



Written by [Bob Adelman](#) on August 16, 2017

Michigan Foster Parents' Conundrum: Give Up Gun Rights or Give Up Child

Bill and Jill Johnson were asked by the state of Michigan to consider becoming foster parents for their grandchild after the state ruled his mother was incompetent to raise the child. Bill Johnson has had a concealed weapons permit for the last 10 years and has carried for personal protection ever since. So when [the social worker told him](#) that, as a condition of caring for the grandchild, he would have to provide the state with a list of the serial numbers of all of his firearms, Johnson resisted. A heated discussion ended when the social worker told Johnson, "You are going to have to give up some constitutional rights here if you want to keep that boy."



The Johnsons took their case to court where, two weeks later, the judge sided with the state: "We know we are violating numerous constitutional rights here, but if you do not comply, we will remove the boy from your home."

That's when Alan Gottlieb, founder and executive vice president of the Second Amendment Foundation (SAF), got mad, and got involved:

The statements from the caseworker and the judge are simply outrageous. This amounts to coercion, with a child as their bartering chip. I cannot recall ever hearing anything so offensive and egregious, and we've handled cases like this in the past.

Blatantly telling someone they must give up their civil rights in order to care for their own grandchild is simply beyond the pale.

This is a case we simply must pursue. State agencies and the people who work in those agencies simply cannot be allowed to disregard someone's civil rights.

The key part of the lawsuit now sponsored by SAF and filed on behalf of the Johnsons, and another couple in a similar situation, asserts:

The policy of the MDHHS [Michigan Department of Health and Human Services], by implementing requirements and restrictions that are actually functional bans on the bearing of firearms for self-defense, both in and out of the home, completely prohibits foster and adoptive parents, and those who would be foster or adoptive parents, from the possession and bearing and readily-available firearms for the purpose of self-defense.

This violates Plaintiffs' constitutional rights under the Second and Fourteenth Amendments.

State agencies claim that they have the right to determine that the environment of the foster child — often one with a troubled background — is safe. They claim that foster parents must adopt plans to



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vacate the premises in the event of a fire, must install fire and smoke detectors, and so forth. Included in most states' requirements is that firearms must be unloaded and locked away separately from any ammunition. It's when the question arises about a parent with a concealed carry permit who wants to continue carrying at home, as well as in public, that things get sticky.

But not for Adam Winkler, a highly regarded expert on the Second Amendment:

This is not a case that's outlandish or off the wall. Foster parents do have constitutional rights, and they don't forsake those rights just because they become foster parents.

How the lawsuit is decided has national implications. More than 400,000 children currently reside in foster care in the United States, and the court's decision could impact many of them.

Some states have already reviewed their statutes concerning foster care. Texas passed a law in 2011 explicitly allowing foster parents to carry firearms in their cars. Nevada adopted a bill in 2015 that allows foster parents to keep and bear arms anywhere, as long as they have permits to carry concealed. Oklahoma considered requiring foster parents to sign a "weapons safety agreement" but abandoned it before it became official policy.

On the other hand, Illinois, not surprisingly, has requirements similar to those in Michigan. According to Fox News:

Prospective Illinois foster parents must either certify that there are no firearms in their home or complete a form called the Foster Family Firearms Arrangement. That document requires a list of all guns and ammunition in the home and locations where they are stored. Would-be foster parents also must certify the guns have trigger locks and are stored unloaded, separate from ammunition and in locked containers accessible only with a key kept off the premises or on the owner's person.

No one has yet determined if such restrictions are being translated into more crimes being committed against foster parents because criminals know that any firearms in the home are parked out of reach, under lock and key, thanks to state law.

Turning foster homes into "gun free" zones isn't the answer, especially when states violate the Second Amendment in the process.

Photo of young girl: [Clipart.com](#)

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