



# AMERICAN ATHEISTS

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March 20, 2019

The Honorable Rep. Michael Curcio  
Chairperson, House Judiciary Committee  
Cordell Hull Bldg., Suite 630  
425 5th Avenue North  
Nashville, Tennessee 37243

**Re: OPPOSITION for HB 836, Testimony from American Atheists in opposition to a bill that permits discrimination in foster care and adoption placement**

Dear Chairperson Curcio and Members of the Judiciary Committee:

American Atheists, on behalf of its nearly 800 constituents in Tennessee, writes in opposition to HB 836, a controversial bill which would, under the guise of religious freedom, harm at-risk young people and allow for discrimination in foster care and adoption placement. Every young person in Tennessee deserves a loving home. However, this legislation would reduce the number of available foster and adoption families, leading to more young people without a loving, permanent home. We strongly urge you to oppose this discriminatory bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. Religious liberty is guaranteed by the First Amendment to protect individual beliefs; it does not create special rights for religious individuals and organizations to violate neutral laws or discriminate against groups they disfavor.

Nationwide, there are over 437,465 children in the foster care system.<sup>1</sup> On average, there are approximately 7,500 children in custody (foster care) and around 350 children in full guardianship (available for adoption) in Tennessee who don’t have an identified adoptive home.<sup>2</sup> Nationally, nearly 24,000 youth age out of foster care each year, finding themselves

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<sup>1</sup> Child Welfare Information Gateway. (2017). *Foster Care Statistics 2016*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.

<sup>2</sup> AdoptUSKids. Tennessee foster care and adoption guidelines. Available at <https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/state-information/tennessee>

with no support at age 18. Furthermore, 20% of these youth which age out of foster care become homeless.<sup>3</sup>

Despite these troubling numbers, lawmakers in Tennessee are considering legislation which would make this problem even worse, both for these at-risk youth and would-be parents in Tennessee. HB 836 would allow adoption and foster placement services to discriminate against potential families for these children. In every state that has passed this type of legislation, the number of adoptions is decreasing because discrimination reduces the number of potential adoptive parents. This bill would put the religious beliefs of a few placement agencies above the well-being of these at-risk children.

Although this bill is couched in terms of religious freedom, there is no conflict between religious liberty, as appropriately understood, and laws prohibiting discrimination. Proponents of these types of bills in other states have claimed that religious exceptions in foster care and adoption are necessary because placement agencies in Massachusetts, Illinois, and the District of Columbia have been forced to close because of their sincerely held beliefs about marriage. However, this is blatantly false – these agencies were not forced to close, they were just not allowed to carry on their activities in a discriminatory manner with government funding. Religious liberty does not mean that you get to accept taxpayer money and use it to discriminate against people you dislike.

Through this legislation, child placement agencies which receive state funding would be permitted to freely discriminate based on their religious beliefs. For example, these agencies could discriminate against would-be parents because they are (or are assumed to be) religious minorities or atheists, unmarried, LGBTQ people, or another group of people they disfavor. Instead, placement decisions must be based on the best interest of the child, regardless of the agency's religious beliefs.

Currently, about 24% of adults are religiously unaffiliated, and atheists and agnostics make up about 7% of the total population.<sup>4</sup> Therefore, even without considering the other categories of people affected, allowing foster placement agencies to discriminate on the basis of their religion will potentially exclude about a quarter of adults from providing a home for foster children, inevitably reducing the number of youth placed in loving, permanent homes. Moreover, the discrimination sanctioned by HB 836 will directly affect a significant number of

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<sup>3</sup> Sharp WW. (2015). The Human, Social, and Economic Cost of Aging Out of Foster Care. *Adoption Advocate*. No. 83, May 2015. Available at <https://www.adoptioncouncil.org/files/large/c29246a29debe09>.

<sup>4</sup> Cox D & Jones RP. (2017). *America's Changing Religious Identity: Findings from the 2016 American Values Atlas*. Public Religion Research Institution: Washington, DC.

religiously unaffiliated youth. Studies show that approximately 13% of youth ages 13-18 identify as atheists, with more than a third being non-religious.<sup>5</sup>

Youth in Tennessee's child welfare systems are already at risk – their ability to find a permanent home should not be endangered just to create yet more privileges for religious organizations. We strongly urge you to oppose this harmful legislation. If you should have any questions regarding American Atheists' opposition to HB 836, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal and Policy  
American Atheists

cc: All Members of the Tennessee House Judiciary Committee

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<sup>5</sup> The Barna Group (2018). *Gen Z: The Culture, Beliefs and Motivations Shaping the Next Generation*. The Barna Group and Impact 360 Institute: Ventura, CA.