

The *Bates* Case

Case Name: *Bates v. Pakseresht*

Case Status: Awaiting a ruling on the MPI from the US 9th Circuit Court.

Significance: Whether the government can discriminate against people of faith in adoption and foster care programs.



Background: Jessica Bates, who lost her husband in 2017, is now a widow raising five children in eastern Oregon. One day, Jessica heard a Christian radio program discussing adoption and felt moved to help children in need. Despite raising five children on her own, Jessica felt called to pursue the Christian tradition of caring for orphans, specifically siblings so they could remain together. In 2022, Jessica began the application process to adopt in Oregon. Unfortunately, Jessica was confronted by officials' disapproval of her biblical beliefs about human sexuality. According to Oregon Department of Human Services rules, those seeking to adopt must "accept" and "support" the sexual orientation and gender identity of any child the state could place in their home. This means parents must agree to use a child's preferred pronouns, take children to LGBT events like Pride parades, and facilitate a child's access to dangerous pharmaceutical interventions like puberty blockers and hormone shots that can potentially sterilize a child. Jessica responded that she will gladly care for and accept any child for who they are, but she cannot say or do anything that goes against her Christian faith. As a result, Oregon denied her application to foster or adopt, discriminating against her religious views. Alliance Defending Freedom represents Jessica in a lawsuit against Oregon's Department of Human Services to stop its religious discrimination and to allow Jessica to help children in need.

Key Points

- Anyone seeking to adopt or to provide foster care for a child must first obtain a "Home Study," which requires families to agree to the state's views on sexual and gender identity. In this way, the state puts every prospective parent through an ideological litmus test before they can help children in need.
- Oregon otherwise accommodates families with diverse religious and cultural backgrounds. The state only disfavors religious families who disagree with the state's views on sexual orientation and gender identity.
- Oregon officials are discriminating against people of faith with traditional religious views, saying they are categorically unfit to care for children.
- In 2022, the Department reported having nearly 8,000 children touch Oregon's foster care system. Many of these children are waiting for their forever homes.

The Bottom Line: We need more families willing to take in children, not fewer. When the government wrongly discriminates against people of faith from adoption & foster care, children in need suffer.