

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN	SUMMONS	CASE NO.
Court of Claims		19- MM
JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		

Court address: State Office Building / 350 Ottawa NW / Grand Rapids, MI 49503-2349
 Court telephone no.: (517) 373-2252

Plaintiff's name(s), address(es), and telephone no(s).
 CATHOLIC CHARITIES WEST MICHIGAN
 40 Jefferson Avenue, SE
 Grand Rapids, MI 49503
 (616) 456-1443

v

Defendant's name(s), address(es), and telephone no(s).
 MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
 333 S. Grand Avenue
 Lansing, MI 48909
 (517) 373-3740

Plaintiff's attorney, bar no., address, and telephone no.
 James R. Wierenga (MI Bar No. P48946)
 DAVID, WIERENGA & LAUKA, PC
 99 Monroe Ave., NW, Suite 1210
 Grand Rapids, MI 49503
 (616) 454-3883

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
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Civil Case

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SUMMONS

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 CATHOLIC CHARITIES WEST MICHIGAN
 40 Jefferson Avenue, SE
 Grand Rapids, MI 49503
 (616) 456-1443

v

Defendant's name(s), address(es), and telephone no(s).
 ROBERT GORDON, in his official capacity as Director of
 the Michigan Department of Health and Human Services
 333 S. Grand Avenue
 Lansing, MI 48909
 (517) 373-3740

Plaintiff's attorney, bar no., address, and telephone no.
 James R. Wierenga (MI Bar No. P48946)
 DAVID, WIERENGA & LAUKA, PC
 99 Monroe Ave., NW, Suite 1210
 Grand Rapids, MI 49503
 (616) 454-3883

RECEIVED
 2019 APR 25 PM 03:31
 CLERK OF COURT
 JEROME W. ZIMMERMAN

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Court address State Office Building / 350 Ottawa NW / Grand Rapids, MI 49503-2349
Court telephone no. (517) 373-2252

Plaintiff's name(s), address(es), and telephone no(s).
 CATHOLIC CHARITIES WEST MICHIGAN
 40 Jefferson Avenue, SE
 Grand Rapids, MI 49503
 (616) 456-1443

v

Defendant's name(s), address(es), and telephone no(s).
 MICHIGAN CHILDREN'S SERVICES AGENCY
 333 S. Grand Avenue
 Lansing, MI 48909
 (517) 241-9859

RECEIVED
 2019 APR 25 PM 3:00
 COURT OF CLAIMS
 JEROME W. ZIMMER, JR.

Plaintiff's attorney, bar no., address, and telephone no.
 James R. Wierenga (MI Bar No. P48946)
 DAVID, WIERENGA & LAUKA, PC
 99 Monroe Ave., NW, Suite 1210
 Grand Rapids, MI 49503
 (616) 454-3883

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 CATHOLIC CHARITIES WEST MICHIGAN
 40 Jefferson Avenue, SE
 Grand Rapids, MI 49503
 (616) 456-1443

v

Defendant's name(s), address(es), and telephone no(s).
 JENNIFER WRAYNO, in her official capacity as Acting
 Executive Director of Michigan Children's Services Agency
 333 S. Grand Avenue
 Lansing, MI 48909
 (517) 241-9859

Plaintiff's attorney, bar no., address, and telephone no.
 James R. Wierenga (MI Bar No. P48946)
 DAVID, WIERENGA & LAUKA, PC
 99 Monroe Ave., NW, Suite 1210
 Grand Rapids, MI 49503
 (616) 454-3883

RECEIVED
 2019 APR 25 PM 3:11
 COURT OF CLAIMS
 JEROME W. ZIMMERMAN, JR.

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 CATHOLIC CHARITIES WEST MICHIGAN
 40 Jefferson Avenue, SE
 Grand Rapids, MI 49503
 (616) 456-1443

v

Defendant's name(s), address(es), and telephone no(s).
 DANA NESSEL, in her official capacity as Attorney
 General of Michigan
 G. Mennen Williams Building, 7th Floor
 525 W. Ottawa Street
 Lansing, MI 48909
 (517) 335-7622

Plaintiff's attorney, bar no., address, and telephone no.
 James R. Wierenga (MI Bar No. P48946)
 DAVID, WIERENGA & LAUKA, PC
 99 Monroe Ave., NW, Suite 1210
 Grand Rapids, MI 49503
 (616) 454-3883

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STATE OF MICHIGAN
COURT OF CLAIMS

CATHOLIC CHARITIES WEST
MICHIGAN,

Plaintiff,

No. 19-_____MM

v.

Hon. _____

MICHIGAN DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ROBERT
GORDON, in his official capacity as
Director of the Michigan Department of
Health and Human Services; MICHIGAN
CHILDREN'S SERVICES AGENCY; and
JENNIFER WRAYNO, in her official
capacity as Acting Executive Director of
Michigan Children's Services Agency;
DANA NESSEL, in her official capacity as
Attorney General of Michigan.

VERIFIED COMPLAINT
FOR DECLARATORY
JUDGMENT AND
INJUNCTIVE RELIEF

Defendant.

Roger Brooks (NC Bar No. 16317)*
Jeremiah Galus (AZ Bar No. 030469)*
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
(480) 444-0020
rbrooks@ADFlegal.org
jgalus@ADFlegal.org

James R. Wierenga (P48946)
DAVID, WIERENGA & LAUKA, PC
99 Monroe Ave., NW, Suite 1210
Grand Rapids, MI 49503
(616) 454-3883
jim@dwlawpc.com

David A. Cortman (GA Bar No. 188810)*
ALLIANCE DEFENDING FREEDOM
1000 Hurricane Shoals Rd. NE, Ste. D-1100
Lawrenceville, GA 30043
(202) 339-0774
dcortman@ADFlegal.org

There is no other pending or resolved civil action arising out of the transaction or
occurrence alleged in the complaint.

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

NOW COMES Plaintiff Catholic Charities West Michigan (Catholic Charities),
by and through its attorneys, and hereby alleges as follows:

INTRODUCTION

1. Our country has a foster care crisis. In recent years, the opioid epidemic ravaging families and communities has sent thousands of children into the Nation's foster care system. Today, there are over 430,000 children in the system, and there are simply not enough homes for these abused, neglected, and abandoned children. The same is true in Michigan, which has approximately 13,000 children in its foster care system alone.

2. The Michigan Legislature is aware of the crisis. And it knows that the problem cannot be adequately addressed without the faith community's help. It is also aware that regulations in other states—namely, those shutting down or excluding faith-based foster care and adoption providers unless they agree to facilitate child placements in violation of their consciences and religious beliefs about marriage and family—have aggravated the problem by pushing effective and reliable providers out of the system.

3. Concluding that there is a better way, the Michigan Legislature passed legislation in 2015 which—like legislation passed by at least nine other states—guaranteed that faith-based foster care and adoption providers could continue serving Michigan children consistent with their religious beliefs, while at the same time ensuring that no person's ability to adopt or participate in foster care is denied.

See 2015 PA 53 (codified at MCL 722.124e & 722.124f); 2015 PA 54 (codified at MCL 710.23g); and 2015 PA 55 (codified at MCL 400.5a), attached hereto as **Exhibits 1, 2, and 3**.

4. Under those laws, private foster care and adoption providers cannot be forced to provide services or accept referrals from the state that conflict with the provider's religious beliefs. See MCL 722.124e(2), 722.124f(1); accord MCL 710.23g. The laws also prohibit the government from taking adverse action against any provider that has declined services or rejected a referral based on its religious beliefs. MCL 722.124e(3), 722.124f(2); accord MCL 400.5a, 710.23g. If the provider's religious beliefs prevent it from performing any services, however, the provider must refer the applicant to a list of other providers or to a provider "that is willing and able to provide the declined services." MCL 722.124e(4).

5. In accommodating the religious beliefs and practices of faith-based providers, the Michigan Legislature found that they "have a long and distinguished history of providing adoption and foster care services in this state," and that allowing them to continue providing these services in accordance with their beliefs "will benefit the children and families who receive publicly funded services." MCL 722.124e(1)(f) & (g). The Michigan Legislature further recognized that faith-based providers "have the right to free exercise of religion under both the state and federal constitutions," including "the freedom to abstain from conduct that conflicts with an agency's sincerely held religious beliefs." MCL 722.124e(1)(e).

6. In short, the Michigan Legislature intended to—and did—protect the religious exercise of faith-based providers like Catholic Charities. And for good reason. For over 70 years, Catholic Charities has worked to feed the hungry, counsel those who struggle, and build strong families throughout West Michigan. And as one of state’s largest foster care and adoption providers, Catholic Charities has provided a safe and nurturing home to thousands of children, with approximately 4,500 children placed in loving homes in the past decade alone.

7. But if Defendants have their way, that number over the next ten years will be zero. Defendants have adopted a new policy that forces Catholic Charities to choose between violating its religious beliefs about same-sex marriage and shutting down its foster care and adoption ministry. Defendants’ new policy misinterprets state law, violates Catholic Charities’ rights under the U.S. and Michigan Constitutions, and adopts the anti-religious views and policy preferences of Defendant Attorney General Dana Nessel—who has previously criticized Michigan’s statutory protections for faith-based foster care and adoption providers as “a victory for the hate mongers.”¹

8. This action thus seeks a declaratory judgment and injunctive relief to ensure that Defendants correctly interpret and comply with Michigan law—specifically, MCL 400.5a, 710.23g, 722.124e, and 722.124f—and to ensure that Catholic Charities’ statutory and constitutional rights are respected.

¹ Fox 2 Detroit, *Opponents say adoption bill discriminates against gays and lesbians* (Mar. 4, 2015, 5:34 PM), <https://bit.ly/2Dcr49R>.

9. Declaratory and injunctive relief is needed to prevent Defendants from taking adverse, and irreversible, action against Catholic Charities based on its religious beliefs and in violation of its statutory and constitutional rights.

JURISDICTION AND VENUE

10. This lawsuit raises questions under Michigan state law—specifically, MCL 400.5a, 710.23g, 722.124e, and 722.124f—and under Article 1, Sections 2, 4, and 5 of the Michigan Constitution. This lawsuit also raises questions under the First and Fourteenth Amendments to the United States Constitution and under federal law, particularly 42 USC § 1983.

11. This Court has jurisdiction and is the proper venue under MCL 600.6419.

12. This Court has authority to grant the requested declaratory and injunctive relief under MCR 2.605 and 3.310.

PARTIES

13. Plaintiff Catholic Charities West Michigan, or Catholic Charities, is a nonprofit religious organization that was formed to assist the Roman Catholic Diocese of Grand Rapids and its Bishop to carry out the social mission of the Roman Catholic Church through programs of social service, social action, and education for justice. Catholic Charities “provide[s] services, in accord with the tradition of Catholic social teaching, to support individuals, families, and communities in their emotional, social and spiritual development with particular concern for those who are poor and vulnerable.” **Exhibit 4**. As an exercise of its religious beliefs, Catholic Charities offers

a wide-array of child welfare, family preservation, behavioral health and counseling, and community outreach services throughout 18 counties in West Michigan. Its principal place of business is located at 40 Jefferson Ave, SE, Grand Rapids, MI 49503.

14. Defendant Michigan Department of Health and Human Services, or DHHS, is a principal department in the executive branch of the State of Michigan. DHHS is responsible for developing, administering, and coordinating health and family security initiatives and programs in Michigan. DHHS also is responsible for licensing and regulating child placing agencies that provide foster care and adoption services. DHHS operates branch offices in each of Michigan's 83 counties.

15. Defendant Robert Gordon is the Director of DHHS and is sued in his official capacity only.

16. Defendant Michigan Children's Services Agency, or CSA, is a sub-agency of DHHS that exercises powers, duties, functions, and responsibilities assigned to it by DHHS. DHHS administers Michigan's foster care and adoption system through CSA.

17. Defendant Jennifer Wrayno is the Acting Executive Director of CSA and is sued in her official capacity only.

18. Defendant Dana Nessel is the Attorney General of the State of Michigan, and is responsible for representing state agencies and enforcing state law. Defendant Nessel was actively involved and instrumental in crafting the DHHS

policy that targets faith-based foster care and adoption providers. Defendant Nessel is sued in her official capacity only.

FACTUAL BACKGROUND

Catholic Charities' History, Mission, and Religious Beliefs

19. Since 1947, Catholic Charities has ministered to the most vulnerable populations in West Michigan.

20. Today, Catholic Charities is one of the largest social services providers in West Michigan, offering a broad spectrum of ministries focused on the needs of children and families.

21. Catholic Charities' programs and services are designed to support individuals, families, and communities in their emotional, social, and spiritual development, with particular concern for those who are poor and vulnerable.

22. As a Catholic organization, Catholic Charities believes and adheres to the teachings and doctrines of the Catholic Church.

23. Catholic Charities' religious beliefs motivate and permeate all of its programs and services, which are offered in the spirit of God's love and in accord with the tradition of Catholic social teaching.

24. The Epistle of St. James teaches that true religion is to care for the orphan and the widow, and the Catholic Church puts that teaching into practice through child welfare service organizations such as Catholic Charities.

25. Catholic Charities believes that all human life is sacred and that the dignity of the human person is the foundation of a moral vision for society.

26. Catholic Charities believes that God calls it to care for orphans and other children whose parents cannot care for them.

27. Catholic Charities further believes that the human person is not only sacred but also social, and that marriage and the family are central social institutions that must be supported and strengthened, not undermined.

28. Consistent with the teachings and doctrine of the Catholic Church, Catholic Charities believes that marriage is the sacramental union of one man and one woman “ordered toward the good of the spouses and the procreation and education of offspring.” (Catechism of the Catholic Church, no. 1601)

29. Consistent with these religious beliefs, Catholic Charities has adopted a written statement of faith for its foster care and adoption ministry.

30. In relevant part, Catholic Charities’ statement of faith declares that:

As a Catholic organization, Catholic Charities West Michigan will serve children and families through the placement and adoption of children with individuals meeting our sincerely held Catholic social teachings and beliefs and married couples made up of two parents of the opposite sex....

Exhibit 5.

31. Catholic Charities makes its religious nature and character clear throughout all of its programs and services.

32. Catholic Charities’ deeply held religious convictions, including its beliefs about marriage and family, are central to its Catholic identity and are very well-known.

Catholic Charities' Extensive Ministry to West Michigan

33. Catholic Charities has offices throughout the 11-county Diocese of Grand Rapids, which includes the following counties: Ionia, Kent, Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, Osceola, and Ottawa.

34. Catholic Charities also serves other counties as needed, including Allegan, Barry, Grand Traverse, Manistee, Benzie, Kalkaska, and Leelenaw.

35. Through its team of highly trained employees, dedicated volunteers, and generous community, Catholic Charities provides a continuum of programs and services throughout West Michigan, ranging from prevention and early intervention to crisis intervention.

36. Annually, Catholic Charities serves more than 21,000 individuals through its more than 35 ministries.

37. Catholic Charities employs over 280 people.

38. In 2017 alone, approximately 8,000 volunteers gave 386,400 hours of their time to assist Catholic Charities in its mission of serving children and families in distress.

39. On information and belief, the vast majority of Catholic Charities' volunteers and supporting churches and organizations partner with Catholic Charities precisely because of its religious nature and character.

40. Catholic Charities' programs and services focus on four primary areas: child welfare, family preservation, behavioral health and counseling, and community outreach.

41. Catholic Charities operates more than 20 family preservation programs throughout West Michigan.

42. Catholic Charities' family preservation programs include counseling, mentoring, parent education, and other supportive services.

43. Catholic Charities also offers behavioral health programs through a staff that includes 16 clinicians who have a master's degree or higher.

44. Catholic Charities ministers to more than 5,000 individuals through its behavioral health programs on an annual basis, helping individuals face the challenges of everyday life by providing counseling and treatment for parenting issues, family issues, substance abuse, depression, anxiety, and other mental health issues.

45. Catholic Charities also offers numerous outreach programs designed to support West Michigan individuals and families in time of need.

46. These outreach programs include food and pantry services, infant and toddler pantries, senior programs, representative payee services, and programs that address social justice issues, among other things.

47. Every year, Catholic Charities helps thousands of families with food access and serves more than 150,000 hot meals through its meal and pantry programs.

48. Catholic Charities serves a diverse population and offers its programs and services without regard to race, sex, religion, age, national origin, color, height,

weight, marital status, gender identity or expression, sexual orientation, political beliefs, disability, or background.

Catholic Charities' Foster Care and Adoption Ministry

49. Since being founded over 70 years ago, Catholic Charities has ministered to children and families through foster care and adoption services.

50. As an approved child placing agency, Catholic Charities is authorized to receive and place children for foster care and adoption, to certify foster homes for licensure, and to evaluate and recommend applicants for adoption.

51. Catholic Charities has approximately 100 employees dedicated exclusively to helping children and families through foster care and adoption.

52. In the past decade alone, Catholic Charities has helped approximately 4,500 children find loving homes through its foster care and adoption ministry.

53. Catholic Charities provides foster care and adoption services as an exercise of its sincerely held religious beliefs.

54. As a Catholic organization, Catholic Charities actively works and succeeds at recruiting foster families and adoptive parents that DHHS and secular agencies do not (and cannot) recruit. While it does not limit those it serves to any particular religion, Catholic Charities successfully recruits many foster families and adoptive parents who share its faith and religious beliefs.

55. Catholic Charities' recruitment efforts include, among other things, visiting Catholic parishes throughout West Michigan and encouraging parishioners to put their faith into action by serving as foster and adoptive parents.

56. Catholic Charities also recruits prospective foster and adoptive parents through privately funded billboard, TV, radio, and social media marketing campaigns.

57. Catholic Charities' foster care program is one of the largest in the State of Michigan.

58. Catholic Charities has over 300 foster children in its care and custody on any given day, and it serves more than 450 foster children annually.

59. Catholic Charities has approximately 170 licensed foster care homes that are able to care for children in need.

60. Although Catholic Charities' foster care ministry primarily serves Kent, Muskegon, and Grand Traverse counties, it receives requests from all across Michigan to find foster homes for children needing care.

61. Because the primary goal of Catholic Charities' foster care ministry is reunification, Catholic Charities works closely with the foster families, children, and birth parents to develop a plan for reunification and to ensure that the family is strong and healthy.

62. Catholic Charities' foster care ministry goes above and beyond state minimum requirements, providing opportunities that the State of Michigan does not—and could not—provide.

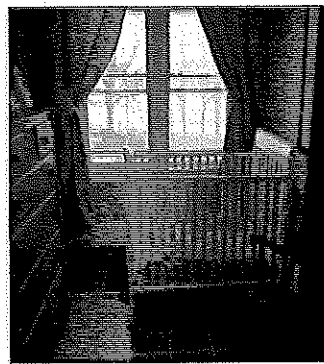
63. For example, Catholic Charities provides:

- a. Monthly foster parent training opportunities;
- b. Comprehensive consultations, mentors, and support groups;

- c. Behavioral specialists who assist foster parents in keeping children in the home;
- d. 24-hour emergency on-call services;
- e. Medical, dental, and clothing funds for children;
- f. An on-site dentist to provide children with dental exams;
- g. Additional funds so that children can participate in extracurricular activities such as sports, equine therapy, martial arts, and summer camp; and
- h. Transportation so that birth parents can stay involved in their children's activities and appointments.

64. Catholic Charities also provides one-on-one-parent mentoring for birth parents, giving them the opportunity to meet with a Parent Advocate on a weekly basis and work together on the goals identified by the foster care case worker, such as age appropriate discipline and child care.

65. Moreover, Catholic Charities expends significant resources to own and maintain a "Family Visit House," a home where Catholic Charities offers support services for parents who have children in the foster care system and are participating in a reunification plan. The Family Visit House has a full kitchen, dining room, four large playrooms, a craft room, and a swing set, among other things.



66. Parenting visits take place at the Family Visit House on a regular basis, allowing families to enjoy their time together in a comfortable, homelike environment.

67. At the Family Visit House, families are welcomed to prepare and eat a meal together, play games, make a craft, read a book, do homework, or play outside—all under the supervision of trained staff.

68. Catholic Charities raises additional funds to supplement any federal or state funding so that it can offer all of these extra services, including the Family Visit House, to children and families in need.

69. In addition to foster care, Catholic Charities ministers to children, birth parents, and families through personalized adoption services.

70. Catholic Charities offers adoption both through foster care and infant adoption.

71. Although family reunification is the primary goal of Catholic Charities' foster care ministry, there are times when children are unable to return home and biological parents lose their right to parent their children.

72. In those cases, Catholic Charities works with the children and potential adoptive families to find the children a "forever home."

73. Catholic Charities' infant adoption program is an open adoption program for biological parents who wish to make a voluntary adoption plan for their child.

74. Regardless of whether they intend to parent, are considering an adoption plan, or just need more time to decide, Catholic Charities offers free pregnancy counseling services to help women with the many questions they may have during pregnancy.

75. Catholic Charities recruits, trains, and performs home studies for West Michigan families wishing to adopt an infant.

76. Because Catholic Charities believes an open adoption relationship between birth parents and adoptive families provides the best possible outcome for children as they develop and grow into adulthood, it counsels birth parents and adoptive families toward open adoption.

77. Throughout its adoption ministry, Catholic Charities provides extensive counseling and guidance to children, prospective adoptive parents, and birth parents.

78. Catholic Charities provides the following adoption services at no cost to birth parents:

- a. Counseling during and after the adoptive placement;
- b. Exploration of parenting and adoption options to ensure an informed and thorough decision;
- c. A full explanation of the legal and emotional aspects of the adoption process;
- d. Assistance choosing an adoptive family, either selected from those prepared and educated by Catholic Charities, or identified by the birth parents to be evaluated by Catholic Charities; and
- e. Assistance identifying the degree of openness desired in the adoptive relationship.

79. Consistent with state law and regulations, Catholic Charities must consider whether the birth parents desire the child to be placed with adoptive parents of a similar race, ethnicity, color, or religion.

80. Moreover, during the adoption process, birth parents may instruct Catholic Charities about the family structure they desire for their child's placement, including a request for their child to be placed in a home that already has other biological or adopted children, or one that does not, or a preference for the child to be placed in a home with a married mother and father—a preference that many express.

81. For adoptive parents, Catholic Charities' adoption specialists provide counsel and guidance during the waiting process, placement period, and long after the legal finalization of the adoption.

82. Catholic Charities helps prospective adoptive parents by, among other things, assisting them in the creation of an adoptive-parent profile, which includes pictures and an individualized message designed to connect with birth parents.

83. Catholic Charities reviews drafts, makes suggested edits, and provides prospective adoptive parents with helpful feedback about their parent profiles.

84. Because both the foster care and adoption process are intensely personal experiences, close cooperation and collaboration between Catholic Charities and prospective foster and adoptive parents is required throughout the process.

85. Catholic Charities provides counseling and guidance to prospective foster and adoptive parents through each step of the application, home study, placement, supervision, and finalization process.

86. The home study process, in particular, is intensely personal, and allows Catholic Charities to provide prospective parents with counseling and guidance about the proper environment for, and approach to, raising children.

87. As part of the home study, Catholic Charities visits the prospective parent's home in person and meets with everyone living in it.

88. During the home study, Catholic Charities carefully interviews applicants to evaluate their strengths and weakness and to explore important and sensitive topics related to parenting experience, parenting philosophy, family origin and dynamics, faith and religious practice, financial stability, the ability to parent a child of a different race or culture or a child with special needs, and marital stability, among other things.

89. In the case of a married couple, Catholic Charities is concerned about ensuring the intimacy and strength of the marriage for the benefit of any child placed with them.

90. After the home study and assessment, Catholic Charities will refer the application to DHHS with a written recommendation about whether to approve the applicant as a foster care or adoptive parent.

91. Catholic Charities must prepare a written report analyzing the home environment and relationships in the home and provide an official recommendation to DHHS stating whether it believes placement is consistent with the best interests of the child, and explaining its reasons for that conclusion.

92. Michigan law requires child placing agencies to consider the following factors when evaluating children and prospective parents for foster care and adoption placements: religion; race; ethnicity; cultural identity and heritage; age; gender; marital and family status; and physical, mental, and emotional health. *See Mich Admin Code, R 400.12310, R 400.12404, R 400.12605, R 400.12706, R 400.12709, and R 400.12711.*

93. As a Catholic organization, Catholic Charities shares the religious beliefs and teachings of the Catholic Church about marriage and family.

94. Catholic Charities cannot perform home studies that certify same-sex couples as appropriate adoptive or foster parents or recommend specific adoption or foster placements to such couples to the state, without violating its sincerely held religious beliefs about marriage.

95. If Catholic Charities is unable to evaluate an applicant or make written recommendations and certifications about an applicant to DHHS because of its religious beliefs about marriage and family, then it refers the applicant to one of the many nearby agencies that do not share Catholic Charities' beliefs.

96. Catholic Charities has not prevented (nor made any attempt to prevent) anyone, including same-sex couples, from becoming foster care or adoptive parents.

97. Catholic Charities serves and places children regardless of the child's race, sex, religion, age, national origin, color, height, weight, marital status, gender identity or expression, sexual orientation, political beliefs, disability, or background.

The Michigan Legislature Protects Catholic Charities' Religious Beliefs

98. When the U.S. Supreme Court issued its same-sex marriage decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), it explained that the belief that marriage is “a gender-differentiated union of man and woman” is a “decent and honorable” belief that continues to be held “in good faith by reasonable and sincere people.” *Id.* at 2594, 2602.

99. The Court further stated that, because the First Amendment protects the belief that marriage is between a man and woman, “religious organizations and persons” must be “given proper protection” to “continue the family structure they have long revered.” *Id.* at 2607.

100. The Michigan Legislature did just that in 2015, passing Public Acts 53, 54, and 55 to protect the religious beliefs of faith-based foster care and adoption providers. *See* MCL 400.5a, 710.23g, 722.124e, and 722.124f.

101. Public Acts 53, 54, and 55 allow child placing agencies to operate consistently with their religious beliefs, including beliefs about marriage and family, while at the same time ensuring that no person is prevented from adopting or participating in foster care.

102. Generally, under those laws, “a child placing agency” such as Catholic Charities cannot be required to provide services or accept referrals from the state that conflict with “the child placing agency’s sincerely held religious beliefs contained in a written policy, statement of faith, or other document adhered to by the child placing agency.” MCL 722.124e(2), 722.124f(1); *accord* MCL 710.23g.

103. The laws prohibit Defendants from taking “adverse action against a child placing agency” that has declined to provide services or accept a referral based on its religious beliefs. MCL 722.124e(3), 722.124f(2); *accord* MCL 400.5a, 710.23g.

104. In accommodating the religious beliefs and practices of faith-based providers, the Michigan Legislature concluded that “[c]hildren and families benefit greatly from the adoption and foster care services provided by faith-based and non-faith-based child placing agencies,” and determined that “[e]nsuring that faith-based child placing agencies can continue to provide adoption and foster care services will benefit the children and families who receive publicly funded services.” MCL 722.124e(1)(g).

105. Recognizing that “[f]aith-based and non-faith-based child placing agencies have a long and distinguished history of providing adoption and foster care services” in Michigan, the Legislature concluded that “[h]aving as many possible qualified adoption and foster parent agencies in this state is a substantial benefit to the children of this state ... because the more qualified agencies taking part in this process, the greater the likelihood that permanent child placement can be achieved.” MCL 722.124e(1)(c) & (f).

106. The Michigan Legislature further noted that child placing agencies have “the right to free exercise of religion under both the state and federal constitutions,” including “the freedom to abstain from conduct that conflicts with an agency’s sincerely held religious beliefs.” MCL 722.124e(1)(e).

DHHS Contracts with Catholic Charities

107. In Michigan, there are roughly 13,000 children in foster care, with approximately 3,000 of those foster children available for adoption at any given time.

108. Although DHHS itself does perform foster care services, it lacks the staff and resources to provide foster care placements for the large number of children who need such services in Michigan each year. Instead, DHHS partners with private faith-based and secular child placing agencies to help find loving homes for the numerous children in the state's foster care system.

109. Because DHHS does not perform adoption services, it depends entirely on private agencies to perform those services.

110. DHHS heavily relies on federal funds, including federal Temporary Assistance to Needy Families (TANF) block grants, to administer the state's foster care and adoption programs.

111. DHHS receives more than \$3.8 billion annually from the federal government through TANF, Title IV-E, and similar programs.

112. Foster care and public adoption placements can only be performed by private child placing agencies if they contract with and accept referrals from DHHS to perform those placements.

113. DHHS contracts with more than 90 different private child placing agencies to perform foster care and adoption services throughout the state.

114. On information and belief, the vast majority of the private child placing agencies that perform foster care and adoption services—whether secular or faith-

based—do not share Catholic Charities’ religious beliefs about marriage and family and have no religious objection to recommending child placements with same-sex couples.

115. Catholic Charities has been providing foster care and adoption placement services under contracts with the state for decades, and it frequently receives commendations from local DHHS offices for the excellence of its foster care and adoption program.

116. Currently, Catholic Charities has several contracts with DHHS to receive referrals for foster care and public adoption placements. *See Exhibit 6* (sample foster care contract); *Exhibit 7* (sample adoption contract).

117. Each of Catholic Charities’ contracts with DHHS are set to expire and/or renew on or around September 30, 2019.

118. Catholic Charities does not receive payment under the contracts unless it accepts a referral from DHHS to perform a foster care or adoption placement for a particular child.

119. Both the foster care and adoption contracts acknowledge that, under Michigan law, “[Catholic Charities] has the sole discretion to decide whether to accept or not accept a referral from MDHHS.”

120. If Catholic Charities accepts a referral from DHHS for foster care or adoption placement services, it enters into a separate individual service agreement for the particular child or individual who was referred by DHHS.

121. If the placement goal for the referred child changes, Catholic Charities must enter into another separate service agreement to perform the new placement services for that particular child.

122. For accepted foster care referrals, DHHS pays Catholic Charities a daily rate to perform case management services for the referred child.

123. For accepted adoption referrals, DHHS pays Catholic Charities a lump sum whenever the referred child is placed, the adoption is finalized, and the adoption becomes permanent.

124. Catholic Charities' efforts to recruit, train, study, assess, and recommend parents for foster care and adoption are pre-placement services that are not referred by DHHS or otherwise paid for under the contracts. Catholic Charities pays for those efforts with its own private funds.

The Dumont Lawsuit

125. In January 2017, two same-sex couples filed a lawsuit against DHHS and CSA, alleging that the agencies' practice of contracting with faith-based foster care and adoption providers violated the Establishment and Equal Protection Clauses of the United States Constitution. *See Dumont v. Lyon*, No. 2:17-cv-13080-PDB-EAS (E.D. Mich.).

126. The *Dumont* plaintiffs sought a court order prohibiting the agencies from contracting with faith-based providers, such as Catholic Charities, whose religious beliefs prohibit them from recommending or licensing same-sex couples as foster and adoptive parents.

127. Although Michigan’s previous attorney general initially defended the agencies in the *Dumont* action, Michigan’s current attorney general, Dana Nessel, refused to do so and instructed the agencies to settle the case.

128. In March 2019, Defendants entered into a settlement agreement with the *Dumont* plaintiffs. **Exhibit 8.**

129. The settlement agreement states that, “[u]nless prohibited by law or court order,” Defendants will maintain a nondiscrimination provision in its foster care and adoption agency contracts prohibiting, among other things, sexual orientation discrimination.

130. The settlement agreement further states that, “[u]nless prohibited by law or court order,” Defendants will enforce the nondiscrimination provision, up to and including contract termination, against a child placing agency that “is in violation of, or is unwilling to comply with, such provisions.”

Defendants’ New Policy Targets Catholic Charities’ Religious Beliefs

131. In April 2019, Defendants sent a directive to Michigan’s child placing agencies, including Catholic Charities, purporting to implement the *Dumont* settlement and stating that DHHS’s foster care and adoption contracts prohibit, among other things, sexual orientation discrimination. **Exhibit 9.**

132. In particular, the directive demands that:

In every case, regardless of whether the individual or couple being considered has identified a particular child for foster or adoptive placement, policies and practices prohibited under the non-discrimination provision include, among others:

- Turning away or referring to another contracted Child Placing Agency (CPA) an otherwise potentially qualified LGBTQ individual or same-sex couple that may be a suitable foster or adoptive family for any child accepted by the CPA for services under a contract or a subcontract.
- Refusing to provide orientation or training to an otherwise potentially qualified LGBTQ individual or same-sex couple that may be a suitable foster or adoptive family for any child accepted by the CPA for services under a contract or a subcontract.
- Refusing to perform a home study or process a foster care licensing application or an adoption application for an otherwise potentially qualified LGBTQ individual or same-sex couple that may be a suitable foster or adoptive family for any child accepted by the CPA for services under a contract or a subcontract.
- Refusing to place a child accepted by the CPA for services under a contract or a subcontract with an otherwise qualified LGBTQ individual or same-sex couple suitable as a foster or adoptive family for the child.

Ex. 9 at 1–2.

133. This new policy threatens to terminate Catholic Charities’ foster care and adoption contracts if it “refuses to comply” with the nondiscrimination provision.

Ex. 9 at 2.

134. Instead of being neutral towards religion, Defendants’ new policy is based on hostility towards certain religious beliefs about marriage and family.

135. The new policy forces faith-based providers that believe marriage is between a man and a woman to abandon or violate that belief as a condition to receiving government contracts.

136. On information and belief, the only child placing agencies that cannot comply with this new policy and will be penalized by it are faith-based agencies.

137. In enacting this new policy, Defendants blindly followed Attorney General Nessel's instructions to force faith-based providers to violate or give up their religious beliefs about same-sex marriage, thereby adopting Attorney General Nessel's anti-religious views and policy preferences as their own.

138. Defendant Nessel has described Michiganders who follow their religious beliefs about marriage being between a man and woman as "a radical fringe," "reprehensible," and promoting a "demagoguery of hatred."²

139. Defendant Nessel has stated that the "AG's office can always be used as a bully pulpit in order to educate on [LGBT] issues," and further explained that religious communities like Catholic Charities should be "educate[d]" "as much as possible" about "the importance of accepting LGBTQ people" because "there are a lot of religious organizations that have changed their views on this over the course of time."³

140. Defendant Nessel has accused those who supported Michigan's protections for faith-based foster care and adoption providers of "dislik[ing] gay people more than [they] care about the needs of foster kids."⁴

² William Rameau, "Gay Marriage Fight is not in any way Similar to Civil Rights Movement," say 100 African-American Pastors: "Insulting to 100s Years of Struggle," BREATHECAST (May 19, 2014, 1:28 PM), <https://bit.ly/2GCcv2t>.

³ Kate Opalewski, *Q&A with Mich. Democratic Attorney General Candidate Dana Nessel*, PRIDESOURCE (Jan. 10, 2018), <https://bit.ly/2GRWNQh>.

⁴ Rick Pluta, *Faith-based adoption bills headed to House floor*, MICHIGAN RADIO (Mar. 4, 2015), <https://bit.ly/2Eo4wUs>.

141. Defendant Nessel has asserted that the “only purpose” of Michigan’s statutory protections for faith-based foster care and adoption providers was “to discriminate against people” and “discriminatory animus.”⁵

142. Defendant Nessel has also described Michigan’s statutory protections for faith-based foster care and adoption providers as “a victory for the hate mongers.”⁶

Irreparable Injury Suffered by Catholic Charities

143. Catholic Charities desires to continue its longstanding foster care and adoption ministry and to continue performing under the existing contracts it has with DHHS.

144. Defendants’ new policy prevents Catholic Charities from doing so because Catholic Charities cannot comply with the policy without violating its sincerely held religious beliefs about marriage and family.

145. Catholic Charities’ religious beliefs about marriage and family prohibit it from recommending or licensing same-sex couples as foster and adoptive parents.

146. Catholic Charities’ religious beliefs about marriage and family likewise prohibit it from placing a child with a same-sex couple.

147. If Defendants are allowed to take adverse action against Catholic Charities based on it acting in accordance with its religious beliefs about marriage and family, the effect on Catholic Charities would be catastrophic and irreversible.

⁵ Ed White, *Dem AG candidate: Adoption law discriminates against gays*, ASSOCIATED PRESS (Sept. 27, 2018), <https://bit.ly/2EoEGQm>.

⁶ Fox 2 Detroit, *Opponents say adoption bill discriminates against gays and lesbians* (Mar. 4, 2015, 5:34 PM), <https://bit.ly/2Dcr49R>.

148. If Catholic Charities is unable to receive referrals from or contract with the state, it will be forced to shut down its foster care and adoption ministry and will thus be prohibited from exercising its sincerely held religious beliefs.

149. Moreover, Catholic Charities has approximately 100 employees whose jobs are dedicated exclusively to carrying out the organization's foster care and adoption ministry. If Defendants are allowed to cancel Catholic Charities' contracts or otherwise penalize the agency for acting consistently with its religious beliefs about marriage and family, Catholic Charities would be unable to keep those employees on its payroll.

150. Furthermore, if Defendants are allowed to cancel Catholic Charities' contracts or otherwise penalize the agency for acting consistently with its religious beliefs about marriage and family, the resulting loss of income and staff would force Catholic Charities to substantially reduce its other religious activities and services.

151. On information and belief, if Catholic Charities were to violate its religious beliefs about marriage and family to avoid any adverse action on the part of Defendants, it would lose donors, supporters, and clients—most notably, birth parents, adoptive families, and foster families—who choose to work with Catholic Charities precisely because of their shared religious beliefs.

ALLEGATIONS OF LAW

152. Catholic Charities is currently suffering imminent and irreparable harm because of Defendants' actions.

153. At all times relevant to this Complaint, each and every act alleged herein is attributable to Defendants and performed under color of a statute, regulation, custom, or policy of DHHS and/or the State of Michigan.

154. Catholic Charities has no adequate remedy at law for the loss of its statutory and constitutional rights.

155. Unless Defendants' conduct is enjoined, Catholic Charities will continue to suffer irreparable injury.

COUNT I

Violation of MCL 400.5a, 710.23g, 722.124e, and 722.124f

156. Plaintiff incorporates by reference paragraphs 1 through 155.

157. Michigan's statutory protections for faith-based foster care and adoption providers—specifically, MCL 400.5a, 710.23g, 722.124e, and 722.124f—protect the right of Catholic Charities to operate its foster care and adoption ministry consistent with its sincerely held religious beliefs contained in a written policy, statement of faith, or other document adhered to by Catholic Charities.

158. Michigan's statutory protections for faith-based foster care and adoption providers prohibit Defendants from taking any adverse action against Catholic Charities because it has declined or will decline to provide services that conflict with its religious beliefs, including its beliefs about marriage and family.

159. Defendants' new policy violates Michigan law because it threatens adverse action—and in fact would result in adverse action—against Catholic Charities based solely on Catholic Charities' decision to operate its foster care and adoption ministry in accordance with its sincerely held religious beliefs about

marriage and family, which are plainly set forth in Catholic Charities' statement of faith and numerous other documents adhered to by Catholic Charities and the Catholic Church.

160. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT II
Violation of Article 1, § 4 of the Michigan Constitution
(Freedom of Worship, Religious Belief, and Conscience)

161. Plaintiff incorporates by reference paragraphs 1 through 155.

162. Under Article 1, Section 4 of the Michigan Constitution, “[e]very person shall be at liberty to worship God according to the dictates of his own conscience,” and no person’s “civil and political rights, privileges and capacities ... shall be diminished or enlarged on account of his religious belief.”

163. Free exercise claims brought under Article I, Section 4 are analyzed under strict scrutiny. *Reid v. Kenowa Hills Public Schs*, 261 Mich App 17, 26; 680 NW2d 62 (2004).

164. Catholic Charities' sincerely held religious beliefs motivate and require it to care for orphans and other children whose parents cannot care for them.

165. Catholic Charities' foster care and adoption services are an exercise of its sincerely held religious beliefs.

166. Catholic Charities' sincerely held religious beliefs require it to operate its ministries, including its foster care and adoption ministry, in accordance with Catholic doctrine and teaching.

167. Catholic Charities' sincerely held religious beliefs prohibit it from certifying same-sex couples as foster care or adoptive parents and from placing children with same-sex couples.

168. Defendants' new policy imposes a substantial burden on Catholic Charities' sincerely held religious beliefs because it forces Catholic Charities to choose between violating its religious beliefs about same-sex marriage and shutting down its foster care and adoption ministry.

169. Defendants' new policy violates Article I, Section 4 of the Michigan Constitution because it excludes Catholic Charities from a public benefit based solely on Catholic Charities' religious beliefs about marriage.

170. Defendants' new policy violates Article I, Section 4 of the Michigan Constitution by conditioning Catholic Charities' ability to minister to needy children on its willingness to renounce or violate its religious beliefs about marriage and family.

171. Defendants' new policy violates Article I, Section 4 of the Michigan Constitution by interfering with Catholic Charities' ability to carry out its religious doctrine, faith, and mission.

172. Defendants' new policy violates Article I, Section 4 of the Michigan Constitution by targeting, discriminating against, and/or showing hostility towards Catholic Charities because of its religious beliefs and practices about marriage.

173. Specifically, Defendants' new policy discriminates against child placing agencies that have religious objections to same-sex marriage, thereby targeting Catholic Charities' religious beliefs and practices.

174. Defendants' new policy was motivated by and created to implement Attorney General Nessel's anti-religious views and policy preferences.

175. Defendants' new policy violates Article I, Section 4 of the Michigan Constitution by burdening Catholic Charities religious exercise with a government rule and/or policy that is neither neutral nor generally applicable.

176. On information and belief, the only child placing agencies that cannot comply with Defendants' new policy are faith-based, demonstrating that it is not neutral.

177. Moreover, the nondiscrimination rule purportedly served by Defendants' new policy has not been evenly enforced, demonstrating that it is neither neutral nor generally applicable.

178. The statutory and regulatory scheme also provides exemptions from the nondiscrimination requirement for secular, nonreligious purposes, demonstrating that the new policy is neither neutral nor generally applicable.

179. Defendants do not have a compelling reason for applying their new policy to Catholic Charities, nor have they selected the means least restrictive of religious exercise to further any purported government interest.

180. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT III
Violation of Article 1, § 5 of the Michigan Constitution
(Free Speech and Expressive Association)

181. Plaintiff incorporates by reference paragraphs 1 through 155.

182. Under Article 1, Section 5 of the Michigan Constitution, “[e]very person may freely speak, write, express and publish his views on all subjects ... and no law shall be enacted to restrain or abridge the liberty of speech or of the press.”

183. Defendants’ new policy unconstitutionally compels speech because it would force Catholic Charities to affirmatively recommend and endorse in writing that children be placed with same-sex couples, in direct violation of its sincerely held religious beliefs.

184. Defendants’ new policy violates Catholic Charities’ free speech rights because Catholic Charities cannot certify same-sex couples as foster or adoptive parents as consistent with the best interests of children without saying that which Catholic Charities believes to be false.

185. Defendants’ new policy is an unconstitutional content-based and viewpoint-based restriction on speech.

186. Defendants’ new policy violates Catholic Charities’ free speech rights because it forces Catholic Charities to choose between saying what it believes to be false or being forced to shut down its foster care and adoption ministry.

187. Defendants’ new policy violates Catholic Charities’ free speech and expressive association rights by forcing Catholic Charities into an intimate expressive association with prospective foster and adoptive parents through the

training and home study process in which it must speak contrary to its conscience and religious beliefs.

188. Additionally, Defendants' new policy violates Catholic Charities' free speech and expressive association rights because it conditions a government benefit on Catholic Charities' willingness to both make statements that conflict with its sincerely held religious beliefs and to enter into an intimate expressive association with prospective foster and adoptive parents in which it must speak contrary to its conscience and beliefs.

189. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT IV
Violation of Article 1, § 2 of the Michigan Constitution
(Equal Protection)

190. Plaintiff incorporates by reference paragraphs 1 through 155.

191. Under Article 1, Section 2 of the Michigan Constitution, “[n]o person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.”

192. Defendants' new policy penalizes and discriminates against Catholic Charities because of its religious beliefs.

193. Under Defendants' new policy, faith-based foster care and adoption providers that hold and espouse religious beliefs about marriage and family that are contrary to those held and espoused by Catholic Charities are allowed to contract with DHHS and continue their ministries.

194. Defendants' new policy violates Catholic Charities' equal protection rights in that it prefers one set of religious beliefs over Catholic Charities' beliefs and denies Catholic Charities the right to contract with the government to perform foster care and adoption services solely because of its religious beliefs.

195. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT V
Violation of the First Amendment to the U.S. Constitution
(Free Exercise)

196. Plaintiff incorporates by reference paragraphs 1 through 155.

197. Catholic Charities' sincerely held religious beliefs motivate and require it to care for orphans and other children whose parents cannot care for them.

198. Catholic Charities' foster care and adoption services are an exercise of its sincerely held religious beliefs.

199. Catholic Charities' sincerely held religious beliefs require it to operate its ministries, including its foster care and adoption ministry, in accordance with Catholic doctrine and teaching.

200. Catholic Charities' sincerely held religious beliefs prohibit it from certifying same-sex couples as foster care or adoptive parents and from placing children with same-sex couples.

201. Defendants' new policy violates the Free Exercise Clause by excluding Catholic Charities from a public benefit based solely on its religious beliefs about marriage.

202. Defendants' new policy violates the Free Exercise Clause by conditioning Catholic Charities' ability to minister to needy children on its willingness to renounce or violate its religious beliefs about marriage and family.

203. Defendants' new policy violates the Free Exercise Clause by interfering with Catholic Charities' ability to carry out its religious doctrine, faith, and mission.

204. Defendants' new policy violates the Free Exercise Clause by targeting, discriminating against, and/or showing hostility towards Catholic Charities because of its religious beliefs and practices about marriage.

205. Specifically, Defendants' new policy discriminates against child placing agencies that have religious objections to same-sex marriage, thereby targeting Catholic Charities' religious beliefs and practices.

206. Defendants' new policy was motivated by and created to implement Attorney General Nessel's anti-religious views and policy preferences.

207. Defendants' new policy also violates the Free Exercise Clause by burdening Catholic Charities' religious exercise with a government rule and/or policy that is neither neutral nor generally applicable.

208. On information and belief, the only child placing agencies that cannot comply with Defendants' new policy are faith-based, demonstrating that it is not neutral.

209. Moreover, the nondiscrimination rule purportedly served by Defendants' new policy has not been evenly enforced, demonstrating that it is neither neutral nor generally applicable.

210. The statutory and regulatory scheme also provides exemptions from the nondiscrimination requirement for secular, nonreligious purposes, demonstrating that the new policy is neither neutral nor generally applicable.

211. Defendants do not have a compelling reason for their actions, nor have they selected the least restrictive means to further any purported government interest.

212. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT VI

Violation of the First Amendment to the U.S. Constitution (Free Speech and Expressive Association)

213. Plaintiff incorporates by reference paragraphs 1 through 155.

214. Defendants' new policy unconstitutionally compels speech because it would force Catholic Charities to affirmatively recommend and endorse in writing that children be placed with same-sex couples, in direct violation of its sincerely held religious beliefs.

215. Defendants' new policy violates Catholic Charities' free speech rights because Catholic Charities cannot recommend and certify same-sex couples as foster or adoptive parents as consistent with the best interests of children without saying that which Catholic Charities believes to be false.

216. Defendants' new policy violates Catholic Charities' free speech rights because it forces Catholic Charities' to choose between saying what it believes to be false or being forced to shut down its foster care and adoption ministry.

217. Defendants' new policy is an unconstitutional content-based and viewpoint-based restriction on speech.

218. Defendants' new policy violates Catholic Charities' free speech and expressive association rights by forcing Catholic Charities into an intimate expressive association with prospective foster and adoptive parents through the training and home study process in which it must speak contrary to its conscience and religious beliefs.

219. Additionally, Defendants' new policy violates Catholic Charities' free speech and expressive association rights because it conditions a government benefit on Catholic Charities' willingness to make statements that conflict with its sincerely held religious beliefs and enter into an intimate expressive association with prospective foster and adoptive parents in which it must speak contrary to its conscience and beliefs.

220. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT VII
Violation of the Fourteenth Amendment to the U.S. Constitution
(Equal Protection)

221. Plaintiff incorporates by reference paragraphs 1 through 155.

222. The Equal Protection Clause prohibits discrimination on the basis of religion.

223. Defendants' new policy penalizes and discriminates against Catholic Charities because of its religious beliefs.

224. Under Defendants' new policy, faith-based foster care and adoption providers that hold and espouse religious beliefs about marriage and family that are contrary to those held and espoused by Catholic Charities are allowed to contract with DHHS and continue their ministries.

225. Defendants' new policy violates Catholic Charities' equal protection rights in that it prefers one set of religious beliefs over Catholic Charities' beliefs and denies Catholic Charities the right to contract with the government to perform foster care and adoption services solely because of its religious beliefs.

226. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

COUNT VIII
Violation of 42 USC § 604a

227. Plaintiff incorporates by reference paragraphs 1 through 155.

228. Under 42 USC § 604a, state agencies that receive federal Temporary Assistance to Needy Families (TANF) block grant funds may not discriminate against faith-based organizations when disbursing those funds through contracts with private organizations.

229. In addition, under 42 USC § 604a, religious organizations that contract with the state agencies disbursing TANF block grant funds "shall retain [their] independence" from the government, including "control over the definition, development, practice, and expression of [their] religious beliefs."

230. DHHS relies on TANF block grants to administer its foster care and adoption program through contracts with private child placing agencies.

231. Defendants' new policy violates 42 USC § 604a because it discriminates against faith-based child placing agencies, including Catholic Charities, that have religious objections to same-sex marriage.

232. Defendants' new policy also violates 42 USC 604a because it interferes with Catholic Charities' independence and ability to control the definition, development, practice, and expression of its religious beliefs about marriage and family.

233. In the absence of declaratory and injunctive relief, Catholic Charities will be irreparably harmed.

PRAYER FOR RELIEF

Wherefore, Plaintiff Catholic Charities West Michigan requests that the Court:

a. Declare that MCL 400.5a, 710.23g, 722.124e, and/or 722.124f prohibits Defendants from taking adverse action against Catholic Charities based on its religious beliefs, speech, or practices about marriage and family;

b. Declare that Article 1, Sections 2, 4, and 5 of the Michigan Constitution prohibit Defendants from taking adverse action against Catholic Charities based on its religious beliefs, speech, or practices about marriage and family;

c. Declare that the First and Fourteenth Amendments to the United States Constitution prohibit Defendants from taking adverse action against Catholic Charities based on its religious beliefs, speech, or practices about marriage and family;

d. Declare that 42 USC § 604a prohibits Defendants from taking adverse action against Catholic Charities based on its religious beliefs, speech, or practices about marriage and family;

e. Order Defendants to continue performance of the foster care and adoption contracts that it entered into with Catholic Charities;

f. Issue preliminary and permanent injunctions prohibiting Defendants from taking adverse action against or otherwise penalizing Catholic Charities, including but not limited to cancelling, failing to renew, or refusing to enter into foster care and/or adoption contracts with Catholic Charities, for reasons or pursuant to policies that constitute violations of Catholic Charities' statutory or constitutional rights;

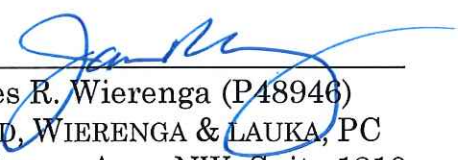
g. Award Catholic Charities nominal and/or compensatory damages;

h. Award Catholic Charities the costs of this action and reasonable attorney's fees; and

i. Award such other and further relief as the Court deems equitable and just.

Dated: April 24, 2019

Respectfully submitted,



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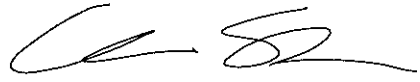
**Pro Hac Vice application forthcoming*

*Attorneys for Plaintiff Catholic Charities
West Michigan*

VERIFICATION

I declare under penalty of perjury that the foregoing Verified Complaint has been examined by me and that the factual allegations therein are true to the best of my information, knowledge, and belief.

Dated: April 24, 2019



Chris Slater, CEO
Catholic Charities West Michigan