

Senate Bill 375

By: Senators Ligon, Jr. of the 3rd, Stone of the 23rd, Gooch of the 51st, Shafer of the 48th,
Kirk of the 13th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated,
2 relating to children and youth services, so as to allow a child-placing agency to decline to
3 accept a referral from the department and decline to perform services not referred under a
4 contract with the department based on the child-placing agency's sincerely held religious
5 beliefs; to prevent the department from discriminating against or causing any adverse action
6 against a child-placing agency based on its sincerely held religious beliefs; to provide for
7 assertion of such rights; to provide for definitions; to provide for a short title; to provide for
8 legislative findings; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 This Act may be known and may be cited as the "Keep Faith in Adoption and Foster Care
13 Act."

14 style="text-align:center">**SECTION 2.**

15 The General Assembly finds that maintaining a diverse network of foster care and adoption
16 service providers which accommodate children from various cultural backgrounds is a high
17 priority of this state, provided that reasonable accommodations are made to allow people of
18 different geographical regions, backgrounds, and beliefs to remain within and become a part
19 such network. The General Assembly finds that it is important that decisions regarding the
20 placement of children be made using the best interests of the child standard, including using
21 child-placement organizations best able to provide for a child's physical, psychological,
22 spiritual, and emotional needs and development. The General Assembly finds that
23 child-placing agencies have the right to provide services in accordance with the agencies'
24 sincerely held religious beliefs.

25 **SECTION 3.**

26 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to
27 children and youth services, is amended by adding a new Code section to read as follows:

28 "49-5-25.

29 (a) As used in this Code section, the term 'adverse action' means an action that results in,
30 directly or indirectly, the denial of, refusal to renew, or cancellation of funding, a contract
31 for services, or a license; enforcement action; deterrence or prevention of reasonable
32 actions; and any other similar action that materially alters the terms of funding, a contract,
33 or a license.

34 (b) When making referrals for foster care or adoption services to child-placing agencies
35 under contract with the department, the department shall use its best efforts to refer services
36 to a child-placing agency that is able to provide such services. If a child-placing agency
37 declines to accept the department's referral, the department shall not use such declination
38 in determining whether such referral is in the best interests of the child. To the extent
39 allowed by federal law, including compliance with the Americans with Disabilities Act and
40 Title VI of the Civil Rights Act of 1964, a child-placing agency may decline to accept a
41 referral for foster care or adoption services under a contract with the department based on
42 the child-placing agency's sincerely held religious beliefs. If a child-placing agency
43 declines to accept a referral, the department shall immediately refer those services to
44 another child-placing agency. The department shall not cause any adverse action against
45 a child-placing agency or an organization that seeks to become a child-placing agency on
46 the basis, wholly or partly, that such child-placing agency or organization has declined to
47 accept a referral for foster care or adoption services that do not comply with such
48 child-placing agency's or organization's sincerely held religious beliefs. For services not
49 referred under a contract with the department, a child-placing agency may decline to
50 perform any service that conflicts with the child-placing agency's sincerely held religious
51 beliefs, and the department shall not cause any adverse action against such child-placing
52 agency for declining to perform such service.

53 (c) The department or child-placing agency may assert this Code section as a defense in
54 any judicial or administrative proceeding and otherwise allowed by law. Nothing in this
55 Code section shall be construed to constitute a waiver of sovereign immunity of the state
56 or any of its boards, departments, bureaus, or agencies, or any officer or employee thereof."

57 **SECTION 4.**

58 All laws and parts of laws in conflict with this Act are repealed.