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.)

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

Section 2. [Child-Placing Agencies; Conscience Clause.]
(A) To the extent allowed by federal law, no private child-placing agency shall be required 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.
(B) The [commissioner] shall not deny an application for an initial license or renewal of a license or revoke the license of a private child-placing agency because of the agency’s objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency’s written religious or moral convictions or policies.
(C) A state or local government entity may not deny a private child-placing agency any grant, contract, or participation in a government program because of the agency’s objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency's written religious or moral convictions or policies.
(D) Refusal of a private child-placing agency to perform, assist, counsel, recommend, consent to, refer, or participate in a placement that violates the agency’s written religious or moral convictions or policies shall not form the basis of any claim for damages.

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

Section 4. [Repealer.] [Insert repealer clause.]

Section 5. [Effective Date.] [Insert effective date.]