

Child-Placing Agencies: Conscience Clause

This Act prohibits, to the extent allowed by federal law, requiring a private child-placing agency to perform, assist, counsel, recommend, consent to, refer, or participate in any placement of a child for foster care or adoption when the proposed placement would violate the agency’s written religious or moral convictions or policies.

Submitted as:

Virginia

[HB 189 \(Enrolled version\)](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Enable Private Child-Placing
2 Agencies to Refuse to Place Children in Foster Care or Adoption Under Certain Conditions.”

3
4 Section 2. [*Child-Placing Agencies; Conscience Clause.*]

5 (A) To the extent allowed by federal law, no private child-placing agency shall be required to
6 perform, assist, counsel, recommend, consent to, refer, or participate in any placement of a child for
7 foster care or adoption when the proposed placement would violate the agency’s written religious or
8 moral convictions or policies.

9 (B) The [commissioner] shall not deny an application for an initial license or renewal of a
10 license or revoke the license of a private child-placing agency because of the agency’s objection to
11 performing, assisting, counseling, recommending, consenting to, referring, or participating in a
12 placement that violates the agency’s written religious or moral convictions or policies.

13 (C) A state or local government entity may not deny a private child-placing agency any grant,
14 contract, or participation in a government program because of the agency’s objection to performing,
15 assisting, counseling, recommending, consenting to, referring, or participating in a placement that
16 violates the agency's written religious or moral convictions or policies.

17 (D) Refusal of a private child-placing agency to perform, assist, counsel, recommend,
18 consent to, refer, or participate in a placement that violates the agency’s written religious or moral
19 convictions or policies shall not form the basis of any claim for damages.

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21 Section 3. [*Severability.*] [Insert severability clause.]

22
23 Section 4. [*Repealer.*] [Insert repealer clause.]

24
25 Section 5. [*Effective Date.*] [Insert effective date.]