

September 2018

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Dear Friend:

The COBYS Family Services Board of Directors recently had to make a difficult decision pertaining to same-sex marriage. Because we know that same sex marriage is among the most divisive issues in our culture and is of deep concern to many of our supporters, we wanted to explain to you what the decision was, why we made it, and what its implications are.

COBYS will comply with a state mandate to approve same-sex couples as foster/adoptive resource parents. This means that we will train and approve any legally married couple who otherwise meets our qualifications to serve as foster parents and to adopt children, including same-sex married couples. With this letter we have included a news article that provides a factual account of the board decision and some Frequently Asked Questions to provide further context. We hope these documents will help you understand the decision.

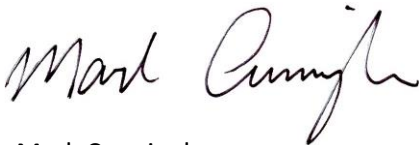
We were disappointed that Governor Wolf and the Office of Children, Youth, and Families put us in a no-win situation. Our choices were:

- Follow a mandate that conflicts with the religious convictions of many of our board members, staff, and supporters.
- Refuse to follow the mandate, effectively ending our adoption and foster care ministries.
- Engage in a legal challenge with no guarantee of victory, and a strong likelihood that such a challenge would consume valuable staff time and energy, distract us from our mission, attract unwanted publicity, and strain relationships with partners we rely on to carry out our work.

Through the years COBYS has had a remarkable ability to transcend all the divisions in the wider church and culture. Christians representing diverse perspectives have seemed to agree that we do valuable work that is worthy of their support. We remain committed to doing such work. We welcome your continued prayers and financial support.

If you would like to have further conversation about this matter, you may contact Mark at 717-656-6580.

Sincerely,



Mark Cunningham  
Executive Director



Donald R. Fitzkee  
Director of Development

## **News Bulletin: COBYS to Comply with State Mandate to Approve Same-Sex Couples**

COBYS Family Services will comply with a state mandate to approve same-sex couples as foster/adoptive resource parents when a new adoption contract takes effect on October 1.

Executive Director Mark Cunningham expressed dismay over the negative impact that a state action has created and may still create for COBYS ministries. “It is upsetting that this topic has taken up so much of our staff and board’s time when we have important work to do,” said Mark. “The work we do is hard enough without this added distraction.”

The COBYS adoption program is an affiliate of the Statewide Adoption and Permanency Network (SWAN), a partnership among the Department of Human Services (DHS), the Pennsylvania Adoption Exchange, public and private adoption agencies, and others. SWAN serves children in the custody of county children and youth agencies. COBYS contracts with SWAN to receive referrals for services and payments for those services.

A written notice from the Department of Human Services’ Office of Children, Youth, and Families, dated July 9, 2018, notified SWAN affiliates like COBYS that the new SWAN contract will not allow agencies to discriminate “by reason of race, gender, creed, color, sexual orientation, gender identity or expression” against “any beneficiary of SWAN services, including children and youth who are or who have been in foster care and prospective or approved qualified families who have applied or have agreed to provide permanency to children in the foster care system under this agreement.”

COBYS currently does not approve same-sex married couples to serve as foster/adoptive resource families, a policy which no longer will be permitted when the new contract takes effect. The COBYS adoption program is dependent upon having a SWAN contract.

The COBYS Board of Directors discussed the issue for several hours over the course of three meetings on July 23 & 30, and August 20, before authorizing staff to sign in a split vote. Discussion focused mostly on whether to launch a legal challenge against the requirement.

During the discussion a clear majority of the board expressed personal belief in the traditional Judeo-Christian view that marriage is a life-long covenant between a man and a woman. One member who felt strongly that COBYS should not place children with same-sex couples resigned from the board at its August 20 meeting, shortly before the decision to authorize staff to sign was made.

Asked by the board for input, COBYS’ five-person Executive Team counseled against COBYS initiating or joining legal action. Staff cited the divisive nature of the issue, the distraction and cost of staff time and energy that a legal challenge could involve, and potential damage to relationships with referring agencies as reasons not to challenge.

In the end, the board approved this statement by voice vote:

*While the COBYS Family Services Board of Directors is not of one mind on the issue of same-sex marriage, in order to fulfill our mission of educating, supporting, and empowering children and adults to reach their full potential, the Board authorizes staff to sign the proposed adoption contract with the new anti-discrimination language that is being required by Governor Wolf and the Office of Children, Youth, and Families.*

Unless a legal challenge from another organization would delay implementation, the new contract takes effect October 1.

## Frequently Asked Questions

### ***What kinds of families does COBYS currently approve as foster/adoptive resource families?***

COBYS currently approves heterosexual couples who have been married for at least two years and single adults as resource parents. COBYS does not approve same-sex married couples, co-habiting couples, or those who have been married or divorced for less than two years. Learn more about qualifications for resource parents at <https://cobys.org/foster-care/becoming-a-resource-family/>.

### ***In what ways does COBYS currently work with same-sex couples?***

In 2014 the COBYS Board of Directors approved this statement: “COBYS will not approve same-sex couples to be resource parents, but will work with same-sex couples in other capacities in its various programs.” The COBYS Adoption and Permanency Unit programs partner with other public and private agencies to find homes for children. In some cases, COBYS is not the primary decision-maker in choosing which family is the best resource for a given child or children. Sometimes children are placed with families that have been trained and approved by other agencies, including same-sex couples. The primary concern in such cases is locating safe, permanent homes for children, some of whom have languished in less desirable living arrangements because no suitable family has been found.

### ***Does COBYS approve of same-sex marriage?***

COBYS is comprised of individual people with differing views on same-sex marriage. We believe that a majority of our board members, many of our staff, and a significant portion of our donors would espouse the historic Judeo-Christian view that marriage is a lifelong covenant between one man and one woman. They would not “approve” of same-sex marriage. Others would view same-sex marriage and related issues through more of a social justice lens, with an emphasis on sharing Christ’s love and ensuring that all people’s rights are protected. We believe that committed Christians can disagree and that the authenticity of a person’s faith cannot be judged based on their view on any one theological, cultural, or social issue.

### ***Why did the board agree to authorize staff to comply with the requirement to place children with same-sex couples if the majority of the board does not agree with same-sex marriage?***

The reasons likely varied, but the bottom line seemed to be that it is not in the best interest of the organization or the many people we serve to become mired in what is perhaps the most polarizing issue facing our culture. Some of the arguments in favor of signing that were voiced by individual board members during the discussions included:

- Our job is to care for children and not to engage in political fights.
- Our prevailing concern should be placing children in homes where they will be safe from abuse and neglect. Evidence suggests that same-sex couples can parent as safely as heterosexual couples.
- We should not put the large body of adoption work that COBYS does at risk due to concerns over a far smaller number of potential placements that some would find objectionable.
- While the debates in church and society about same-sex marriage are important, COBYS needs to stay focused on caring for kids. Political advocacy is not our mission.

### ***What would happen if COBYS would refuse to sign the SWAN contract that requires agencies to approve same-sex couples as resource parents?***

Were COBYS to refuse to sign, the COBYS adoption program would cease to exist, and 27 staff would lose their jobs. What’s more, due to the close interrelatedness of foster care with adoption, it is likely that loss of our SWAN adoption contract soon would imperil the viability of our foster care ministry, resulting in possible loss of 17 additional jobs. More important

than the job losses would be the missed opportunities for ministry. Last year alone COBYS cared for 170 foster children and walked alongside many additional children and families through the adoption process. While some adoption agencies in other states have discontinued ministries because of convictions against same-sex marriage, we are not willing to sacrifice the life-changing work we have done and continue to do for thousands of children and families over this issue.

***Couldn't COBYS just do private adoptions and avoid some mandates that come with receiving public monies?***

Children in the state child welfare system are our mission field. When COBYS began providing foster care in 1980, for a brief time we did so privately, but quickly realized that it was not financially feasible to work apart from county children and youth agencies. More recently, COBYS offered a private adoption option, seeking to match adoptive families with birth parents seeking to place infants for adoption. Over a period of several years, we were able to finalize just a handful of adoptions. The program never gained traction and was discontinued in 2017. The children who need our love and support are in the state child welfare system. We cannot have anywhere close to our current impact working outside of that system.

***Couldn't COBYS have joined with other like-minded organizations to fight the requirement to approve same-sex couples?***

Yes, we could have joined others or initiated a legal challenge ourselves. Whether or not to do so was the focus of much of the board's discussion. However, most private organizations in Pennsylvania that provide similar services to COBYS—including other Christian agencies—already approve same-sex couples. We were aware of only one agency that was likely to challenge the new contract language, and we chose not to work with that agency for a variety of reasons. It is possible that a legal challenge by another agency still could result in a delay in the implementation of the new requirement or in it being overturned by the courts.

***What is COBYS' understanding of what it means to be a Christian organization?***

COBYS was founded by the Church of the Brethren and continues to enjoy a supportive relationship with the Atlantic Northeast District of the Church of the Brethren and many congregations of other denominations. We were founded by Christians to serve children and families. Our mission statement highlights that we are "motivated by Christian faith." We serve because of our faith and seek to share the love of Christ with children and families. That being said, we have a broad range of denominations and faith perspectives represented among our staff, board members, resource families, and financial supporters. We do not require adherence to certain doctrines or agreement on specific issues. If we require agreement on anything, it is that it is a Christian calling to care for children.

And while most of our staff and resource families are committed Christians who point to their faith as a motivating factor for their affiliation with COBYS, we are prohibited by law from discriminating based on religion in hiring or the approval of resource parents. We tend to attract Christians to work with us and for us because we clearly articulate our Christian identity and core values. We will continue to do this and trust God to send us the right people to carry out our mission.

***How can a Christian organization like COBYS justify making such a compromise of Christian values?***

First, we recognize that Christians disagree and not all view placing children with same-sex couples as a compromise. But, accepting the premise of the question, in our line of work we often choose from among imperfect options. We have imperfect staff, working with imperfect resource families, within imperfect systems to try to achieve the best outcomes we can for kids who come out of far-from-perfect family situations. The Christian faith that motivates us to serve children and families also leads us to accept less than ideal options to achieve the greatest good possible. COBYS has given 500 children fresh starts through adoption over the past 20 years. We are not willing to sacrifice the next 500 out of concern for this issue. We understand some may disagree.

***COBYS Director of Development Don Fitzkee recently announced his resignation. Was that related to this issue?***

Don's decision to resign was not related to this discussion in any way. He had been contemplating making a change for some time and the timing of his resignation just happened to coincide with the board's same-sex marriage discussion. Don still is fully supportive of COBYS ministries and thinks you should be too.