



CONFRONTING RELIGIOUS DISCRIMINATION:

A Guide for Foster
& Adoptive Parents



ALLIANCE
DEFENDING
FREEDOM

TABLE OF CONTENTS

3. INTRODUCTION

4. THE HISTORY OF ORPHANAGES AND CHILD WELFARE

- Adoption in America: A Brief History
- Ideology Over Care

7. THE NEED

- Who Needs to Be Adopted?
- Who Cares for These Children in Need?

10. THE CURRENT LEGAL LANDSCAPE

- Oregon Mother of Five an
Inspirational Example

13. THE SOLUTION

- First Things First: Your Rights

**“WHOEVER RECEIVES
ONE SUCH CHILD IN MY
NAME RECEIVES ME.”**

— MATTHEW 18:5 (ESV)



INTRODUCTION

FOSTERING OR ADOPTING a child is one of the most beautiful ways a parent can show the meaning of true love in action.

Far too many children in the United States go to sleep each night wondering if the coming day will bring them what they want more than anything else: a family and a permanent home.

These children have done nothing to create their circumstances, yet they are the ones suffering through days, weeks, and even years of uncertainty and unfulfilled dreams.

All children—including those without permanent homes—are made in the image of God and have inestimable value in His eyes.

For thousands of years, families have felt called to open their hearts to adopt and care for these cherished ones. For many, that calling is grounded in their faith.

Sadly, government officials are discriminating against people of faith who seek to foster or adopt children by excluding adults with traditional religious beliefs from child welfare services.

This guide will help you better understand how people of faith have historically cared for vulnerable children, what has changed in recent years, and how Alliance Defending Freedom is standing on the front lines to protect your freedom and help ensure more children find permanent, loving homes.



**“HE EXECUTES
JUSTICE FOR THE
FATHERLESS AND
THE WIDOW,
AND LOVES THE
SOJOURNER,
GIVING HIM FOOD
AND CLOTHING.”**

— DEUTERONOMY 10:18 (ESV)

THE HISTORY OF ORPHANAGES AND CHILD WELFARE



Manuscript depicting St. Basil

CHRISTIANS have been caring for children in need since at least the fourth century, when the early Church founded one of the first known orphanages thanks to the work of St. Basil the Great.

Both the Old and New Testaments charge Christians with numerous commands to care for the “fatherless.” The gospel of salvation itself is based on the doctrine that God the Father adopts those who don’t know Him and makes them His children.

In fact, the Apostle Paul himself mentions adoption several times in Galatians, Ephesians, and Romans. Caring for children who need a safe and loving home is a beautiful parallel to the Christian’s relationship with God. In our desperate need, He chooses to embrace and adopt us into His family, making us “fellow heirs with Christ” (Romans 8:17 ESV).

ADOPTION IN AMERICA: A BRIEF HISTORY

In the U.S. Supreme Court’s decision in *Fulton v. City of Philadelphia*, Justice Samuel Alito described how faith-based orphanages served as a critical societal institution throughout the early days of the United States.

Both Anglicans and Lutherans built orphanages in Georgia in the 1730s.

Following the American Revolution, the Church continued to be the main driver of organizing and funding efforts to care for orphaned children. Eliza Hamilton, widow



THE FIRST KNOWN ORPHANAGE ON THE CONTINENT WAS FOUNDED IN APPROXIMATELY 1729 BY CATHOLIC NUNS IN NEW ORLEANS.

of Alexander Hamilton, was so moved by her husband's experience as an orphan himself that she gave much of her time and effort to helping finance orphanages, including the first private orphanage in lower Manhattan.

That trend would come to include other denominations and faiths, while government participation was limited. That would change during the 20th century, when funding and involvement by federal and state governments created a licensing system for these private, largely religious organizations, which continued to shoulder much of the burden. Today, both public and private foster care and adoption agencies exist.

IDEOLOGY OVER CARE

While federal and state involvement was intended to promote the best interests of children in need, state officials sometimes prioritized their own ideological or political preferences instead.

For example, some state legislation relied on race to categorically disqualify some types of adoption. For example, [Louisiana](#) prohibited interracial adoptions until as late as 1972, until a court ruled its statutes violated equal-protection principles.

As interracial adoptions began to increase in the wake of the Civil Rights Movement, there was pushback. In 1972, the National Association of Black Social Workers published a position paper arguing that

the law provided new state-matching funds for adoption programs. But the practice of race-matching continued for decades, even after the federal government passed [a landmark law](#) to prohibit discrimination based on race or using race to delay or deny a placement. The Institute for Justice filed [two lawsuits](#) in the 1990s charging that social workers ignored state prohibitions on the use of race in adoptions—a practice that disproportionately affects minority children.



BY PUNISHING RELIGIOUS HOUSEHOLDS FOR THEIR BELIEFS, OFFICIALS ARE TAKING AWAY OPPORTUNITIES FOR CHILDREN TO BE PLACED WITHIN [LOVING HOMES](#).

“black children should be placed only with black families.” Many government agencies responded by seeking to place children only with families of the same race, leading to interracial adoptions plummeting by 39%.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act to promote more robust funding for adoptions through private and public foster/adoption agencies. For example,

Today, state officials pushing harmful ideologies about gender and sex are discriminating against people of faith by excluding them from child welfare services entirely. Some states have enacted policies disfavoring religious families with different views on these topics, including those who believe that biological sex is an immutable trait, that a person cannot “choose” their gender, and that marriage is the union of one man and one woman.

WHO NEEDS TO BE ADOPTED?

In 2021, just over 54,000 children were adopted in the United States. That left nearly 400,000 in foster care, with approximately 114,000 available for adoption. Many of these children wait years for a permanent home. [According to one source](#), well over 30% of these kids spend two to five years in the foster care system.



OVER 20,000 CHILDREN WILL WAIT MORE THAN FIVE YEARS FOR A PERMANENT HOME.

One reason many of these children spend so much time waiting for a forever home is that it can be challenging to place them with the right family. For example, approximately two-thirds of kids in foster care have a sibling who also needs a home, and agencies usually seek to place them together. [But only some adoptive parents or foster care providers are able and willing to care for sibling groups.](#)

The need to place older children is particularly acute. While 95% of foster children 12 and under live with a family, only 58% of foster teens have homes. Without the stable environment a loving home brings, they are more likely to struggle with homelessness, crime, and other difficulties once they age out of the system.

Other obstacles to adoption include particular medical conditions and disabilities.

The need is great, and policymakers should be encouraging as many loving families as possible to consider fostering and adoption—making it easier, not harder, to provide children with homes.

WHO CARES FOR THESE CHILDREN IN NEED?



Who are the people willing to sacrifice so much to care for those who need stable homes and loving parents? One demographic continues to lead the way: Practicing U.S. Christians are, by one survey, more than twice as likely to adopt than the general population.

That motivation often comes directly from their faith. Scripture teaches Christians not to overlook those in need. Specifically—and repeatedly—the Bible commands Christians to

care for the “fatherless” as an outworking of faith.

While they are not the only families willing to adopt, Christians and other religious parents play a vital role in providing homes—something that children housed in hotels, child welfare offices, emergency rooms, and homeless shelters desperately need. If governments restrict fostering or adopting only to those who support certain viewpoints, such as same-sex marriage, at least 30% of prospective parents could be excluded. That number may be as high as 60% for religiously committed families, which have disproportionately done the heavy lifting when it comes to foster/adoption care.

As noted earlier, for hundreds, if not thousands, of years, Christians have also

deployed invaluable resources, providing group homes and orphanages for children.

Why would government officials specifically—and illegally—discriminate against Christians and other religious parents, putting ideology above children’s needs? If we exclude people of faith based on their beliefs regarding gender and sexual identity, thousands of children will be condemned to permanent foster care.

That would be bad enough, but the critical shortage of foster homes should give policymakers additional pause. One

state foster agency leader characterized the situation as a “massive crisis.” By one measure, more than half of U.S. states saw a significant decline in the number of available foster homes in 2022.

According to *The Imprint*, a nonprofit publication that conducts annual surveys on child welfare, more than half the states in the U.S. experienced losses in foster capacity in 2022. The decline reached nearly 18% in Nevada and as high as 61% in South Carolina.

Bottom line: No one wins when the government discriminates against people of faith—especially children.

“RELIGION THAT IS PURE AND UNDEFILED BEFORE GOD THE FATHER IS THIS: TO VISIT ORPHANS AND WIDOWS IN THEIR AFFLICTION, AND TO KEEP ONESELF UNSTAINED FROM THE WORLD.”

—JAMES 1:27 (ESV)



THE CURRENT LEGAL LANDSCAPE

WHEN THE GOVERNMENT DISCRIMINATES against religious people—denying them the opportunity to adopt because of what they believe—they are forcing them to make a choice: violate their religious beliefs or forego the chance to provide a home for a child in need.

That’s wrong, and it’s illegal.

That’s why Alliance Defending Freedom is on the front lines, protecting the rights of people like Jessica Bates, who have been targeted because of their faith.

OREGON MOTHER OF FIVE AN INSPIRATIONAL EXAMPLE



Jessica tragically lost her husband to a car crash in 2017. Yet despite that devastating event, she was moved to open her heart and her home up to children in need after listening to a Christian radio broadcast about adoption.

This mother of five is a qualified candidate for adoption. However, during a training course, she was told she would have

to promote the state’s views on gender identity and sexual orientation to a hypothetical child the state could place in her home. The state’s policy requires parents to agree to use hypothetical children’s “preferred pronouns,” take them to events like pride parades, and even facilitate their desire for cross-sex hormone shots and puberty blockers that can potentially sterilize them.

After expressing her concerns, the state gave Jessica a choice: abandon your religious convictions or give up the chance to ever adopt children. When Jessica stood her ground, the agency turned her away. Alliance Defending Freedom filed a lawsuit on her behalf—and in July 2025, the U.S. Court of Appeals for the 9th Circuit ruled that Jessica could begin proceedings to adopt siblings from foster care while her case against Oregon proceeds.

“Oregon is abandoning children in favor of a political agenda. America’s foster and adoption care system is in critical need of loving homes, and states should be doing everything they can to bring in more families willing to take in children, not fewer.”

—ADF Legal Counsel Johannes Widmalm-Delphonse



► [LEARN MORE ABOUT JESSICA'S CASE](#)

Sadly, Jessica’s experience isn’t unique.

In Massachusetts, Mike and Kitty Burke were similarly rejected as potential foster parents because of their religious beliefs. Despite the fact that the state so desperately needs foster families that it’s been forced to resort to housing children in hospitals, state officials [wrote in assessment](#) forms that the Burkes are “heavily involved in their Catholic Church,” but “their faith is not supportive and neither are they.” This case is ongoing.

Across the country, the Washington Department of Health and Human Services had 6,192 children in foster care in 2024—and a dearth of qualified families to take them in. For nine years, Shane and Jenn DeGross consistently stepped up to meet that need. But in 2022, the state refused to renew their license because of their biblical views on gender—even though a different foster family had already sued the state over its policy *and won*. The DeGrosses

filed a lawsuit of their own and asked the state for a waiver that would allow them to continue fostering children until a court renders a decision.

But instead of a waiver, the state gave them restrictions—saying they could only foster kids between the ages of two and five unless they abandoned their beliefs.

A federal district court ruled in April 2026 that the DeGross's case can proceed on First Amendment grounds. A month later, the state agreed to a permanent injunction protecting them and other people of faith from being denied a license because of their beliefs.

And in New Jersey, Michael and Jennifer Lasche alleged that a foster child was removed from their home

because their religious views on sexuality and gender didn't line up with the state's. After 10 years of serving as foster parents, the agency removed the child and later revoked the Lasches' license because state officials said their "religious beliefs were a problem." In short, they were punished.

Private adoption agencies have also been the target of these attacks on freedom. Because New Hope Family Services in New York only places children in families with a mother and father committed to each other in marriage, it has repeatedly been harassed by state officials. Thankfully, ADF has won two lawsuits on behalf of New Hope, affirming its right to place children and to operate according to its values without government harassment.

PEOPLE LIKE JESSICA AND THE BURKES AND LASCHE FAMILIES ARE BRAVELY STANDING UP TO GOVERNMENT OFFICIALS WHO ARE HOSTILE TO RELIGIOUS BELIEFS—REMINDING THEM NOT TO PLACE POLITICS OVER THE NEEDS OF THE CHILDREN IN THEIR CARE.

FIRST THINGS FIRST: YOUR RIGHTS

The First Amendment protects every American's right not to be arbitrarily penalized or excluded from government programs because of their religious beliefs. That means:

- State officials cannot harass, threaten, penalize, or punish you for exercising your right to hold to your religious beliefs.
- State officials cannot require you to pass an ideological or religious litmus test as a condition for participating in an otherwise open government program.
- State officials cannot force you to agree to attend pride parades, lie to a child about his or her gender, or otherwise agree to abandon your religious beliefs as a condition of fostering or adopting a child.

America's political and cultural institutions are clearly drifting in a more secular direction. As that happens, government attempts to compel people to compromise their beliefs or retreat from civil and political life as the price for following their faith has become more common.

The Founders understood that one of government's primary tasks is to preserve the freedom for each person to follow his own conscience, so they enshrined certain foundational rights in our nation's Constitution to guarantee this freedom.

When the government does violate these rights, Alliance Defending Freedom is there to stand with parents and caregivers in the courtroom and the culture.



Thanks to the extraordinary support of our Ministry Friends, we also represent our clients free of charge, even if a case goes all the way to the U.S. Supreme Court.

If your rights are under attack from the government, [contact ADF today](#) to find out if we can help you.

Matthew 18:5 says, *“Whoever receives one such child in my name receives me.”*



YOUR WILLINGNESS TO CONSIDER OPENING YOUR HOME TO A CHILD IS TRULY AN EXPRESSION OF THE GOSPEL AND AN OPPORTUNITY TO SHARE THE LOVE OF CHRIST.



That *all* might be free

X | ADFLegal

@ | AllianceDefendingFreedom

f | AllianceDefendingFreedom

▶ | AllianceDefends

in | AllianceDefendingFreedom

🌐 | ADFLegal.org