

No. 19-123

IN THE
Supreme Court of the United States

SHARONELL FULTON, *et al.*,

Petitioners,

—v.—

CITY OF PHILADELPHIA, *et al.*,

Respondents.

ON A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

**BRIEF OF *AMICI CURIAE* NATIONAL LGBT BAR
ASSOCIATION, NATIONAL TRANS BAR ASSOCIATION,
LGBTQ BAR ASSOCIATION OF PHILADELPHIA,
LGBT BAR ASSOCIATION OF GREATER NEW YORK,
BAY AREA LAWYERS FOR INDIVIDUAL FREEDOM,
LGBTQ+ LAWYERS ASSOCIATION OF LOS ANGELES,
THE MASSACHUSETTS LGBTQ BAR ASSOCIATION, AND
THE STONEWALL BAR ASSOCIATION OF GEORGIA
IN SUPPORT OF RESPONDENTS AND AFFIRMANCE**

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TABLE OF CONTENTS

	Page
INTEREST OF <i>AMICI CURIAE</i>	1
SUMMARY OF ARGUMENT.....	3
ARGUMENT	4
I. CSS’ Religious Views Do Not Shield It or Other Government Contractors from Complying with Generally Applicable Antidiscrimination Laws or Provisions in Government Contracts	4
II. LGBT Parents Provide Children with Healthy and Nurturing Homes.....	5
A. For Decades, Same-Sex Couples Have Raised Children in the United States, Including Thousands of Foster Children.....	6
B. Same-Sex Couples Can Raise Children as Well as Different-Sex Couples	7
III. Prohibiting Discrimination in the Foster Care System Benefits Children	10
A. There Is A Shortage of Foster Families in the United States.....	10
B. Prohibiting Discrimination Against Potential LGBT Parents Benefits Children.....	12

IV. Creating a Religious Carve-out from Neutral Generally Applicable Laws and Public Contracts Barring Discrimination in the Foster Care System Harms Children	14
A. Permitting Agencies to Turn Away Qualified Prospective Foster Parents Harms Children.....	14
B. Endorsing Government-Funded Discrimination Demeans Same-Sex Couples	15
C. Turning Away Qualified Foster Parents Is Financially Costly	17
CONCLUSION.....	18
Appendix.....	19

TABLE OF AUTHORITIES

	Page
<u>CASES</u>	
<i>Bostock v. Clayton County, Georgia</i> , 140 S. Ct. 1731 (2020)	16
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INTEREST OF *AMICI CURIAE*¹

Amici National LGBT Bar Association, National Trans Bar Association, LGBTQ Bar Association of Philadelphia, LGBT Bar Association of Greater New York, Bay Area Lawyers for Individual Freedom, LGBTQ+ Lawyers Association of Los Angeles, the Massachusetts LGBTQ Bar Association, and the Stonewall Bar Association of Georgia have thousands of members who are LGBT attorneys and other legal professionals. The Court's decision in this case will directly affect *Amici's* members and their clients throughout the United States. *Amici* and their members have a strong interest in ensuring that antidiscrimination mandates, including those in contracts, prohibit all forms of discrimination against LGBT prospective foster parents, both as members of the LGBT community and as counsel who represent members of the LGBT community.

Amici have experience and expertise directly bearing on the issues before the Court. They and their members are on the front lines enforcing federal, state, and local antidiscrimination laws, including laws barring discrimination against LGBT people in the foster care system. They have encountered discrimination against LGBT prospective parents in the foster care system, including discrimination motivated by religious beliefs. In their experience,

¹ No counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution to the preparation or submission of this brief. All parties have consented in writing to the filing of this brief.

shielding government contractors from liability for such discrimination would undermine the purpose of and weaken antidiscrimination laws.

Amici urge this Court to confirm that government contractors must comply with antidiscrimination laws barring discrimination against LGBT people and to reaffirm the well-established rule that religious views do not provide a justification for discrimination in violation of neutral, generally applicable antidiscrimination laws.

The individual statements of the eight *amici* are set forth in the appendix to this brief.

SUMMARY OF ARGUMENT

The government foster care system exists to ensure that children whose parents cannot or will not care for them have safe and nurturing homes. Excluding gay, lesbian, bisexual, and transgender (“LGBT”) people in same-sex marriages from foster parenting would undermine the foster care system’s goal of ensuring the wellbeing of these vulnerable children. The government has a duty to place these children in homes that are in the best interest of the child.

In this case, a government contractor providing foster care placement services, Catholic Social Services (“CSS”), seeks to carve for themselves an exemption from generally applicable anti-discrimination laws. CSS wants to create a new rule that these neutral laws are unenforceable when government contractors assert that excluding them from public funds discriminates against them because of their religious views. Not true. The City of Philadelphia’s contractual mandate applies equally to all contractors providing foster care placement services without consideration of theology or ideology. On its face and as applied, it exists solely to ensure the best interests of children to get nurturing foster care and to prevent wrongful discrimination against those seeking to provide such care.

Same-sex couples have parented foster children for decades, and an overwhelming body of research demonstrates that same-sex couples are just as capable as different-sex couples at successfully

raising children. CSS' proposed exemption would deprive countless children of the benefits and stability of safe and loving homes, further strain an already struggling foster care system, and would advance no legitimate child welfare interest.

Here, *Amici* marshal evidence documenting the equal parenting abilities of same-sex couples and chronicle the benefits of providing same-sex couples with full and equal access to foster parenting. *Amici* also identify the harms that would result if CSS' requested exemption to antidiscrimination laws were validated.

ARGUMENT

I. CSS' Religious Views Do Not Shield It or Other Government Contractors from Complying with Generally Applicable Antidiscrimination Laws or Provisions in Government Contracts

For decades, this Court has rejected claims like those of CSS. *Employment Div., Dept. of Human Resources of Oregon v. Smith*, 494 U.S. 872, 878-79 (1990) (application of neutral generally applicable law to conduct motivated by religious belief is permissible); *cf. Rust v. Sullivan*, 500 U.S. 173, 192-94 (1991) (upholding under First Amendment regulations that prohibited grant recipients from using grant funds for First Amendment activities of providing abortion counseling and referrals, and provision of information as a method of family planning).

Even before *Smith*, the Court long recognized that those who are protected by the First Amendment must comply with laws of general applicability, even if those laws impose “incidental burden[s]” on First Amendment rights. *Branzburg v. Hayes*, 408 U.S. 665, 682, 703-04 (1972) (First Amendment does not shield reporter from testifying at grand jury). Administering a rule to the contrary would create “practical and conceptual difficulties of a high order.” *Id.* at 2668. This is particularly true where granting religious exemptions to generally applicable laws threatens to make “religious belief[s] superior to the law of the land, and in effect to permit every citizen to become a law unto himself.” *Smith*, 494 U.S. at 879.

As discussed below, the principles embodied in *Smith*, *Rust*, and *Branzburg* control, and the Court should reject CSS’ claims that its voluntary participation in performing the critical government function of child placement allegedly violates its First Amendment rights.

II. LGBT Parents Provide Children with Healthy and Nurturing Homes

This Court has recognized that “many same-sex couples provide loving and nurturing homes to their children.” *Obergefell v. Hodges*, 135 S. Ct. 2584, 2600 (2015). The extensive research and data overwhelmingly show that, on a wide array of metrics, children raised by same-sex couples are doing just as well as other children.

A. For Decades, Same-Sex Couples Have Raised Children in the United States, Including Thousands of Foster Children

Nearly one in six same-sex couples in the United States raise children. Shoshana K. Goldberg and Kerith J. Conron, *How Many Same-Sex Couples in the U.S. Are Raising Children?* The Williams Institute, UCLA School of Law at 2 (Jul. 2018), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Same-Sex-Parents-Jul-2018.pdf> (“Goldberg *et al.*, How Many Same-Sex Couples in the U.S. Are Raising Children?”). Same-sex couples in the United States are raising an estimated 200,000 children. Gary J. Gates, *Marriage and Family: LGBT Individuals and Same-Sex Couples* at 67, VOL. 25 / NO. 2 (FALL 2015) (“Gates, Marriage and Family”). This includes more than fifty-eight thousand adopted and foster children. Gary J. Gates, *Demographics of Married and Unmarried Same-Sex Couples: Analyses of the 2013 American Community Survey*, The Williams Institute 8 (Mar. 2015), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Demographics-Same-Sex-Couples-ACS2013-March-2015.pdf> (“Gates, Demographics of Married and Unmarried Same-Sex Couples”). Openly LGB people have raised foster children since the 1970s. Cynthia Godsoe, *Adopting the Gay Family*, 90 Tul. L. Rev. 311, 331 (December 2015) (“Godsoe, Adopting the Gay Family”).

B. Same-Sex Couples Can Raise Children as Well as Different-Sex Couples

Decades of research has established that, along a wide variety of metrics measuring development, socialization, and performance, children raised by same-sex couples do just as well as other children.

Children raised by same-sex parents and different-sex parents experience similar cognitive development. Justin A. Lavner *et al.*, Can Gay and Lesbian Parents Promote Healthy Development in High-Risk Children Adopted from Foster Care?, 82 *American Journal of Orthopsychiatry* 465, 465, 470 (2012). Children raised by LGBT parents and other children have similar preferences for toys and games. Fiona Tasker, Lesbian Mothers, Gay Fathers and Their Children: A Review, 26 *Developmental and Behavioral Pediatrics* 224, 233 (2005) (“Tasker, Lesbian Mothers, Gay Fathers and Their Children”). Children raised by same-sex couples perform similarly to other children on standardized intelligence tests. *Id.* at 231. The children of same-sex couples also show similar levels of school adjustment compared with other children, including in academic achievement, level of trouble in school, and feelings of school connectedness. Jennifer L. Wainright *et al.*, Psychosocial Adjustment, School Outcomes, and Romantic Relationships of Adolescents with Same-Sex Parents, 75 *Child Development* 1886, 1895 (2004).

The number, support, and quality of peer relationships and friendships are similar for teens raised by same-sex couples and those raised by different-sex parents. Jennifer L. Wainright & Charlotte J. Patterson, *Peer Relations Among Adolescents with Female Same-Sex Parents*, 44 *Developmental Psychology* 117, 123-24 (2008) (“Wainright *et al.*, Peer Relations”); Tasker, *Lesbian Mothers, Gay Fathers and Their Children* at 232. The diversity, academic performance, and academic engagement of social networks are also similar between children raised by same-sex couples and other children. Wainright *et al.*, *Peer Relations* at 121. Studies have also found similar levels of reported parental warmth and levels of activities with parents between children raised by same-sex couples and other children. *Id.* at 120.

The research evidence also shows that children of same-sex parents are just as psychologically healthy as other children. See Loes van Gelderen *et al.*, *Quality of Life of Adolescents Raised from Birth by Lesbian Mothers: The US National Longitudinal Family Study*, 33 *Journal of Developmental & Behavioral Pediatrics* 1, 1, 6 (2012). As everyone knows, many children have anxiety, depression, and issues with self-esteem, but the children of LGBT parents experienced no more anxiety and depression and similar levels of self-esteem as other children. *Id.* at 2.

Sexual behavior and romantic relationships are similar between children raised by same-sex couples and other children. Wainright *et al.*, *Peer*

Relations at 118. There is no evidence that children raised by same-sex parents are more likely to identify as LGBT than children raised by different-sex parents. Gates, *Marriage and Family* at 82; Tasker, *Lesbian Mothers, Gay Fathers and Their Children* at 233. Similarly, gender identity and gender role development is similar for children raised by same-sex couples and other children. American Psychological Association, *Lesbian & Gay Parenting* at 9 (2005).

Taking heed of this and similar research, major national associations of medical and mental health professionals support the right of LGBT couples to foster, adopt, and otherwise raise children. *See, e.g.*, American Academy of Pediatrics, *Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian* (April 2013), *available at* <https://pediatrics.aappublications.org/content/131/4/827.full?sid=baab3d90-dd2d-4618-8b7d-b3091d6eb732> (“adoption or foster parenting remain acceptable options to provide a loving home for a child and should be available without regard to the sexual orientation of the parent(s)”); American Psychological Association, *APA on Children Raised by Gay and Lesbian Parents* (2012), *available at* <https://www.apa.org/news/press/response/gay-parents#:~:text=On%20the%20basis%20of%20a,is%20related%20to%20parental%20sexual> (“On the basis of a remarkably consistent body of research on lesbian and gay parents and their children, the American Psychological Association (APA) ... [has] concluded that there is no scientific evidence that parenting effectiveness is related to parental sexual orientation” and “oppose[s] any

discrimination based on sexual orientation in matters of adoption, child custody and visitation, [and] foster care”); American Psychiatric Association, Position Statement on Issues Related to Homosexuality (December 2013) (“The American Psychiatric Association supports ... legal recognition of the right for same-sex couples to marry, adopt and co-parent”).

III. Prohibiting Discrimination in the Foster Care System Benefits Children

A. There Is A Shortage of Foster Families in the United States

There is a shortage of foster homes in the United States. *See* Frank J. Bewkes *et al.*, Ctr. for Am. Progress, *Welcoming all Families: Discrimination Against LGBTQ Foster and Adoptive Parents Hurts Children* at 11-12 (2018), *available at* <https://cdn.americanprogress.org/content/uploads/2018/11/19131646/WelcomingAllFamilies.pdf> (“Bewkes *et al.*”). As a result, about 20,000 foster children age out of the system each year without ever finding a permanent family. *Id.* at 2.

The need for foster parents has grown in recent years. The number of children in the foster care system has grown since 2012. Bewkes *et al.* at 11; U.S. Dep’t of Health and Human Services, Administration for Children, Youth and Families, *The AFCARS Report: Preliminary FY’ 2018 Estimates as of August 22, 2019 - No. 26* at 1, *available at* <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf> (“AFCARS Report”). As of

2018, the most recent year for which federal data is available, there were over 437,000 children in the foster care system in the United States. AFCARS Report at 1.

In contrast, at least twenty states saw the number of licensed foster care homes decline between 2018 and 2019, and eleven of those states saw declines of more than ten percent. John Kelly, *Fewer Foster Youth, More Foster Homes: Findings from the 2019 Who Cares Project*, *Chronicle of Social Change* (Oct. 10, 2019), *available at* <https://chronicleofsocialchange.org/featured/less-foster-youth-more-foster-homes-findings-from-the-2019-who-cares-project/38197> (“Kelly, Fewer Foster Youth”). Such problems have plagued states for years. At least half of states saw their foster care capacity decline from 2012 to 2017. John Kelly, *The Chronicle Report: At Least 25 States Have Lost Foster Care Capacity Since 2012*, *Chronicle of Social Change* (Oct. 31, 2017), *available at* <https://chronicleofsocialchange.org/child-welfare-2/chronicle-report-least-25-states-lost-foster-care-capacity-since-2012/28575>. Furthermore, some states may have regional shortages of foster homes, and there may be shortages of foster homes willing and able to work with certain types of children such as older youths. Kelly, *Fewer Foster Youth*.

Experts recommend that child welfare agencies recruit more foster families to address the unmet need. *See* Kate Shatzkin, *Every Kid Needs a Family: giving children in the child welfare system the best chance for success*, *The Annie E. Casey Foundation*, at 12 (2015) (“Shatzkin, Every Kid Needs a Family”).

B. Prohibiting Discrimination Against Potential LGBT Parents Benefits Children

Ensuring that all qualified potential parents can foster children free of discrimination, regardless of sexual orientation and gender identity, will help address the critical need for foster families across the country. Same-sex couples are a significant contingent of potential parents. When provided the opportunity, same-sex couples are seven times more likely to raise foster children than different-sex couples. Goldberg *et al.*, How Many Same-Sex Couples in the U.S. Are Raising Children? at 1.

Foster placements with same-sex couples have a proven track record of success. In total, over one quarter of children of same-sex couples are adopted or foster children. Godsoe, Adopting the Gay Family at 315. Many children whom LGBT parents have adopted came through the foster care system; openly LGBT people have adopted over 65,000 children from foster care. *Id.* at 332. In Massachusetts, for example, between fifteen and twenty-eight percent of adoptions from foster care each year over a ten-year period involved same-sex parents. Brief of *Amicus Curiae* Massachusetts *et al.* in support of Philadelphia at 11, *Fulton v. City of Philadelphia*, U.S. Court of Appeals for the 3rd Circuit, *available at* https://www.aclu.org/sites/default/files/field_document/fulton_v_city_of_philadelphia_-_states_amicus_brief.pdf.

Full and equal participation of potential LGBT parents in the foster system is likely to be particularly beneficial to some of the most disadvantaged children. LGBT parents are more likely than others to take in older children and children with disabilities, who are statistically less likely to be adopted. Bewkes *et al.* at 2. In addition, LGBT parents are likely more open to fostering LGBT children, who are overrepresented in the foster care system and who are more likely to report having poor experiences in the system. *Id.* at 4-5 (between nineteen and twenty-three percent of children in foster care system identify as LGBT); *see also* Wilson, B. D. M., Cooper, K., Kastanis, A., & Nezhad, S., *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, The Williams Institute at 6 (2014) (estimating there are between one and one-half and two times as many LGBT youths in foster system compared with population).

Placing children with loving foster families helps ensure that these children will have successful lives, in turn alleviating the crushing burdens on the government foster care system. Research shows that foster parents tend to form deeper connections with children than caregivers in group home settings and that, compared with children in group homes, children living with foster families are better prepared to succeed in permanent homes, whether through adoption or placement back with the birth parents. Shatzkin, *Every Kid Needs a Family* at 5, 8. Children who are placed with families are also more likely to perform better academically, less likely to drop out of school, and less likely to be arrested

compared with children who remain in group homes. *Id.* at 5. Thus, children placed with foster families are more likely to lead stable, productive lives and less likely to rely upon the public fisc.

IV. Creating a Religious Carve-out from Neutral Generally Applicable Laws and Public Contracts Barring Discrimination in the Foster Care System Harms Children

A. Permitting Agencies to Turn Away Qualified Prospective Foster Parents Harms Children

Creating a religious carve-out to anti-discrimination laws covering the foster care system would further reduce the already limited supply of welcoming homes available to foster children. States are increasingly contracting out public foster care and adoption services to private faith-based organizations. Jordan Blair Woods, *Religious Exemptions and LGBTQ Child Welfare*, 103 *Minn. L. Rev.* 2343, 2398 (May 2019). For example, Catholic agencies handle roughly twenty percent of foster care and adoption cases in Michigan. *Id.* at 2399. Even if only some of these organizations refused to work with same-sex couples, placements for countless children could be delayed or altogether derailed.

If child placement agencies receiving public funding were permitted to reject qualified same-sex couples, it is likely that at least some qualified potential parents will not pursue foster parenting at

all due to the additional confusion atop a complex child welfare system that is already often unwelcoming to same-sex couples. Twenty states do not provide legal protections for prospective LGBT foster parents, and eleven states permit agencies to refuse to work with same-sex couples based on religious beliefs. Movement Advancement Project, Equality Maps: Foster and Adoption Laws, https://www.lgbtmap.org/equality-maps/foster_and_adoption_laws (last visited Aug. 1, 2020). Moreover, a national survey of gay and lesbian adoptive parents found that nearly half of the respondents reported experiencing bias or discrimination from a child welfare worker or birth family member during the adoption process. Bewkes *et al.*, at 1.

**B. Endorsing Government-Funded
Discrimination Demeans Same-Sex
Couples**

This Court has recognized that discrimination causes serious social and dignitary harms, and leads to social fragmentation and conflict. *See Roberts v. U.S. Jaycees*, 468 U.S. 609, 625-26 (1984). When discrimination “becomes enacted law and public policy, the necessary consequence is to put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose own liberty is then denied.” *Obergefell*, 135 S. Ct. at 2602. Constitutionalizing the ability to exclude same-sex couples, based on a public contracting child welfare agency’s beliefs that only different-sex couples should parent children, perpetuates demeaning stereotypes regarding gender roles and LGBT people, that this

Court has repeatedly rejected. *See, e.g., Craig v. Boren*, 429 U.S. 190, 198-99 (1976) (collecting cases); *see also Bostock v. Clayton County, Georgia*, 140, S. Ct. 1731, 1823 (2020) (Kavanaugh, J. dissenting) (“The Court has previously stated, and I fully agree, that gay and lesbian Americans ‘cannot be treated as social outcasts or as inferior in dignity and worth.’ ”); *Price Waterhouse v. Hopkins*, 490 U.S. 228, 251 (1989) (“[W]e are beyond the day when an employer could evaluate employees by assuming or insisting that they matched the stereotype associated with their group[.]”).

The harm that would follow from endorsing government-funded discrimination is concrete. Extensive research has shown that discrimination like that the Petitioner seeks this Court’s permission to commit can inflict harm to both physical and mental health. U.S. Centers for Disease Control, *Gay and Bisexual Men’s Health: Stigma and Discrimination*, available at <https://www.cdc.gov/msmhealth/stigma-and-discrimination.htm> (last visited Aug. 3, 2020); Center for the Study of Inequality, *What does the scholarly research say about the effects of discrimination on the health of LGBT people?* Cornell University, available at <https://whatweknow.inequality.cornell.edu/topics/lgbt-equality/what-does-scholarly-research-say-about-the-effects-of-discrimination-on-the-health-of-lgbt-people/> (last visited Aug. 3, 2020).

C. Turning Away Qualified Foster Parents Is Financially Costly

By shrinking the pool of available parents, allowing child placement agencies to turn away same-sex couples will also unnecessarily siphon public funds. Children under the state's care live in group homes when there are insufficient foster homes for them. Bewkes *et al.* at 12. It costs states seven to ten times more to place a foster youth in a group home rather than with a foster family. Shatzkin, Every Kid Needs a Family at 4. States would also need to increase costly foster parent recruitment efforts. Gary J. Gates *et al.*, Adoption and Foster Care by Gay and Lesbian Parents in the United States, The Williams Institute, UCLA School of Law at 21 (Mar. 2007).

Creating a constitutional right to engage in government-sanctioned discrimination against same-sex couples would legitimize and expand anti-LGBT discrimination in the foster care system from eleven to all fifty states, and make raising children and creating families all the more difficult, especially for same-sex couples. Taxpayer dollars in the child welfare system should fund policies that benefit children, not government-backed discrimination that costs children homes and loving families.

CONCLUSION

For the foregoing reasons, this Court should affirm the Third Circuit's decision.

Dated: August 20, 2020 ,

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Association of Los Angeles,

The Massachusetts LGBTQ

Bar Association, and The

Stonewall Bar Association of

Georgia

Appendix

The National LGBT Bar Association is a nonprofit membership-based 501(c)(6) professional association. The National LGBT Bar Association's more than 10,000 members and subscribers include lawyers, judges, legal academics, law students, and affiliated legal organizations supportive of lesbian, gay, bisexual, and transgender ("LGBT") rights. The National LGBT Bar Association and its members work to promote equality for all people regardless of sexual orientation or gender identity or expression, and fight discrimination against LGBT people as legal advocates. The National LGBT Bar Association is a membership organization and files this brief on behalf of its members, who object to discrimination in foster care and adoption services on the bases of sexual orientation and gender identity or expression.

The National Trans Bar Association ("NTBA") is a non-profit professional association of attorneys promoting equality both in the legal profession and under the law. In addition to directly working with trans and gender non-conforming legal professionals, the NTBA seeks to educate and advocate for legislative changes that expand formal legal protections and access to legal representation for trans and gender non-conforming people.

The LGBT Bar Association of Greater New York ("LeGaL") was one of the nation's first bar associations of the LGBT legal community and remains one of the largest and most active organizations of its kind in the country. Serving the

New York metropolitan area, LeGaL is dedicated to improving the administration of the law, ensuring full equality for members of the LGBT community, and promoting the expertise and advancement of LGBT legal professionals. LeGaL has a fundamental interest in ensuring that antidiscrimination laws barring discrimination in the foster care system protect all same-sex actual and potential foster parents.

Bay Area Lawyers for Individual Freedom (“BALIF”) is a bar association of approximately 400 lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) members in the San Francisco Bay Area legal community. BALIF promotes the professional interests and social justice goals of its members and the legal interests of the LGBTQ community at large. For nearly 40 years, BALIF has actively participated in public policy debates concerning the rights of LGBT people and has authored and joined amicus efforts concerning matters of broad public importance. BALIF has a particular interest in the elimination of broad religious exemptions that would work discrimination on LGBTQ individuals and in ensuring that all families are free from discrimination and are treated equally in the child welfare system and in adoptions.

The LGBTQ+ Lawyers Association of Los Angeles was founded in 1979 in response to Proposition 6, a ballot initiative that would have prohibited homosexuals from working as teachers in the state of California. Today, the LGBTQ+ Lawyers Association of Los Angeles advocates for the interests

of lesbian, gay, bisexual, transgender, and queer persons in the legal profession and in the community at large, through education, legal advocacy, and participation in political and civic activities.

The Massachusetts LGBTQ Bar Association is a voluntary state-wide professional association of lesbian, gay, bisexual, transgender, and queer lawyers and their allies providing a visible LGBTQ presence within the Massachusetts legal community. The Massachusetts LGBTQ Bar Association is dedicated to ensuring full equality for members of the LGBT community. The Massachusetts LGBTQ Bar Association is a membership organization and files this brief on behalf of its members, who object to discrimination in foster care and adoption services on the bases of sexual orientation and gender identity or expression.

Since the 1980s, the **Philadelphia LGBTQ Bar Association** has supported Philadelphia's LGBTQ+ legal community and paved the legal path for queer rights in Philadelphia and the United States. The Philadelphia LGBTQ Bar Association aims to advance the welfare and full equality of the LGBTQ+ community. The Philadelphia LGBTQ Bar Association has a particular interest in ensuring that same-sex couples are treated equally in the foster care system for the protection and benefit of both same sex-couples and foster children, some of whom identify as LGBTQ and would be harmed by placement in households hostile to their identities.

The Stonewall Bar Association of Georgia (“SBA”) was founded in 1995 primarily to develop a coalition of legal workers to utilize their professional expertise to support the rights of lesbian, gay, bisexual, and transgender people and oppose discrimination based on sexual or gender orientation. SBA’s membership includes lesbian, gay, bisexual, and transgender persons as well as straight allies. SBA member attorneys have worked in coalition with other organizations such as the ACLU and Lambda Legal Defense and Education Fund to file amicus briefs in cases that impact the LGBT community in Georgia. SBA has a fundamental interest in ensuring that antidiscrimination laws protect all same-sex couples in every aspect of life, including the foster care system.