



MARYLAND  
CATHOLIC  
CONFERENCE

February 18, 2026

**SB 604**

**Adoption, Foster Care, and Public Services – Prohibition Against Discrimination**

**Senate Judicial Proceedings Committee**

**Position: Unfavorable**

The Maryland Catholic Conference (MCC) offers testimony in opposition to **Senate Bill 604**. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

The Maryland Catholic Conference respectfully **opposes SB 604** because, as drafted, it would (1) prohibit child placement agencies from considering sincerely held religious convictions in adoption and foster care decisions, and (2) broadly forbid governmental bodies and contractors from declining to work with faith-based providers when their religious beliefs inform how they serve children and families.

Our concern is not about preventing loving adults from becoming parents—far from it. Rather, it is about preserving *religious freedom, pluralism, and the participation of faith-based ministries* in the public foster and adoption system.

**The Supreme Court in *Fulton v. City of Philadelphia* Affirmed Religious Freedom Protection for Faith-Based Agencies**

In *Fulton v. City of Philadelphia*, where the Supreme Court of the United States ruled a similar Pennsylvania policy, to that put forth by this legislation, blatantly unconstitutional. The United States Supreme Court unanimously held that the City of Philadelphia **violated the Free Exercise Clause of the First Amendment** by refusing to contract with Catholic Social Services (CSS) unless it agreed to certify same-sex couples as foster parents.

The decision emphasized that:

- CSS's religious beliefs about marriage and family *do not harm others*, and its participation in the foster system did not prevent the City from placing children with same-sex couples through other agencies.

- The government violated constitutional protections by effectively forcing a religious organization to choose between following its faith and serving children.

The Court recognized that allowing faith-based agencies to operate consistent with their beliefs *does not deny opportunities to families who qualify under state law*—other agencies in Philadelphia continued to serve same-sex couples.

This decision underscores that religious organizations—are *not unqualified or unneeded* in child welfare systems simply because they bring a religious perspective to their work.

### **The Proposed Bill Would Infringe on Religious Freedom Without Advancing Child Welfare**

While the bill’s stated goal is to prohibit “discrimination” in foster care and adoption placement, it could, in application, force religious agencies to act contrary to their belief about the nature of marriage and family—even at the cost of shutting them out of the system entirely. Faith-based agencies do not seek to impose their beliefs on others; they seek to operate within a pluralistic society that respects both religious convictions and civil equality.

### **Religious Freedom and Civil Rights Can Coexist**

Contrary to the notion that religious freedom and nondiscrimination are incompatible, *Fulton* demonstrates that the Constitution protects *both*—and that religious belief should not automatically bar a ministry from serving in the public square.

For these reasons, the Maryland Catholic Conference respectfully urges the Committee to issue an **unfavorable report** on SB 604.