

Belleville Diocese joins lawsuit against Illinois over foster care

SPRINGFIELD, Ill. – The Diocese of Belleville’s Catholic Charities agency has joined three other Illinois Catholic Charities agencies in a lawsuit against the state seeking to continue operating their foster care and adoption programs since the passage of a law legalizing civil unions for same-sex couples.

The law stipulates same-sex couples have the same rights and benefits as married couples in the state, including the right to adopt and provide foster care.

Officials with the Belleville diocesan agency, called Catholic Social Services of Southern Illinois, took legal steps July 26 in Springfield, the state capital, to join the suit filed by the Catholic Charities agencies of the Springfield, Peoria and Joliet dioceses.

The suit seeks to stop efforts by the Office of the Illinois Attorney General and the Illinois Department of Children and Family Services to prevent Catholic agencies from continued participation in state foster care and adoption programs.

Earlier in July, state officials announced plans to pull contracts with the church agencies since they will not place foster children or adopted children with same-sex couples.

Sangamon County Circuit Judge John Schmidt issued a preliminary injunction July 12 preventing the state from ending contracts with Catholic Charities agencies pending the outcome of the suit. The next hearing in the case is set for Aug. 17.

The judge also ruled July 18 that the state’s Department of Children and Family Services must allow Catholic Charities agencies to operate as they had before the fiscal year 2011 contract expired June 30, meaning the agencies could receive new referrals and continue foster applications.

The Thomas More Society, a Chicago-based public interest law firm representing the Catholic agencies, announced July 26 that the agencies planned to file another

complaint against the state for violating their right to due process of law by terminating their rights to contract with the state without any substantive basis.

It also said the agencies were suing the state for not complying with the exemption for religious practice included in the Religious Freedom Protection and Civil Union Act, which took effect July 1.

The law firm said the agencies want the court to declare they have been and continue to be in compliance with Illinois law in their foster care and adoption practices. They are also seeking a permanent injunction against any further action by Illinois government officials.

The Catholic agencies only place children with married heterosexual couples or single people who are not cohabiting. State officials have said the law would not allow the agencies to refer same-sex couples to other agencies, as they have done for decades.

In earlier reaction to Schmidt's preliminary injunction, Bishop Daniel R. Jenky of Peoria said he was encouraged by the judge's recognition of the "grave harm that would result if Catholic Charities was forced out of its long-standing mission of serving children in foster care and adoption."

Bishop Thomas J. Paprocki of Springfield said he was grateful "for the sake of the children in our Catholic Charities foster care program" that the services will be allowed to continue.

In a statement he said the state of Illinois was violating the law by forcing agencies to act against their religious beliefs.

The law specifically says that "nothing in this act shall interfere with or regulate the religious practice of any religious body," he noted.

Discontinuing the foster care and program supervised by the Illinois Catholic Charities agencies would affect 1,997 children in foster care, including some in the process of being adopted, said Kendall Marlowe, spokesman for the Illinois Department of Children and Family Services.

He said approximately 15,000 children are presently in foster care in Illinois.

“We cannot enter into a contract with anyone who has publicly, affirmatively stated that they will not follow the law in performing services under the contract,” Marlowe told Catholic News Service before the preliminary injunction was granted. “These agencies have made their choice, and we must now plan to transition these cases with the least disruption possible for the kids.”

But Bishop Paprocki said in his statement that “it is the state of Illinois that is violating ... the law by seeking to force us to act against our religious beliefs.”