

# Philadelphia's closing of a Catholic ministry will put kids at risk. The Supreme Court must stop it.

Opinion by **Toni Simms-Busch**

November 3, 2020 at 3:04 p.m. EST



*Toni Simms-Busch is a foster and adoptive mom, and longtime Philadelphia social worker.*

Before my two boys found their forever home with me in September 2019, they were exposed to hardships that no one — let alone a toddler — should endure. My oldest, now 4, often went hungry, bouncing from one inadequate shelter to another. He was surrounded by drug-addicted adults fighting their own demons.

I consider his survival a miracle wrought by God. That my boys are now growing in resilience and love, however, I credit to Philadelphia's Catholic Social Services.

For more than two centuries, this organization has served vulnerable children with skill and compassion. Yet their ministry is under attack from Philadelphia authorities and activists who would rather see children suffer than allow religious charities to live out their beliefs. If this effort succeeds, the victims will disproportionately be families of color like my own.

I cannot stand by and let this happen. That is why I joined a lawsuit against the city, *Fulton v. City of Philadelphia* brought by the Becket Fund for Religious Liberty. On Wednesday, the U.S. Supreme Court will hear our case. I can only hope that the justices do the right thing — and refuse to let Philadelphia take away the futures of these children.

At issue is the city's 2018 decision to close down Catholic Social Services' foster program. The reasons had nothing to do with quality of care: There has never been a complaint about CSS. Instead, the city objected to the fact that this Catholic organization adhered to Catholic teaching about marriage, which means it cannot endorse either unmarried couples or same-sex couples for foster placement. Instead, it would help those couples find one of Philadelphia's 29 other foster-placement agencies to work with — including three that are certified as experts in serving LGBTQ families.

But this was not enough. Never mind that the city itself recognizes a severe shortage of foster families, which will only worsen if CSS's program is closed forever. Before becoming a foster parent, I was a Philadelphia foster care social worker for eight years, and I saw what happens to kids when there are not enough foster families to care for them. They're shuffled around and kept in institutional settings. The government may leave them in abusive and neglectful homes because it has no good alternatives. Foster children who don't find permanent families are much more likely to drop out of school or succumb to drug addiction and poverty. Studies have shown that this stark reality disproportionately affects children of color.

Nor does it seem to matter that CSS is, to use the city's own description, a "point of light" among Philadelphia foster placement agencies. The organization basically invented foster care in Philadelphia. Catholic Social Services serves all

children in need, regardless of race, religion or sexual orientation. Around 70 percent of the children CSS serves are racial minorities. The organization's experience with these communities, and the depth of care CSS provides, can make all the difference in foster kids' outcomes.

My boys always looked forward to the days that Basheer, our CSS worker, came to visit. Basheer played games, read books and remembered a hundred important details about their lives. To him, they were the most important people in the world. For my part, I knew I could call CSS day or night for advice or support with the nearly unbearable court process I had to endure before adopting my sons. These workers not only had my back: They were family.

As a Catholic, I share many of the values that animate the work of CSS. That is why, when I wanted to foster children myself, I chose to work with Catholic Social Services. Perhaps all this also explains my heartbreak the day I learned the city was shuttering CSS's foster program.

On Wednesday, when the Supreme Court hears our case, the justices will decide not only CSS's fate but the fate of thousands of children across the country — children just like mine. If CSS's foster program is closed permanently, I will be devastated. Families could be left, as the city testified, to start over again and find someone else to work with — if that is even possible. For any foster parents who can't, the city has acknowledged, their foster children "would have to be removed" — no matter the trauma it causes. And faith-based foster care programs will face an existential choice: surrender your beliefs or surrender your ministry.

Some nights before I put my boys to bed, I offer prayers of gratitude for the indescribable joy they bring to my life. But then I think of the many children across Philadelphia who are still hurting, frightened and alone. I pray that those children will find their own loving families — and that the Supreme Court will allow Catholic Social Services to continue that extraordinary work.

**Read more:**

[James Esseks: The next big case on LGBTQ rights is already before the Supreme Court](#)

[William J. Haun: The Supreme Court wants religious Americans — and those who disagree with them — to live and let live](#)

[Jim Obergefell and Alphonso David: Amy Coney Barrett's confirmation would be an LGBTQ rights emergency](#)

[Ruth Marcus: Amy Coney Barrett's alignment with Scalia has implications far beyond Roe v. Wade](#)