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**Hawaii AG Joins 23 States in Defending Nondiscrimination Laws  
and the Right of Same-Sex Couples to be Foster Parents**

HONOLULU – Attorney General Clare E. Connors today joined 23 attorneys general in filing a brief with the U.S. Supreme Court in support of the City of Philadelphia's nondiscrimination law and the right of same-sex couples to be foster parents.

The [brief](#) argues that Philadelphia is entitled to require its own publicly contracted foster care agencies to follow the City's nondiscrimination law and consider all qualified families seeking to care for children in need, without regard to prospective foster parents' race, religion, or sexual orientation.

"The City of Philadelphia is properly requiring that its nondiscrimination law be followed by entities that wish to be city contractors," said Attorney General Connors. "Government is entitled to determine what policies will result in the widest pool of good homes for children in the foster care system."

The amicus brief supports the City and its nondiscrimination policy in a lawsuit brought by a city contractor seeking to be exempt from the policy because of its religious objection to considering same-sex couples as prospective foster care parents. In 2019, the Third Circuit unanimously rejected the foster care provider's arguments that the First Amendment requires granting such exemptions.

Today's brief argues that the government is entitled to pursue policies that best serve its residents' needs in providing government-funded services, including policies that prohibit discrimination to provide vulnerable children with as many opportunities as possible to find loving homes. The brief argues that such requirements do not violate private contractors' rights to free exercise of religion or free speech, because the nondiscrimination requirements apply only to the work such organizations choose to undertake as government contractors, and private organizations remain free to exercise their beliefs and rights to free speech outside the scope of that work.

The states, the brief argues, share an interest in ensuring that all their residents have equal access to government services, including foster care services provided by government contractors. "To ensure the welfare of every child in state

custody, we welcome all qualified prospective foster parents who volunteer to open their homes, including LGBTQ individuals and same-sex couples,” the brief reads. According to the brief, nondiscrimination polices like Philadelphia’s are critical to the states in carrying out their obligations to vulnerable children, as they ensure the deepest possible pool of welcoming foster families while preventing the grave harms caused by discrimination against prospective foster families.

Today’s brief was led by AG Healey and joined by the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington, and Wisconsin as well as the District of Columbia.

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