



Written by [Dave Bohon](#) on August 29, 2011

## Judge: Illinois Can Cut Off Catholic Charities Over “Gay” Adoption

An Illinois judge has ruled that the state can end its relationship with Catholic adoption groups because of their refusal to place children with homosexual couples. Reuters News reported that charities connected with the Catholic dioceses of Springfield, Peoria (left), and Joliet had filed a lawsuit in June 2011 “to prevent Illinois from canceling their contracts to provide child services shortly after a state law took effect legalizing same-sex civil unions and after the Attorney General opened a probe into the groups’ policies.”



Reuters reported that over the past several decades, the Catholic adoption and foster care groups “have been part of a network of private child welfare agencies paid by the Illinois Department of Children and Family Services [DCFS] to help find foster and adoptive homes for children in the state in need of temporary or permanent care.”

In the lawsuit, the groups had asked the court to rule that their policy of refusing to place children with unmarried couples — either homosexual or heterosexual — was within the confines of Illinois law, including a religious exemption that is part of the latest measure legalizing homosexual civil unions. In context of that element of the suit Catholic Charities had “also asked the court to block Illinois from canceling contracts they had held for four decades without more extensive judicial review,” reported Reuters.

But Sangamon County Circuit Court Judge John Schmidt ruled against the charities, finding that the state could cancel the long-standing agreements. “No citizen has a legally recognized right to a contract with the government,” Schmidt wrote in his opinion. “The fact that the plaintiffs have contracted with the state to provide foster care and adoption services for over 40 years does not vest the plaintiffs with a protected property interest.”

While Kendall Marlowe, deputy director of DCFS, had nothing but praise for the high quality of care provided by Catholic Charities, calling them one of the better foster care providers in the state, he said the new law opening up adoptions to homosexuals trumped the group’s morally based policy of placing children only with traditionally married couples. “We don’t want to see them leave the field, but the law has changed in Illinois and all child welfare agencies have to respect civil unions,” he said.

Nearly 2,000 children under the foster care supervision of Catholic Charities in the three dioceses involved in the suit will be impacted by the decision.

Attorney Ben Wolf of the Illinois chapter of the ACLU, which assisted the state in the lawsuit, praised the ruling, saying that it “is a good decision for the children under the care of DCFS in Illinois.” He added that the state “has a responsibility and constitutional obligation to assure that all decisions about foster and permanent homes for children are made in the best interest of the child — not other factors



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including the religious views of the contractual provider.”

But the [Thomas More Society](#), which is helping represent the dioceses in the case, said it may launch an appeal of the county judge’s ruling, noting in a statement that the decision “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 added that “Thomas More Society attorneys are reviewing the ruling and considering next actions with the Charities.”

Peter Breen, executive director of the Thomas More Society, told the [Christian Post](#), “What the ruling did was stated solely that the state can decide to contract or not contract anyone, for any reason.” Breen pointed out that “the Catholic Church has a position against civil unions and the state is saying, in effect, that it is the belief against civil unions that is preventing the Catholic Charities from receiving a state contract.”

With regard to Illinois’ legalization of homosexual unions — called the Religious Freedom Protection and Civil Unions Act — Breen told the Christian Post that there were “repeated statements that this law wouldn’t impact the religious practices of anyone. But after the act became law, our opponents are trying to infringe upon religious practices.”

Michael Foust of [Baptist Press News](#) noted that the ruling appears to represent the inevitable consequences of the legalization of homosexual relationships. “For years, traditionalists have warned the legalization of civil unions and ‘gay marriage’ would have a widespread negative impact on religious liberty,” wrote Foust, “affecting not only some adoption agencies but also the tax-exempt status of religious organizations, the religious liberty of private businesses, and curriculum in elementary schools.”



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