bans social service providers that receive federal funds from discriminating against beneficiaries or prospective beneficiaries of such services on the basis of religion, religious belief, or religious practice. *See* ¶ 2 (“Fundamental Principles”) (d); *see, also*, (e) (“The Federal Government must implement Federal programs in accordance with the Establishment Clause and the Free Exercise Clause of the First Amendment to the United States Constitution, as well as other applicable law, and must monitor and enforced standards regarding the relationship between religion and government in ways that avoid excessive entanglement between religious bodies and governmental entities”). This provision on

accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause.” *Lee v. Weisman*, 505 U.S. at 587, quoting *Lynch v. Donnelly*, 465 U.S. 668, 678 (1984). “[As a state-funded entity performing a service on behalf of the state], Defendants have no legitimate interest in the accommodation of their own religious beliefs, but just the opposite.” *Americans United for Separation of Church and State v. Prison Fellowship Ministries*, 432 F. Supp.2d 862 (S.D. Iowa 2006), *aff’d in relevant part, and rev’d in part on unrelated grounds, Americans United for Separation of Church and State, supra*, 509 F.3d at 425. Because the Dioceses seek state funding to provide for youth in state care, it is “their interest in *avoiding* an Establishment Clause violation [that] ‘may be characterized as compelling,’” and not their own interest in engaging in religious activity. *See id.*; *Widmar v. Vincent*, 454 U.S. 263, 271, (1981) (state has a compelling interest in avoiding an Establishment Clause violation); *cf. Teen Ranch, supra*, 479 F.3d at 410 (denying faith-based social service provider’s free speech claim on the ground that the state’s decision to contract out child services did not create a forum for private speech since “[t]he purpose of contracting for these services is to provide treatment for troubled youth in a residential setting, not to promote the private speech of the providers of that care”).

CONCLUSION

its own serves to prevent the Dioceses from employing discriminatory eligibility criteria for foster care services given their admission that they receive considerable federal aid. Strangely, however, the Dioceses point to this executive order to argue that the Court should read into federal law a complementary right for a social service provider to refer prospective beneficiaries of federal aid on religious grounds notwithstanding the Executive Order’s mandate to the contrary. As courts have pointed out, social service providers receiving federal funds stand in a different position from the beneficiaries of those services. “As providers of a state-funded ... program, [the Dioceses] are burdened with the same responsibilities of any state employee: to respect the civil rights of all persons, including the First Amendment’s prohibition [on denying services to recipients based on their religion].” *Americans United for the Separation of Church and State v. Prison Fellowship Ministries*, 432 F. Supp.2d at 920.

The Dioceses state repeatedly in their Second Amended Complaint that their exclusive justification for refusing services to individuals in civil unions is religious. *See, e.g.*, Complaint at ¶4. For the state to fund such a practice would violate Illinois law and child welfare policy, which mandate that child placement decisions be made based on case-by-case determinations of each child’s best interests absent any discriminatory criteria. Additionally, for the state to permit the Dioceses to refuse to serve couples in civil unions would violate the Establishment Clause’s command that government refrain from defining the recipients of public aid “by reference to religion,” *Agostini*, 523 U.S. at 234-35; *Mitchell*, 530 U.S. at 813, sending a message of exclusion both to unmarried prospective foster parents, and to gay or lesbian youth in state care, who are particularly vulnerable to stigmatizing messages. The Court should not permit such a result.

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*Motion for admission *pro hac vice* pending

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing motion and memorandum of Law of Amicus Curiae was served upon the following:

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By mailing a true copy thereof to the address listed above in an envelope duly addressed, bearing proper first class postage, and deposited in the United States mail in Chicago, Illinois this 15th day of August, 2011



Cheryl Angelaccio