



U.S. Supreme Court Opens Doors for Waiting Children to be Adopted

Ruling is good news for 125,000 children in U.S. foster care system who are awaiting adoption

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Phoenix, Ariz.— Today’s Supreme Court decision in [Fulton v. City of Philadelphia](#) ensures that abandoned and abused children will have access to more, not fewer, foster homes and prospective adoptive families. [Gen Justice](#) argued in its [amicus curiae](#) brief that the U.S. Constitution protects children’s interests in joining and forming families for their protection, education and well-being.

“The most critical matter at stake in this case was the children’s profound interest in finding and forming safe families,” declared Tim Keller, Gen Justice senior vice-president and legal director. “Today’s decision protects children’s interests, but it stops short of explicitly recognizing that children possess independent interests that deserve constitutional protection.”

The *Fulton* case arose after the City of Philadelphia excluded Catholic Social Services from its foster care program because the organization would not license same-sex couples. The Court today vindicated the Catholic agency’s argument that the city’s decision to exclude them on account of their religious beliefs violated their First Amendment right to the free exercise of religion. But it did not address whether children have independent interests worthy of constitutional recognition.

“The Supreme Court has recognized the right to marry and the right to have a family as fundamental freedoms guaranteed by the Constitution to all Americans. We invite the Court to squarely address the issue of whether orphaned and parentless children have a similar constitutionally protected interest in forming families,” said Darcy Olsen, founder and CEO of Gen Justice. “If individuals’ interests in family formation are protected, the Court should acknowledge that those interests are not exclusive to adults.”

When the Court finally acknowledges that foster children are protected by the constitution, policies that hinder, harm or impede prospects for adoption will need to be eliminated.

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About Gen Justice

[Gen Justice](#) is an award-winning charitable organization working to mend the broken child protection system through nonpartisan policy changes and a pro bono Children's Law Clinic.

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