

Judge says Illinois not required to renew Catholic Charities' contracts

PEORIA, Ill. – An Illinois county circuit judge ruled Aug. 18 that the state of Illinois may refuse to renew its foster care and adoption services contracts with Catholic Charities in the dioceses of Belleville, Joliet, Peoria and Springfield.

The decision could potentially impact thousands of children and hundreds of Catholic Charities employees.

In a strongly worded response hours after the ruling, Peoria Bishop Daniel R. Jenky said he was “extremely disappointed” to learn of the decision by Judge John Schmidt of the Sangamon County Circuit Court.

It came one day after a hearing in Springfield on an ongoing dispute between Catholic Charities in the four dioceses and the state over the legislative intent of the Illinois Religious Freedom Protection and Civil Union Act, which took effect June 1.

Officials in the affected dioceses were reviewing Schmidt’s ruling to determine a future course of action.

“Clearly the intent of the civil union law was not to force the state to end these contracts and force the transfer of thousands of children’s cases,” said Bishop Jenky. Catholic Charities is one of the lead providers of foster care services in the state, he noted, and said the state and the agency have been “valued partners for decades.”

“We continue to believe we can adhere to our religious principles and operate within Illinois law,” said Bishop Jenky.

The legal issue stems from Catholic Charities’ long-standing practice that prospective adoptive and foster care parents who are cohabiting – regardless of sexual orientation – be referred to other agencies or the Department of Children and Family Services. Lawyers for the Illinois attorney general’s office argue that policy now violates state anti-discrimination laws that accommodate gay and lesbian couples in civil unions.

Schmidt's summary judgment order did not address those issues or the intent of the new civil union legislation. Rather, it focused on whether the state could refuse to renew Catholic Charities' contracts, as the Illinois Department of Children and Family Services did in early July. Schmidt had temporarily reinstated the \$30 million in contracts while he considered the case.

"In sum, (Catholic Charities) have failed to show they have a legally recognized property right to renew their contracts," wrote Schmidt.

Attorneys from the Chicago-based Thomas More Society representing the dioceses had argued at the Aug. 17 hearing that, because Catholic Charities had contracted with the state to provide foster care and adoptions services for more than 40 years, a "protected property interest" is involved.

The "expectation that we would continue" shaped decisions at the four agencies, said chief counsel Thomas Brejcha, adding any break in that relationship should not take place without warning and an "opportunity to address specifics."

"There is no question Catholic Charities is spurred, motivated and sustained by its Gospel mandate," Brejcha told the court. "They believe it's a religious mission they shouldn't walk away from."

In a statement posted on its website following the ruling, the Thomas More Society said Schmidt "ruled against Illinois Catholic Charities in their pursuit to continue their 100 years of service to Illinois families and children with foster care and adoption services."

"The ruling does not address Catholic Charities' contention that the state of Illinois cannot refuse to contract with someone based on that person's exercise of religion," the statement noted, adding the society's attorneys were considering next actions with Catholic Charities.

Meanwhile, Bishop Jenky pointed out that religious accommodations have been granted in states such as New York and Rhode Island regarding their establishment of civil unions. His Aug. 18 statement expressed sadness that "important elements of the political establishment in the state of Illinois are now basically at war with the

Catholic community and seem to be destroying their institutions.”

Among those attending the hearing on behalf of the Diocese of Peoria were Patricia Gibson, chancellor, and Catholic Charities officials, including Tony Riordan, chief operating officer.

After the hearing Riordan told The Catholic Post, the diocesan newspaper, that Catholic Charities caseworkers and foster parents were in a stressful “limbo” awaiting the ruling, but that they remain “very focused” on providing the best service.