

# Supreme Court's LGBT Foster Care Case Could Undercut Job Bias Laws

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A U.S. Supreme Court case concerning a Philadelphia policy that outlaws LGBT discrimination by foster care agencies with city contracts could have sweeping effects on government enforcement of anti-bias laws in the workplace.

In its next term, the Supreme Court will hear *Fulton v. Philadelphia*, which asks whether a policy that prohibits city contractors from discriminating based on sexual orientation infringes on First Amendment rights.

Catholic Social Services (CSS), a religious foster care agency that services the public child welfare system, sued the city of Philadelphia when it declined to renew CSS' contract after a newspaper article revealed it refused to work with same-sex couples interested in fostering or adopting children. The agency then accused Philadelphia of violating its religious rights under the U.S. Constitution.

Speaking with Bloomberg Law, partner David Flugman said the Supreme Court's decision to take up the case against Philadelphia isn't shocking, considering federal appeals courts are split on the issue, but "chipping away" at decades-old precedent could have unintended consequences.

"Obviously, religious free exercise is a core value of this country, but there are also plenty of other things," Flugman said. "When you try to rebalance or rejigger how those various constitutional protections lay against each other, there can certainly be broader implications."

Those implications could target LGBT people in particular, in contexts such as government contracting and housing, but could also extend to other protected classes of individuals. Should CSS prevail before the Supreme Court, the exemptions available to religious employers could effectively render certain workplace anti-discrimination requirements moot.

Read the full article in [Bloomberg Law](#).

## Attorney

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## Practices

- Appellate
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