

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NEW HOPE FAMILY SERVICES, INC.,

Plaintiff,

DECLARATION

-against-

18-CV-1419

SHEILA J. POOLE,

MAD/TWD

Defendant.

SUZANNE COLLIGAN, on the date noted below and pursuant to § 1746 of title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an employee of the New York State Office of Children and Family Services (“OCFS”). I am not a party to the above-captioned action. I have first-hand knowledge of the facts set forth herein and I make this declaration in support of Defendant’s motion for summary judgment.

2. I have been employed by OCFS since March 13, 2014. I am currently a Children and Family Services Specialist 2 at the Syracuse Regional Office. In my role as the Children and Family Services Specialist 2, I conduct program reviews of authorized agencies to evaluate the quality of the services provided and to ensure programs are in compliance with applicable policies, regulations, and statutes.

3. Prior to my employment with OCFS, beginning in 2001, I was employed by the Center for Development of Human Services as contractor for OCFS, during which time my duties were the same as my current responsibilities, with the addition of training deliverables associated with adoption competencies.

4. On or about September 6, 2018, I conducted a site visit of New Hope Family Services (“New Hope”) as part of their annual program review. During the visit, I was provided with a copy of their written policies to review as part of the assessment. While reading those policies, I learned that New Hope maintained a policy of refusing to provide adoption services to same-sex and unmarried couples.

5. Ordinarily, when I uncover a violation of OCFS policy or regulation, I reach out to the agency to discuss the issues identified and to collaboratively develop a corrective action plan.

6. Consistent with that practice, on or about October 10, 2018, I contacted Judy Geyer to notify her that New Hope’s policy was in violation of OCFS policy and regulation and to discuss how they could come into compliance. However, Ms. Geyer indicated to me that they did not intend to comply with the regulation and that they were “unwilling to compromise their beliefs.”

7. At no time did I indicate to Ms. Geyer that “Some Christian ministries have compromised their beliefs in order to remain open.” In fact, I am not aware of any faith-based adoption agencies who have changed their policies against providing adoption services to same-sex or unmarried couples in order to comply with OCFS non-discrimination regulation.

8. To the best of my recollection, I have only encountered one other agency with a similar violation. In 2003, I discovered that Broome Country Department of Social Services (“DSS”) maintained a policy of refusing foster care applications from unmarried couples. A copy of my memo so documenting is annexed hereto as **Exhibit A**. I notified Broome County DSS that their policy was in violation of OCFS policy and regulations and directed them to amend it. Broome County DSS subsequently updated their practices in accordance with OCFS’ directive and no further action was necessary. Broome County DSS provided verification of the change, annexed hereto as **Exhibit B**.

Dated: October 7, 2021
Syracuse, New York

Suzanne Colligan /s/ _____
Suzanne Colligan

Colligan Exhibit A

Memo

To: Mary Miller
From: Suzanne Colligan
CC: File
Date: 8/26/03
Re: Broome Trip Report

Present: Don Bowersox, Tana Smith, Yana Reavis, Alice Jump, Gladys Butler, Brenda Marshall, Elaine Antonyak, Kelly Proctor, Suzanne Colligan

Discussion Points:

- A summary of the discussion points from the March 13, 2003 meeting was distributed to the adoption/homefinding unit.
- Don and the caseworkers expressed the need to focus attention on their recruitment and retention plan because they desperately need more foster/adoptive homes. Alice Jump, an intern from Binghamton, will be assisting the unit with recruitment activities. Don requested my continued involvement and technical assistance with the unit on developing a recruitment and retention plan. He expressed it is helpful to have someone that has been involved in collaborations, recruitment, knowledge from the other districts, and their need for someone outside their organization to provide feedback for the unit.
- The unit expressed that the BC Focus collaboration is unorganized. There are different members attending the meetings and cause repeat conversations and there seems to be no facilitator. I shared the experiences/challenges with the FAN collaboration; the need for agency commitment and responsibility with consistent participation in meetings, recorded minutes and designated facilitator(s) or co-chairpersons. Carol vanvalkenburg has been involved with BC Focus. I will follow up with Carol on the issues raised today. Don will also raise the concerns at the next BC Focus meeting in September.
- Yana Ravis stated they approve families differently than the other two agencies in the collaboration. She stated their agency wants to see/hear a commitment from callers before they accept an application. She stated one example of a lack of commitment would be two unmarried persons living together. Her belief was that because they are not married they are demonstrating a lack of commitment to each other. I challenged this thinking and asked others in the group to share how they feel about this policy. Tana also agreed and expressed strong feelings in support of this. I shared they were expressing their own values and beliefs with this type of policy. Taking inquiry calls and having prospective foster and adoptive parents go through the certification process, especially in the MAPP curriculum, is the way your agency and the parents make decisions whether or not fostering and/or adoption is for them. The intern also disagreed with their thinking and felt unmarried persons may have their own good reasons for not marrying and are still able to make commitments. Don stated this was an unwritten agency policy not to accept a foster care or adoption application from unmarried couples living together and that this was supported by administration. I shared that it sounded as if someone had grouped the adoption regulations, which state a single person or two married persons can adopt, with a "policy" for foster care applicants as well. I further stated that this is denying applications to eligible persons and there was

nothing in the regulations or laws that state this can be done, and these persons would have had a right to a fair hearing. Don asked if this was a policy anywhere else. I stated that I had not heard this type of policy in my years in child welfare and not in any of the work in this region or across the state. Don asked that I survey other districts, as they may be doing it and we are not aware. I stated that I would inquire as I meet with districts. Don stated he would talk with Gayle about this policy.

- Yana expressed additional concerns about persons with mental illnesses and recovering alcoholics. I stated, again, that it is an assessment process during the certification classes as to what their strengths and needs are and if they are able to foster/adopt. Yana asked what happens when you feel they should not be certified. I briefly reviewed the process for denying an application/person to adopt. Additionally, I shared that people who have experienced losses and difficult times are often those that can understand what our children may be going through and help them cope.
- Don stated as part of BC Focus they are going to collaboratively train foster and adoptive parents using MAPP with Children's Home of Wyoming Conference and Berkshire Farms. Don stated they plan to additionally train foster/adoptive parents on DSS specifics during their certification process. Don, Tana and Yana are going to MAPP leadership training this fall. They are thinking at this point of having any interested foster/adoptive parents join the MAPP classes with Berkshire and Children's Home this fall, DSS staff will be there as observers, while at the same time they are participating in the MAPP leadership program.
- Nancy Whitehead, senior caseworker, was absent from today's unit meeting and continues refuse to participate in them. Don will continue to address with Gayle Hujar. Nancy does not support the BC Focus collaboration or the use of the MAPP curriculum.
- Don stated that Tana had expressed the adoption exchange is caseworkers "preaching to the choir" about their children and the need for a family. Tana had said the same children were presented this year that were presented year's ago. I discussed with Don my agreement in regards to the presentations of the children and the need to get adoptive parents more directly involved in the exchanges. However, presenting the same children from years ago is the caseworker's desire and need to find a family for a child no matter how many times they have to present them. Additionally, over the years there are changes in agency, staff and available adoptive parents participating in the exchanges. I also explained that I would like to change the format to adoptive parents attending the exchanges and hearing the presentations on the children. Don expressed that if adoptive families are in other counties and not adopting the local DSS children there, why would they be interested in their children because they all have very similar issues. I discussed that our children may have similarities but they are all different and unique. Adoptive parents often find a very special connection with one child and not in others. I asked Don if he had ideas on improving the exchanges, he did not.
- Don stated he would like to attend the adoption festival to see what it is like before they send any children. He was not sure if he could attend the festival.
- I spoke with Don after the meeting about past complaints to our office, which included the type of thinking heard today from the caseworkers about what they feel is a good family, and based on their own personal values and beliefs.
- Don discussed a case with a Southern Tier family that would like to adopt a child in their custody. The family previously adopted and has a current study completed. The birth parents are willing to surrender the child to this family for adoption. Don asked if DSS could somehow step out of the picture and have it handled privately. I stated that's difficult because they have custody, unless the judge allows return to parent. Don stated he has already spoken with his attorneys and they stated it couldn't be done. Don questioned this and wanted to know if there was a way. I stated I would follow up. Don was told the process for certifying the home under these circumstances and that the regulations do not stipulate training classes. I referenced the regulations on certifying homes for adoption.

Next meeting: Friday, September 26, 2003. 9:30am

Agenda: Revise recruitment and retention plan with targeted efforts, specific tasks and timeframes.

Before the next meeting: Caseworkers will review the recruitment and retention plan

Colligan Exhibit B

Colligan, Suzanne

From: BOWERSOX, DONALD
Sent: Wednesday, September 03, 2003 12:16 PM
To: Antonyak, Elaine ; BUTLER, GLADYS; MARSHALL, BRENDA ; REAVIS, JANA; SMITH, TANA ; WHITEHEAD, NANCY; WOOD, DENISE
Cc: HUJAR, GAYLE; PERKINS, KAREN; Colligan, Suzanne
Subject: Non-married couples inquiries regarding Foster Parenting

I am advising that effective immediately we can no longer use the marital status of any couple to rule them out as foster parents. We are obligated to examine and study the stability of their relationship before making a decision. So, that being said, when someone calls and states they are a couple living together we will need to collect the information as usual and then send them the letter and information packet. If you have questions or concerns about this please do not hesitate to see me. Thanks!

Don Bowersox