


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 5, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon Tso 
Chief Legislative Analyst

Council File No. 19-0002-S25
Assignment No. 19-02-0110

SUBJECT: Resolution (Koretz- Bonin-O'Farrell) to OPPOSE legislation allowing discrimination by foster care agencies

CLA RECOMMENDATION: Adopt Resolution (Koretz-Bonin-Blumenfield) to include in the City's 2019-2020 Federal Legislative Program, OPPOSITION to any legislative or administrative action which would allow a federally funded foster care agency to discriminate on the basis of religion or sexual orientation.

SUMMARY:

Resolution (Koretz-Bonin-Blumenfield), introduced February 1st, 2019, advises that the federal government has granted a waiver to a foster care agency in South Carolina receiving federal funds, allowing it to turn away potential foster parents who do not sign a statement agreeing with the agency's Evangelical Christian values. The Resolution further advises that this waiver undermines the Constitution's First Amendment by allowing the agency to discriminate against non-Evangelicals, and sets a precedent for discrimination by other foster care agencies nationwide. The Resolution therefore requests that the City oppose legislative or administrative action which permits discrimination by a federally funded foster care agency.

BACKGROUND:

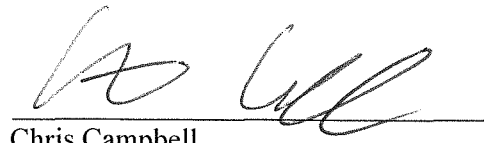
Miracle Hill Ministries is a faith-based foster care agency serving Greenville, South Carolina which receives federal grant money from the Department of Health and Human Services (DHHS). The agency, which explicitly expects its foster children to be raised solely in a Christian environment, requires all prospective parents to sign a statement agreeing to its Evangelical beliefs and values. Of the 11 faith-based foster care agencies in South Carolina, Miracle Hill is the only one that has such a requirement.

This requirement brought the agency into conflict with federal anti-discrimination laws, threatening its operating license and federal funding. In response, South Carolina Gov. Henry McMaster requested a waiver from DHHS allowing Miracle Hill to continue receiving federal money without altering its religious restrictions, in the interest of protecting the agency's religious liberties. DHHS granted the waiver on January 23rd, 2019, with the stipulation that foster parents rejected because of their religious beliefs be referred to other agencies instead.

This waiver has drawn criticism from anti-discrimination groups including the Anti-Defamation League and ACLU, which claim that it amounts to federally-sanctioned religious litmus test allowing it to turn away potential foster parents who are non-Christian or LGBTQ, demographics already over-represented in the foster care system. They also claim that it will set a legal precedent for faith-based foster care agencies in other states, including California, to receive waivers allowing similar discrimination.

DEPARTMENTS NOTIFIED:

None

A handwritten signature in black ink, appearing to read "Chris Campbell", written over a horizontal line.

Chris Campbell
Analyst

Attachment: 1. Resolution (Koretz-Bonin-O'Farrell)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Trump administration has granted a federally funded foster care agency in South Carolina a waiver allowing it to turn away potential foster parents who are LGBTQ or non-Protestant; and

WHEREAS, this particular agency, which was in danger of losing federal funding due to anti-discrimination laws, requires all staff, mentors and foster parents to sign a statement agreeing to its evangelical values and expects all of its foster parents to raise their children in a Christian environment; and

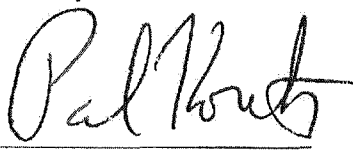
WHEREAS, the administration's waiver, made under the guise of promoting "religious freedom", actually undermines the First Amendment by allowing a federally funded agency to value its religious beliefs over the civil rights of other groups, including non-Protestants and the LGBTQ community; and

WHEREAS, the waiver in particular diminishes the chances of LGBTQ youth already woefully overrepresented in the foster care system, of finding a safe and loving foster home; and

WHEREAS, the precedent set in South Carolina raises the possibility of other foster care agencies throughout the country, including here in Los Angeles, requiring potential foster parents to pass a religious litmus test to adopt at-risk youth who need a stable home; and

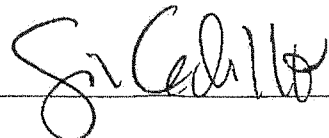
WHEREAS, the administration should be condemned for enabling this kind of religious and sexual orientation discrimination;

NOW, THEREFORE, BE IT RESOLVED with the concurrence of the Mayor, that by adoption of this resolution the City of Los Angeles hereby includes in its 2019-2020 Federal Legislative Program opposition to any legislative or administrative action which would grant a waiver allowing a federally funded foster care agency to discriminate on the basis of religion and sexual orientation.

PRESENTED BY: 
PAUL KORETZ
Councilmember, 5th District

PRESENTED BY: 
MIKE BONIN
Councilmember, 11th District

PRESENTED BY: 
MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY: 

ORIGINAL

cc

FEB 01 2019

