

## Supreme Court Rules for Religious Agency Seeking to Reject LGBTQ Families

06/17/21



*(Excerpts from this story were originally published in Washington Blade)*

The U.S. Supreme Court ruled today in favor of a religious-affiliated foster care agency which refused child placement into LGBTQ homes, issuing a decision with limited reach that determined the City of Philadelphia’s enforcement of a contract with non-discrimination provisions violates freedom of religion under the First Amendment.

David Flugman, a partner at Selendy & Gay whose practice includes LGBTQ rights cases, said in a statement the technical nature of the decision is “sure to invite even more litigation.”

“Today the Supreme Court held, on narrow, technical grounds, that the City of Philadelphia’s attempt to ensure that Catholic Charities abide by the same non-discrimination provisions applicable to all other city contractors could not withstand Catholic Charities’ religious right to refuse to screen loving same-sex couples to act as foster parents,” Flugman wrote. “The Court did not take up Catholic Charities’ invitation to scuttle the 30 year-old test for free exercise claims that was announced in *Smith v. Employment Division*, which held that a neutral law of general applicability could survive even if it burdens religious practice.”

The Supreme Court reversed and remanded decision of the U.S. Third Circuit of Court of Appeals, which had ruled in favor of City of Philadelphia enforcing its contract with Catholic Social Services. Both the appeals courts and the lower trial court had come to the opposite conclusion of the U.S. Supreme Court.

Read the full story in [Washington Blade](#).

**Attorney**

- David Flugman

**Practices**

- Appellate
- Public Interest & Pro Bono