

Maddonna v. U.S. Dept. of Health and Human Servs., et al.
Civil Action No. 6:19-cv-03551-JD

Exhibit N

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Executive Order No. 2018-12 (March 13, 2018)

State of South Carolina
Executive Department

FILED

MAR 13 2018

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO. 2018-12

WHEREAS, government at any level should not and shall not penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of one's religious identity and sincerely held beliefs; and

WHEREAS, faith-based organizations may retain their religious character and participate in government programs, provided that public funds are not used to directly subsidize or support religious worship activities; and

WHEREAS, the foregoing rights are guaranteed by, *inter alia*, the First Amendment to the United States Constitution and article I, section 2 of the South Carolina Constitution, both of which provide that there shall be no laws prohibiting the free exercise of religion, abridging the freedom of speech, or inhibiting the corresponding right to associate with others; and

WHEREAS, the rights of faith-based organizations to exercise religious beliefs while participating in government are also protected by the South Carolina Religious Freedom Act of 1999 ("RFA"), codified in sections 1-32-10 through -60 of the South Carolina Code of Laws, which provides, in relevant part, that "[t]he State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability," unless the burden furthers a compelling state interest and is applied in the least restrictive means of furthering that interest; and

WHEREAS, pursuant to article IV, section 15 of the South Carolina Constitution, the Governor "shall take care that the laws be faithfully executed," which includes ensuring the free exercise of religion as guaranteed by the South Carolina Constitution and upholding religious liberty under the RFA; and

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WHEREAS, the licensing and participation of faith-based organizations in South Carolina's foster-care system is a long-standing and constitutionally permissible practice; and

WHEREAS, the South Carolina Department of Social Services ("DSS"), which is part of the Governor's Cabinet, oversees the State's foster-care program and, as such, licenses Child Placing Agencies ("CPAs"); and

WHEREAS, pursuant to section 114-550 of the South Carolina Code of Regulations, CPAs are defined, in pertinent part, as "any person or entity who holds legal or physical custody of a child for the purpose of placement for foster care or adoption or a private placement and . . . retain[s] their own system of foster homes"; and

WHEREAS, sections 114-4910 through -4980 of the South Carolina Code of Regulations govern the licensing and administration of CPAs; and

WHEREAS, CPAs may be secular or non-secular and are separate private, non-governmental entities that recruit, retain, and support current and prospective foster-care families in South Carolina, thereby fulfilling a crucial need for the State and providing a critical service to the children of South Carolina; and

WHEREAS, DSS licenses many CPAs and provides a variety of CPA options from which foster parents may choose; and

WHEREAS, the State has no compelling interest in limiting faith-based organizations' participation as CPAs; and

WHEREAS, faith-based CPAs associate foster parents and homes who share the same faith and should not be asked to compromise sincerely held religious beliefs in recruiting, training, and retaining foster parents; and

WHEREAS, separate and apart from the association of foster parents by CPAs, under federal and state law, CPAs must assist *any children in foster care* without regard to their religious beliefs; and

WHEREAS, to the extent DSS receives funding from the United States Department of Health and Human Services ("DHHS") or otherwise participates in the Federal Foster Care Program, the undersigned has requested that DHHS not exclude faith-based CPAs and grant DSS a formal deviation from DHHS policy in recognition of the foregoing rights and considerations and in accordance with the Religious Freedom Restoration Act of 1993 ("RFRA"), codified as amended at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4; and

WHEREAS, religious observers and organizations should not be required to sacrifice the tenets of their faith to serve the children of South Carolina, particularly where, as here, doing so would not serve or further any identifiable or compelling state interest.

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NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, to the fullest extent permitted by state and federal law, I direct that DSS shall not deny licensure to faith-based CPAs solely on account of their religious identity or sincerely held religious beliefs. Further, I hereby direct DSS to review and revise its policies and manuals in accordance with this Order and ensure that DSS does not directly or indirectly penalize religious identity or activity in applying sections 114-550 or 114-4910 through -4980 of the South Carolina Code of Regulations with regard to Licensure for Foster Care.

In furtherance of the foregoing rights, principles, and considerations, all Cabinet agencies, including all boards and commissions that are part of, comprised within, or under the jurisdiction of a Cabinet agency, are hereby directed to review their policies, procedures, and regulations to ensure that the same do not directly or indirectly penalize religious activity by denying any person or organization an equal share of the rights, benefits, and privileges enjoyed by other individuals or organizations solely on account of religious identity or beliefs. It is further advised that executive agencies not in the undersigned's Cabinet or otherwise subject to the undersigned's direct authority shall likewise act in accordance with this Order and the foregoing directives.

This Order is effective immediately.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 13th DAY OF MARCH, 2018.

Handwritten signature of Henry McMaster in black ink.

HENRY MCMASTER
Governor

ATTEST:
Handwritten signature of Mark Hammond in black ink.

MARK HAMMOND
Secretary of State

Maddonna v. U.S. Dept. of Health and Human Servs., et al.
Civil Action No. 6:19-cv-03551-JD

Exhibit O

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Letter from Steven Wagner to Gov. Henry McMaster (January 23, 2019)



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, DC 20201 | www.acf.hhs.gov

January 23, 2019

Governor Henry McMaster
State House
1100 Gervais Street
Columbia, SC 29201

Re: Request for Deviation or Exception from HHS Regulations 45 CFR § 75.300(c)

Dear Governor McMaster:

This correspondence responds to your letter of February 27, 2018, to the Acting Assistant Secretary for Children and Families, written “on behalf of South Carolina and faith-based organizations” operating under South Carolina’s Title IV-E Foster Care Program (“the SC Foster Care Program”). As clarified through follow-up telephone calls, your letter requested that the SC Foster Care Program be granted an exception from U.S. Department of Health and Human Services’ (“HHS” or the “Department”) regulations at 45 CFR § 75.300(c), prohibiting subgrantees from selecting among prospective foster parents on the basis of religion, to the extent that such prohibition conflicts with a subgrantee’s religious exercise. We understand that one such faith-based subgrantee, Miracle Hill Ministries (“Miracle Hill”), exclusively recruits foster parents of a particular religion and accounts for up to 15% of your total foster care placements. We also understand that you believe that there are other participating faith-based organizations with similar religious exercise concerns and that other entities in the SC Foster Care Program do not have the same conflicts with § 75.300(c) and would work with prospective foster parents of different faiths or no faith.

Section 75.300(c) says:

(c) It is a public policy requirement of HHS that no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit factors such as age, disability, sex, race, color, national origin, religion, gender identity, or sexual orientation. Recipients must comply with this public policy requirement in the administration of programs supported by HHS awards.

These requirements are broader than the nondiscrimination requirements specified in the Foster Care Program Statute, 42 U.S.C. § 671(a)(18), which says:

(a) Requisite features of State plan. In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—(18) not later than January 1, 1997, provides that neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or

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foster care placements may—(A) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or (B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

The statutory requirements of § 671(a)(18) are incorporated into the grant for the SC Foster Care Program through 45 CFR § 75.300(a), which requires “that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements.” Other federal civil rights statutes may likewise apply to the SC Foster Care Program directly, as a recipient of federal financial assistance, or through 45 CFR § 75.300(a). Your letter did not request an exception from § 75.300(a).

In support of your exception request, you state that South Carolina has more than 4,000 children in foster care, that South Carolina needs more child placing agencies, and that faith-based organizations “are essential” to recruiting more families for child placement. You specifically cite Miracle Hill, a faith-based organization that recruits 15% of the foster care families in the SC Foster Care Program, and you state that, without the participation of such faith-based organizations, South Carolina would have difficulty continuing to place all children in need of foster care. You make the case that, if the SC Foster Care Program is not provided an exception from § 75.300(c) in this regard, certain faith-based organizations operating under your grant would have to abandon their religious beliefs or forego licensure and funding. You contend this would cause hardship to faith-based organizations and to the SC Foster Care Program. Your letter seeking the exception argued that certain requirements in § 75.300(c) and (d) exceed any nondiscrimination requirements or authority imposed by statute, and that § 75.300(c) and (d) limit the free exercise of religion of faith-based organizations in violation of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, *et seq.* (“RFRA”). In follow-up telephone conversations with your chief legal counsel, the request for an exception was narrowed to the religious nondiscrimination provision in § 75.300(c).

On December 18, 2018, Miracle Hill wrote to HHS stating that, in prohibiting Miracle Hill’s use of religious criteria in selecting prospective foster parents under the SC Foster Care Program, HHS’s regulations substantially burden Miracle Hill’s free exercise of religion (including under RFRA), and are also *ultra vires* because they exceed the scope of the relevant statutes. Miracle Hill notes that the South Carolina Department of Social Services, pursuant to the requirements imposed on it through its grants from HHS, declined to renew Miracle Hill’s license to provide foster services and “instead granted [Miracle Hill] a provisional license that would be revoked if [Miracle Hill] continued [its] ministry consistent with [its] religious beliefs.” It is HHS’s understanding that this provisional license will be revoked in January 2019 unless Miracle Hill agrees to partner with foster parents in accordance with § 75.300(c), which Miracle Hill cannot do, because Miracle Hill “believe[s] those who hold certain positions of spiritual influence and leadership—including foster parents—should share [Miracle Hill’s] religious mission and beliefs.”

The HHS Office for Civil Rights (“OCR”) is the HHS component with delegated authority to ensure compliance with RFRA by the Department, its programs, and the recipients of HHS

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federal financial assistance. OCR has reviewed Miracle Hill's letter as part of an ongoing investigation and has determined that subjecting Miracle Hill to the religious nondiscrimination requirement in § 75.300(c) (by requiring South Carolina to require Miracle Hill to comply with § 75.300(c) as a condition of receiving funding) would be inconsistent with RFRA.

OCR specifically found that Miracle Hill's sincere religious exercise would be substantially burdened by application of the religious nondiscrimination requirement of § 75.300(c), and that subjecting Miracle Hill to that requirement, by denying South Carolina's exception request, is not the least restrictive means of advancing a compelling government interest on the part of HHS. Relevant to this determination is the fact that the religious nondiscrimination provision in § 75.300(c) exceeds the scope of the nondiscrimination provisions found in the federal statutes applicable to the SC Foster Care Program, and provides no exceptions for religious organizations as are found in other statutes prohibiting religious discrimination. *See, e.g.*, 42 U.S.C. § 2000e-1(a) (Title VII); 42 U.S.C. § 3607(a) (Fair Housing Act). In addition, the interest of allowing potential foster parents into the SC Foster Care Program appears capable of being served by other providers in the program, since at least nine other foster care providers in Miracle Hill's area appear available to assist potential foster parents in the event Miracle Hill is unable to partner with certain potential foster parents because of Miracle Hill's religious beliefs. Of additional relevance is the fact that the OMB Uniform Administrative Requirements, located at 2 CFR § 200.300, do not contain provisions analogous to the broad religious nondiscrimination provision in 45 CFR § 75.300(c). As the Supreme Court recognized in *Holt v. Hobbs*, 135 S. Ct. 853, 866 (2015), consideration of analogous programs operated by other governmental entities is relevant in determining whether the government has a compelling interest "of the highest order" in requiring such a burden on religious exercise. Finally, 45 CFR Part 75 provides a mechanism for granting an exception from requirements of that part, including § 75.300(c): namely, as applicable here, case-by-case exceptions available under 45 CFR § 75.102(b). The Supreme Court has emphasized that, where exceptions are available, the government has a difficult burden to meet before refusing an exception under RFRA. *See, e.g., Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 434 (2006). Accordingly, OCR concluded that Miracle Hill (and any other similarly situated religious organization in the SC Foster Care Program) is entitled under RFRA to an exception from the religious nondiscrimination requirements of 45 CFR § 75.300.

Section 75.102(b) of 45 CFR states that "[e]xceptions on a case-by-case basis for individual non-Federal entities may be authorized by the HHS awarding agency or cognizant agency for indirect costs, except where otherwise required by law or where OMB or other approval is expressly required by this part." This provision permits the HHS awarding agency (or the "cognizant agency for indirect costs") to grant exceptions on a case-by-case basis.

After reviewing all of the information you have provided, we have determined that requiring your subgrantee Miracle Hill to comply with the religious non-discrimination provision of 45 CFR § 75.300(c) would cause a burden to religious beliefs that is unacceptable under RFRA. While this determination is sufficient to require the granting of your request for an exception from such provision of the regulation, we also note that the application of the regulatory requirement would also cause a significant programmatic burden for the SC Foster Care Program by impeding the placement of children into foster care.

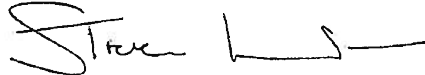
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For these reasons, under 45 CFR § 75.102(b), HHS is hereby conditionally granting the requested exception from the religious non-discrimination requirement of 45 CFR § 75.300(c). The exception applies with respect to Miracle Hill or any other subgrantee in the SC Foster Care Program that uses similar religious criteria in selecting among prospective foster care parents. The exception applies on the condition that Miracle Hill, or any other subgrantee making use of this exception, be required to refer potential foster parents that do not adhere to the subgrantee's religious beliefs to other subgrantees in the SC Foster Care Program, or to refer them to the SC Foster Care Program staff themselves, if the SC Foster Care Program staff is equipped to refer those persons to other willing subgrantees. This condition is added on the understanding that Miracle Hill, and any other subgrantee making use of this exception, does not object on religious grounds to making such referrals and, therefore, the condition does not implicate additional RFRA concerns.

Please note that this exception does not relieve the SC Foster Care Program of its obligation to comply with any other requirements of 45 CFR Part 75.300(c), of other paragraphs of 45 CFR Part 75.300, of 42 U.S.C. § 671(a)(18), or of any provisions of civil rights statutes, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973 that may apply.¹

If you require any additional information, please contact me at 202.205.7747.

Sincerely,



Steven Wagner
Principal Deputy Assistant Secretary
Administration for Children and Families

¹ 42 U.S.C. § 2000d *et seq.*, 20 U.S.C. § 1681 *et seq.*, 42 U.S.C. § 6101 *et seq.*, and 29 U.S.C. § 794, respectively.

Maddonna v. U.S. Dept. of Health and Human Servs., et al.
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Exhibit P

Miracle Hill Press Release

July 5, 2019

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F R M M D A T R L A S

Contact: Sandy Furnell, Director of Communications & Public Relations
864.631.0158 or 864.420.7292 (cell)
sfurnell@miraclehill.org



Miracle Hill Ministries Strengthens Christian Identity by Opening Foster Program to Catholic Foster Parents

GREENVILLE, SC (July 5, 2019) – In order to strengthen its mission of providing comprehensive care in the name of Jesus Christ and for the sake of unity among followers of Jesus Christ, the Board and CEO of Miracle Hill Ministries have clarified the non-profit's identity as an evangelical, Christian, Gospel-infused mercy ministry, and have opened the door for Catholics who affirm Miracle Hill's doctrinal statement in belief and practice to serve as foster parents and employees.

"We are grieved that the recent religious freedom struggle surrounding our foster care program has been mischaracterized in the media as a dispute between followers of Christ instead of the right to exist as a Christian organization providing invaluable services to our community," said Reid Lehman, President/CEO. "Our calling as an organization is not primarily to evaluate and emphasize differences between various branches of Christianity or between denominations within Protestantism. Rather, Miracle Hill's spiritual identity is first and foremost that of brothers and sisters in Christ working together to minister to the needy in Christ's name."

In January 2019, the U.S. Department of Health and Human Services clarified that in South Carolina faith-based child welfare organizations may partner with those who share their religious beliefs while caring for children placed by the South Carolina Department of Social Services, a ruling that protected Miracle Hill Foster Care's right to exist. The Catholic Diocese of Charleston applauded the decision saying, "This organization should not be forced to discontinue these life-affirming services because they desire to serve children consistent with their Protestant faith."

While this religious freedom victory protected all faith-based organizations in South Carolina, a subsequent lawsuit filed by Aimee Madonna gave the impression that Miracle Hill was in a dispute with other followers of Jesus Christ. "Although we advocate to protect the rights of Protestant and other religious organizations to work with those who share their faith, we recognize our previous stance has wounded other followers of Jesus Christ," said Lehman. "For Miracle Hill, embracing Christians who share our beliefs simplifies our affiliation process while protecting core values and doctrinal consistency. It's the right thing to do."

The organization's spiritual identity has been clarified as the following:

Miracle Hill Ministries defines itself as an **evangelical, Gospel-in used mercy ministry**. Christians who share a commitment to the Gospel and embrace our [doctrinal statement](#) in belief and practice are valued ministry partners in employment and fostering. God's call on us is to be broad in our outreach and broad in our donor/volunteer base while standing firm on our core beliefs. Miracle Hill wants to be known for what it stands for – our allegiance to Jesus Christ, His Good News, and serving those in need in Christ's name. Miracle Hill Ministries is Protestant in doctrine, teaching, and leadership, but by broadening its policy surrounding employment and fostering, the organization expands its ability to serve the needy and vulnerable in Christ's name and to heal wounds within the Christian community.

--more--

For more than 80 years, Miracle Hill has worked collaboratively with both religious and secular community partners to meet the needs of those experiencing homelessness in Upstate South Carolina. Miracle Hill serves everyone who comes seeking help, regardless of their faith or no faith at all. Embracing Christianity is not a requirement for receiving services.

About Miracle Hill Ministries

Miracle Hill Ministries is the Upstate's largest, most comprehensive provider of services to homeless children and adults. Serving the Upstate since 1937, Miracle Hill's programs include rescue shelters for the homeless, residential addiction recovery, transitional housing, shelters for children, and foster care. Miracle Hill's eight thrift stores provide employment opportunities for the community as well as former Miracle Hill guests. Miracle Hill has been awarded the Certificate of Excellence as a Certified Mission by [City Gate Network](#), a distinction given to fewer than 30 missions nationwide. Additionally, Miracle Hill's foster care program and group homes for children have been accredited by [CARF International](#). For more information about Miracle Hill, please visit www.MiracleHill.org or call 864.268.4357. Find us on [Facebook](#), [Twitter](#), and [Instagram](#).

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Maddonna v. U.S. Dept. of Health and Human Servs., et al.
Civil Action No. 6:19-cv-03551-JD

Exhibit Q

**Greenville News – Miracle Hill changes foster care policy, will recruit Catholic, Orthodox
Christian parents**

July 11,2019

Greenville News

NEWS

Miracle Hill changes foster care policy, will recruit Catholic, Orthodox Christian parents



Nathaniel Cary

The Greenville News

Published 11:11 a.m. ET July 11, 2019 |

Miracle Hill Ministries, an evangelical Protestant foster care provider, has changed its policy and will now work with prospective foster families from other Christian denominations.

Miracle Hill will now work with families of Catholic or Orthodox faith who agree with the agency's doctrinal statement, its president and CEO said this week.

Miracle Hill has been the subject of two lawsuits challenging a religious exemption that South Carolina received from the federal Department of Health and Human Services that let the agency operate a foster care program that works only with evangelical Christians. The suits name the administrations of Gov. Henry McMaster and President Donald Trump as defendants, but not Miracle Hill itself.

The suits, and the decision, put Miracle Hill at the center of a larger battle over religious freedom in America.

One of those lawsuits was brought by a Catholic mother who said she was turned away from volunteering as a mentor because of her Catholic faith.

The policy change to now recruit Catholic families as foster parents had been discussed by the group's board of trustees last fall before the lawsuit was filed, but the decision was made in May, said Reid Lehman, Miracle Hill's president and CEO.

The change applies to all volunteers in a position of spiritual influence as well as to employees throughout the organization, not just in its foster program, Lehman said. Miracle Hill didn't want to be drawn into a "label fight against other branches of Christianity," he said.

Lehman said Miracle Hill was "grieved" that the foster care program's religious freedom stance has been viewed as a "dispute between followers of Christ" rather than the right to exist as a principled Christian organization. The organization's mission isn't to emphasize differences between denominations, but to work with Christians to minister to the needy.

In February, Americans United for Separation of Church and State filed a lawsuit on behalf of Aimee Maddonna, a Catholic mother of three who applied to mentor foster children through Miracle Hill. She was turned away when she said she attended Our Lady of the Rosary Catholic Church in Greenville.

That lawsuit has been going through pretrial motions and a hearing has not yet been scheduled.

Lehman said he believes the policy change negates Maddonna's grounds for the lawsuit, though a judge could still decide to hear it.

In an interview Thursday, Maddonna said the policy change doesn't rethe grounds for her lawsuit because Miracle Hill's doctrinal statement hasn't changed and she still couldn't sign it.

She said Miracle Hill's doctrinal statement is still Protestant. It lists belief in Scripture alone as the Word of God and salvation by grace through faith alone, two inherently Protestant doctrines, she said.

"If I agreed, I'd be lying as would any Catholic that I know," Maddonna said.

She also disagrees with Miracle Hill's stance that it would only work with heterosexual married couples.

The Diocese of Charleston said it supports the policy change. Miracle Hill met with Catholic priests in Greenville this spring and Lehman said their response was "very thoughtful and very kind."

"The Diocese of Charleston welcomes this change to policy as we continue to unite as Christians in service of the poorest and most vulnerable among us," said Maria Aselage, spokeswoman for the Diocese of Charleston. "The doctrinal statement of Miracle Hill is consistent with the teachings of the Catholic Church and was affirmed by a diocesan theologian several months ago."

Richard B. Katskee, legal director of Americans United for Separation of Church and State,

would require prospective parents and volunteers to sign Miracle Hill's doctrinal statement.

“Our lawsuit – which is against the state and federal governments, not against Miracle Hill – is about the constitutional violations of licensing taxpayer-funded agencies to deny services based on religious beliefs,” Katskee said. “Those violations remain with or without the supposed new policy.”

WATCHDOG JOURNALISM

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Maddonna said her lawsuit is for more than just her personal Catholic beliefs, but for those of other faiths who also couldn't agree with Miracle Hill's doctrinal statement.

Miracle Hill defines itself as an evangelical, Gospel-infused mercy ministry that remains Protestant in its teaching.

“God’s call on us is to be broad in our outreach and broad in our donor/volunteer base while standing firm on our core beliefs,” according to a statement provided to The Greenville News that defines the group’s spiritual identity.

Those core principles include belief that marriage is between one man and one woman and that God creates people as male or female.

Anyone who volunteers or works for Miracle Hill must agree with those principles, regardless of Christian denomination, Lehman said. But Miracle Hill will serve anyone whether they agree with the group's doctrinal statement or not, he said.

He said he’s been “dismayed” by media portrayals of the organization as fostering discrimination or hate or that they’re trying to stop people from serving.

“We’re aware that it may be offensive that we have such a strong belief in God, but that’s the only response we want to be out there,” he said. “We don’t want to be the spokesperson for standing against any other religion or group of individuals. We simply want to hold true to what we believe and to continue to serve people as best we can possibly serve them.

“We’ve always accepted unconditionally everyone that we serve – drug addicts, homeless people, people with AIDS, people with different sexual identities. We’ve always been uncritically accepting and loving with the goal of helping them become their best self.”

Religious shifts in core beliefs align Protestants and Catholics under same umbrella

Miracle Hill's decision continues a pattern in recent years that has brought Protestants and Catholics together to fight what they perceive as a threat to religious freedom in America.

In 2014, the U.S. Council of Catholic Bishops joined evangelical Christians to defend Hobby Lobby's successful Supreme Court case against the Obama administration over the Affordable Care Act's requirement to cover so-called abortion-inducing contraceptives.

In 2018, The UCCB lent support to the U.S. Supreme Court's decision in favor of Jack Phillips, owner of Masterpiece Bakeshop in Colorado, a devout Christian who refused to bake a cake for a same-sex couple.

In South Carolina, after Maddonna filed her lawsuit, the Diocese of Charleston, which covers all of South Carolina, supported Miracle Hill.

The diocese said freedom of religion recognized and guaranteed by the Constitution is not just the freedom to worship, but extends to "every sphere of teaching, service, and public witness required to live according to one's faith.

"No religious group should be forced to alter their beliefs in order to exercise their legitimate freedoms in the public square," the diocese's statement said, while noting theological differences between the Diocese and Miracle Hill's Protestant beliefs.

Miracle Hill's alignment with other branches of Christianity was made to position itself for "greater hostility that we expect to come towards followers of Christ," Lehman said.

Where there was once a clear demarcation between Protestants and Catholics, now, some Protestants would disagree strongly with Miracle Hill's doctrinal statement and many Catholics would agree with it, he said.

The national limelight cast on Miracle Hill's positions on gender and sexuality have been polarizing. Lehman said they've lost some long-time supporters, but also gained others drawn by the organization's stance.

He said he has explained the change to pastors of various conservative Protestant churches that support Miracle Hill to explain the change.

"I think sort of the mainline denominational people probably would be saying 'what took you so long?'" he said.

A larger religious freedom fight looms

When McMaster asked the Trump administration for a religious freedom waiver for South Carolina foster placement agencies, Lehman said Miracle Hill knew lawsuits would soon follow.

He just wasn't expecting the first lawsuit would come from a Catholic.

"The Catholic lawsuit was just not the one we wanted to start with because we don't want to be known for being against Catholics or any other group of Christ-followers," he said.

Couple's lawsuit: Greenville couple sues Trump administration and SC governor over foster-care practice

They were expecting what Lehman called a "far more important" lawsuit like the second one filed in May by Eden Rogers, 33, and Brandy Welch, 40, a married Greenville lesbian couple who said their application to foster through Miracle Hill was rejected based on their religion and their sexual orientation. They are members of Greenville Unitarian Universalist Church.

The Greenville News has reached out to attorneys representing the couple.

That lawsuit also seeks to revoke the Trump and McMaster administration's religious freedom waiver.

Miracle Hill's long-term goal is to be able to support its foster program without any government assistance, but right now it costs about \$7,000 per family per year to provide care coordinators and support for foster families, Lehman said. The organization receives about \$600,000 a year from the state.

But, he said, the money isn't the real issue.

"We're concerned about the broader issue of being able to even exist with our religious beliefs because there's a broader threat that organizations, even if they don't take government funding, should they be allowed to operate according to their religious beliefs?" said Sandra Furnell, Miracle Hill's spokeswoman.

That too, is an emotional issue. Religious organizations want to be able to practice their religion in the public square as they have for centuries while maintaining their beliefs opposed to same-sex marriage and gender fluidity, but many now see that as discrimination.

When the Equality Act, which would add sexual orientation and gender identity to the list of protected classes, was debated and passed in the House in May, Miracle Hill was a topic. Though it's unlikely to become law, if it did it would have a dramatic effect on religious groups that operate in public and currently discriminate based on sexual orientation or gender identity.

"I do think that if organizations that have religious values, Christian or Jewish or Muslim or whatever, if they're not allowed to serve in the public square, that's a really scary day for religious liberty and it will result in many less services being delivered to those in need," Lehman said.

That would shrink the pool of available foster care providers and homes at a time when South Carolina's foster care system is in crisis, needing about 1,500 more foster homes, he said.

Though it is the largest with 230 families, Miracle Hill isn't the only foster care provider in the Upstate, Lehman said. Anyone who wants to become a foster parent can by working with multiple other agencies that don't have a religious policy or by working directly with the state Department of Social Services, he said.

"And if other groups want to step up and start foster care programs to help end the crisis, we would applaud that," Furnell said.