



Written by [Michael Tennant](#) on January 2, 2024

Oregon Mom Kicked Out of Adoption Program Over Christian Beliefs Appeals District Court's Unfavorable Ruling

An Oregon mom who was excluded from her state's adoption program because of her Christian beliefs on gender and sexuality has filed an appeal with the Ninth U.S. Circuit Court of Appeals after a lower court denied her request for a preliminary injunction.

Widowed mother-of-five Jessica Bates is a Christian who, "inspired by the story of a man who adopted a child from foster care" and "the biblical teaching to care for orphans," sought to adopt a pair of young siblings in Oregon's child-welfare system, according to a [press release](#) from the Alliance Defending Freedom (ADF), which is representing Bates in her legal battle.



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During the course of the Oregon Department of Human Services' (ODHS) yearlong process to become certified to adopt foster children, Bates discovered that the agency's "training really emphasized ... SOGI (sexual orientation gender identity)," as she explained in a letter to her ODHS contact. Specifically, the materials stated that "applicants must respect, accept and support the ... sexual orientation, gender identity, [and] gender expression ... of a child ... and provide opportunities to enhance the positive self-concept and understanding of the child's ... heritage."

"This would mean exposing the adopted children to the full force of the LGBTQ+ agenda," [The New American](#) reported in April, "with pride flags, emblems, and attendance at pride festivals, and even allowing gender-altering drugs to be administered when 'necessary.'"

Much as she desired to adopt, Bates was not about to submit to such an onerous and dangerous mandate. In her letter to ODHS, she explained, "I cannot support this behavior in a child."

"I have no problem loving and accepting them as they are," she continued, "but I would not encourage them in this behavior. I believe God gives us our gender/sex and it's not something we get to choose."

That was, of course, too much for the Beaver State's far-left bureaucrats to stomach. Bates' request to adopt was summarily denied. In its final letter to her, ODHS explained that she was being kicked out of the certification program because the department "expects every applicant to be open to any child regardless of race, ethnicity and cultural identity, sexual orientation, gender identity, and gender expression."

Bates had stated that she was open to "loving and accepting" a gender- or sex-confused child, but that wasn't sufficient. As far as ODHS was concerned, she had to endorse and encourage their confusion even if that conflicted with her religious beliefs and concern for their welfare.

Bates sued ODHS in federal court and noted this particular irony in her [complaint](#):



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On paper, the state requires applicants to “accept” and “support” the “spiritual beliefs” and “cultural identities” of any child. But in practice, the state does not require *every* applicant to show they are a suitable placement for *any* child.... In the end, the only group excluded from the process up front are those with religious beliefs like Jessica’s. Conservative Christians need not apply. [Emphasis in original.]

“Oregon’s policy,” observed ADF senior counsel Jonathan Scruggs, “amounts to an ideological litmus test: people who hold secular or ‘progressive’ views on sexual orientation and gender identity are eligible to participate in child welfare programs, while people of faith with religiously informed views are disqualified because they don’t agree with the state’s orthodoxy.”

Bates’ lawsuit seeks to overturn ODHS’ policy on the grounds that it violates her constitutional rights to freedom of speech, association, assembly, and religion, not to mention equal protection under the law.

Bates also requested a preliminary injunction so she could continue the adoption process while her case wound its way through the courts.

In November, U.S. District Judge Adrienne Nelson [denied](#) Bates’ injunction request. As befits an appointee of the highly pro-LGBTQ President Joe Biden, Nelson rejected nearly all of Bates’ claims.

For example, when considering Bates’ argument that the ODHS rule infringes on her right to the free exercise of religion, which it most assuredly does, Nelson wrote that the rule “poses only an incidental burden” on that right. But, she explained, “the rule is rationally related to the government’s legitimate interest in protecting LGBTQ+ children in ODHS care from harm” — never mind the harm that might come to them if they are allowed to mutilate themselves or take drugs whose long-term effects have yet to be fully determined.

Nelson’s ruling does not prevent Bates’ lawsuit from continuing, but it does block her from adopting through ODHS unless and until the case is decided in her favor, something Nelson doubted would happen. Thus, Bates is [appealing](#) Nelson’s decision to the Ninth Circuit.

“No state should abandon children in favor of a dangerous ideological agenda,” said ADF legal counsel Johannes Widmalm-Delphonse. “Jessica is a loving mother who feels called to adopt siblings under the age of 10 from foster care. But the state of Oregon is categorically excluding her from adopting any child because Jessica shares a view held by millions of Americans: that boys and girls are biologically different and should cherish that difference, not reject it.”

“Because Jessica will not promote Oregon’s radical gender ideology to children under the age of 10, the state considers her an unfit parent and has deprived hundreds, if not thousands, of children in Oregon’s system of the opportunity to be raised in a loving home. We urge the 9th Circuit to allow Jessica to continue her adoption journey and provide a loving home to children in need.”



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