

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

ELIZABETH RUTAN-RAM; GABRIEL RUTAN-RAM; REVEREND JEANNIE ALEXANDER; REVEREND ELAINE BLANCHARD; DR. LARRY BLANZ; REVEREND ALAINA COBB; REVEREND DENISE GYAUCH; and MIRABELLE STOEDTER,

*Plaintiffs,*

vs.

TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES; and COMMISSIONER OF THE DEPARTMENT OF CHILDREN'S SERVICES, currently JENNIFER NICHOLS, in her official capacity,

*Defendants.*

Case No.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**Introduction**

1. “Finding permanent, nurturing homes for children/youth in state custody creates stability and normalcy while reducing the trauma of ‘not belonging.’”<sup>1</sup> Elizabeth and Gabriel Rutan-Ram, a Knox County married couple, sought to provide children with exactly this stability, normalcy, and belonging by becoming foster and adoptive parents. After realizing that they could not have biological children of their own, the Rutan-Rams began investigating the process of fostering to adopt a child, and they identified a boy in Florida with a disability whom they hoped to welcome into their family and provide with a loving and nurturing home. But to be

---

<sup>1</sup> Tennessee Department of Children's Services Annual Report State Fiscal Year July 2019–June 2020, at 12 (Jan. 2021), [bit.ly/3HIXRIe](https://bit.ly/3HIXRIe).

eligible to have the child join their home, the Rutan-Rams first had to fulfill the Tennessee Department of Children's Services' requirements that they complete a foster-parent-training program and receive a home-study certification.

2. The Rutan-Rams sought these services from Holston United Methodist Home for Children, a child-placing agency that receives state funds from the Department to provide placement, training, and other services on the Department's behalf to prospective and current foster parents. Holston initially told the Rutan-Rams that it would provide them with the training and home-study services they needed. But the day that the Rutan-Rams were scheduled to begin Holston's foster-parent-training class, Holston told the Rutan-Rams that it would not serve them because they are Jewish. Holston explained that it "only provide[s] adoption services to prospective adoptive families that share our [Christian] belief system." As a result, the Rutan-Rams were not able to foster or adopt the child who they hoped could join their family, for no other child-placing agency in the Knox County area was willing to provide them the services they needed to complete the state requirements for adoption of an out-of-state child.

3. In January 2020, the Tennessee General Assembly expressly approved religious discrimination like Holston's, by enacting House Bill 836, codified as Tenn. Code Ann. § 36-1-147. This statute authorizes child-placing agencies to deny child-placement services, based on the agencies' religious policies, even if state tax dollars fund the services.

4. So that they do not again suffer the humiliation and loss of opportunity that Holston's discrimination inflicted on them, and so that their tax payments do not fund similar discrimination against anyone else in the future, the Rutan-Rams, joined by six other Tennessee taxpayers, bring this action. The plaintiffs seek a declaratory judgment that Tenn. Code Ann. § 36-1-147 facially violates the religious-freedom and equal-protection guarantees of the

Tennessee Constitution by permitting state funding of child-placing agencies that discriminate in state-funded services against prospective or current foster parents based on the religious beliefs of the parents. The plaintiffs also seek declaratory and injunctive relief prohibiting the Department from continuing to fund or contract with Holston as long as Holston continues to deny state-funded services to prospective or current foster parents based on the parents' religious beliefs.

### **Jurisdiction and Venue**

5. This Court has jurisdiction under Tenn. Code Ann. §§ 1-3-121, 4-5-225, 16-11-101 *et seq.*, 29-14-102, and 29-14-103.

6. This Court has authority to enter a declaratory judgment and to provide injunctive relief under Tenn. Code Ann. §§ 1-3-121, 4-5-225, 16-11-101 *et seq.*, 29-1-101 *et seq.*, 29-14-102, and 29-14-103 and Tenn. R. Civ. P. 65.01 *et seq.*

7. Venue is proper under Tenn. Code Ann. §§ 4-4-104, 4-5-225, 20-4-101, and 20-18-102.

### **Parties**

8. Plaintiffs **Elizabeth Rutan-Ram** and **Gabriel Rutan-Ram** are a Jewish married couple who reside in Knox County, Tennessee. They are unable to have biological children. They wish to become adoptive parents and believe that they can provide children with a loving, nurturing, and stable home. As a result of Holston's decision to deny services to them because they are not Christians, the Rutan-Rams felt shocked, hurt, frustrated, and disappointed, and they were not able to adopt the child in Florida to whom they had hoped to give a home. But they did not give up on fostering and adopting a child, and for the last several months they have fostered—and are now in the process of adopting—a teenage girl. The Rutan-Rams plan to

continue growing their family by fostering and adopting at least one more child. To do so, they may again seek the services of state-funded child-placing agencies. They would like to be able to turn to those agencies without facing the risk of again being denied services based on their religion and suffering harms similar to those inflicted on them by Holston's refusal to serve them.

9. The Rutan-Rams also pay sales, gasoline, and motor-vehicle taxes to the State of Tennessee. They object to the Department's use of their tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because they believe that all Tennessee residents should have equal access to and equal opportunity to benefit from state-funded services regardless of the residents' religious beliefs, and because they understandably do not want their own tax payments to be used to support discrimination against them.

10. Plaintiff **Reverend Jeannie Alexander** is an ordained interfaith pastor who served as a prison chaplain for several years and is now the executive director of a nonprofit organization that advocates for the rights of people who are incarcerated. She is a resident of Davidson County, Tennessee. She pays sales, gasoline, and motor-vehicle taxes to the State of Tennessee. She objects to use by the Department of her tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because she believes that state funding of religious discrimination violates the separation of religion and government, is against the public interest, and is unlawful.

11. Plaintiff **Reverend Elaine Blanchard** is a minister, commissioned by the Disciples of Christ, who serves as the lead pastor of a Disciples of Christ church in Tennessee. She is a resident of Shelby County, Tennessee. She pays sales, gasoline, and motor-vehicle taxes

to the State of Tennessee. She objects to use by the Department of her tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because she believes that state funding of religious discrimination undermines the religious plurality that is fundamental to American democracy and opens the door to state support of other forms of invidious discrimination.

12. Plaintiff **Dr. Larry Blanz** is a retired psychologist with more than forty years of professional experience that has included working with foster parents and children. He is a resident of Davidson County, Tennessee. He pays sales, gasoline, and motor-vehicle taxes to the State of Tennessee. He objects to use by the Department of his tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because he has seen firsthand children's need for stable, loving, and nurturing foster and adoptive parents and believes that turning away good parents simply because of their faith hurts children in need.

13. Plaintiff **Reverend Alaina Cobb** is an ordained Christian minister who directs an interfaith justice ministry in Tennessee and has experience in serving adoptive families. She is a resident of Davidson County, Tennessee. She pays sales, gasoline, and motor-vehicle taxes to the State of Tennessee. She objects to use by the Department of her tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because she believes that state funding of religious discrimination violates the separation of religion and government that is vital to protecting Christianity and all other religions and that such funding opens the door to state-sanctioned discrimination against any person based on any difference in religious belief.

14. Plaintiff **Reverend Denise Gyauch** is an ordained Unitarian Universalist minister who serves as the lead minister of a Unitarian Universalist church in Tennessee. She is a resident of Davidson County, Tennessee. She pays sales, gasoline, and motor-vehicle taxes to the State of Tennessee. She objects to use by the Department of her tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because she believes that state taxes paid by people of diverse faiths should be used to serve all Tennesseans equally regardless of their religion and that it is a misuse of religion to keep children who need loving homes away from parents who are willing to provide those homes.

15. Plaintiff **Mirabelle Stodter** is the treasurer of the Tennessee chapter of Americans United for Separation of Church and State. She is a resident of Davidson County, Tennessee. She identifies as an atheist and a Jew. She pays sales, gasoline, and motor-vehicle taxes to the State of Tennessee. She objects to use by the Department of her tax payments to fund Holston or any other child-placing agency that discriminates based on religion in state-funded programs or services, because she believes that public funds should never be used to support discrimination and that such use of public funds violates the separation of religion and government and could result in the use of her own tax payments to support discrimination against people with beliefs like hers.

16. Defendant **Tennessee Department of Children's Services** is a department of Tennessee state government.

17. Defendant **Commissioner of the Department of Children's Services**, currently **Jennifer Nichols**, is sued in her official capacity.

18. The Commissioner heads the Department and has broad authority over its operations.<sup>2</sup>

19. The Department is responsible for licensing, approving, and supervising child-placing agencies.<sup>3</sup>

20. The Department, through the Commissioner, has authority to receive, administer, allocate, disburse, and supervise grants and funds to child-placing agencies.<sup>4</sup>

21. Under Tennessee law, a child-placing agency is “any entity or person that places children in foster boarding homes or foster homes for temporary care or for adoption or any other entity or person or group of persons who are engaged in providing adoption studies or foster care studies or placement services as defined by the rules of the department.”<sup>5</sup>

### **General Allegations**

#### ***Tennessee’s Authorization of Religious Discrimination by Child-Placing Agencies***

22. In January 2020, the Tennessee General Assembly enacted House Bill No. 836, which was signed into law the same month by Governor Bill Lee and codified as Tenn. Code Ann. § 36-1-147.

23. Tenn. Code Ann. § 36-1-147 states:

(a) To the extent allowed by federal law, no private licensed child-placing agency shall be required to perform, assist, counsel, recommend, consent to, refer, or participate in any placement of a child for foster care or adoption when the proposed placement would violate the agency’s written religious or moral convictions or policies.

(b) To the extent allowed by federal law, the department of children’s services shall not deny an application for an initial license or renewal of a license or revoke the license of a private child-placing agency because of

---

<sup>2</sup> See Tenn. Code Ann. § 37-5-105.

<sup>3</sup> Tenn. Code Ann. § 37-5-109(1).

<sup>4</sup> See Tenn. Code Ann. §§ 37-5-105, 37-5-111.

<sup>5</sup> Tenn. Code Ann. § 37-5-501(b)(7).

the agency's objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency's written religious or moral convictions or policies.

(c) To the extent allowed by federal law, a state or local government entity shall not deny to a private licensed child-placing agency any grant, contract, or participation in a government program because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring, or participating in a placement that violates the agency's written religious or moral convictions or policies.

(d) Refusal of a private licensed child-placing agency to perform, assist, counsel, recommend, consent to, refer, or participate in a placement that violates the agency's written religious or moral convictions or policies shall not form the basis of a civil action for either damages or injunctive relief.

24. House Bill 836 became law despite public outcry over its discriminatory purpose and effect.

25. For example, Dr. Allison Padilla-Goodman, the Vice President of the Anti-Defamation League's Southern Division, stated publicly that "[i]t is shocking that the state of Tennessee has passed a bill that openly sanctions discrimination against Jews, LGBTQ people and others. Allowing a taxpayer-funded child placement agency to discriminate is outrageous. No child should be denied a loving foster or adoptive home simply because of a prospective parent's religion, sexual orientation or identity. We therefore call on Governor Lee to veto this shameful legislation."<sup>6</sup>

26. Reverend Jasmine Beach-Ferrara, the Executive Director of the Campaign for Southern Equality, said, "We strongly oppose Gov. Lee's decision [to sign the Bill] and urge him to deeply and prayerfully consider the damage and harm of this bill, which could do a colossal

---

<sup>6</sup> *ADL Deeply Troubled by Passage of Discriminatory Tennessee Adoption Bill*, ANTI-DEFAMATION LEAGUE (Jan. 16, 2020), [bit.ly/3z8IHUY](https://bit.ly/3z8IHUY).

disservice to the many children in Tennessee waiting to be adopted by safe and loving families. It opens the door to taxpayer-funded adoption agencies turning away potential parents just because of who they are.”<sup>7</sup>

27. During debate on the Bill in the Tennessee House of Representatives, Representative Mitchell raised concerns that the Bill would allow an agency to refuse to serve Jewish prospective foster parents because of their faith.<sup>8</sup>

28. During debate on the Bill in the Tennessee Senate, Senator Dickerson asked whether the Bill would allow an Episcopalian group to refuse to serve a Muslim family.<sup>9</sup>

29. The discriminatory purpose and likely effect of the Bill were well understood at the time of its passage.

#### ***Holston’s Religious Discrimination Against the Rutan-Rams***

30. In Tennessee, prospective adoptive parents must first become foster parents.

31. After becoming foster parents, prospective adoptive parents may adopt the foster child in their care if that child becomes available for adoption.

32. The Rutan-Rams learned about this process and began their efforts to adopt a child in earnest in January 2021. The couple identified a boy in Florida with a disability whom they wanted to adopt. In their eyes, he appeared resilient, upbeat, and adorable.

33. After identifying the child, the Rutan-Rams contacted the Florida Department of Children and Families to begin the foster-to-adopt process. The Florida Department informed

---

<sup>7</sup> Adam Polaski, *Tennessee Governor Signs Discriminatory Adoption Law, in Sharp Contrast to Momentum for LGBTQ Equality in Southern States*, CAMPAIGN FOR SOUTHERN EQUALITY (Jan. 24, 2020), [bit.ly/3z7R2aj](https://bit.ly/3z7R2aj).

<sup>8</sup> *House Floor Session*, 111 Gen. Assemb., 1:49:20 (Apr. 1, 2019), [bit.ly/3d556Hf](https://bit.ly/3d556Hf).

<sup>9</sup> *Senate Session*, 111 Gen. Assemb., 34:20 (Jan. 14, 2020), [bit.ly/31bwOQo](https://bit.ly/31bwOQo).

them that, as an out-of-state family, they first had to receive Tennessee certification to begin the foster-to-adopt process.

34. Under the Interstate Compact on the Placement of Children, prospective Tennessee adoptive parents seeking to care for a child in the custody or guardianship of another state's public child-welfare agency must first receive a home study in Tennessee.

35. In Tennessee, prospective foster or adoptive parents must work with a private Tennessee-licensed child-placing agency to complete the home study. As part of this process, they must complete a TN KEY foster-parent-training class.<sup>10</sup>

36. After obtaining this information, the Rutan-Rams began searching for private Tennessee-licensed agencies to provide the necessary home study and training class. Several agencies informed the Rutan-Rams that they would not be able to provide these services for the adoption of an out-of-state child. One of these agencies referred the Rutan-Rams to Holston.

37. Holston is a child-placing agency licensed by the Department.

38. Holston provides TN KEY foster-parent-training classes and home-study certifications to families wishing to foster-to-adopt an out-of-state child.

39. Holston initially told the Rutan-Rams that it would be able to provide the services that the Rutan-Rams needed to be able to adopt the boy in Florida whom they hoped to welcome into their home.

40. The Rutan-Rams signed up for Holston's TN KEY foster-parent-training class and home-study certification process.

---

<sup>10</sup> See *Training for Potential Foster Parents*, TN DEPARTMENT OF CHILDREN'S SERVICES, [bit.ly/3I0Rx96](https://bit.ly/3I0Rx96) (last visited Jan. 12, 2021).

41. They understood that once they completed the class and received the certification, Tennessee would present the certification to Florida. Florida would then transfer to Tennessee the guardianship of the child whom the Rutan-Rams wished to adopt, and the Rutan-Rams would then be eligible to foster the child in their home for six months and then begin the adoption process.

42. On January 21, 2021, the same day that they were scheduled to begin the TN KEY foster-parent-training class with Holston, Melissa Russell, a Holston employee, emailed Ms. Rutan-Ram to inform her that Holston would not serve the Rutan-Rams because of the couple's Jewish faith.

43. Ms. Russell's e-mail, attached as Exhibit A, stated that "as a Christian organization, our executive team made the decision several years ago to only provide adoption services to prospective adoptive families that share our belief system in order to avoid conflicts or delays with future service delivery."

44. Ms. Rutan-Ram was deeply hurt and shocked when she received Ms. Russell's e-mail. Holston's refusal to serve her felt like a punch in the gut or a slap in the face. Ms. Rutan-Ram did not expect that a state-funded agency would reject a loving family simply because the family did not share the agency's preferred religious beliefs. She felt sad that Holston would not help her provide a loving home to the child whom she and her husband had hoped to welcome into their family.

45. Mr. Rutan-Ram similarly was hurt, frustrated, and disappointed to learn that his family had been discriminated against because of their religious beliefs.

46. Before January 21, 2021, Holston had not communicated to the Rutan-Rams that Holston does not serve Jews.

47. After Holston refused to serve them, the Rutan-Rams continued to search for an agency that would provide the services they needed to adopt the child in Florida to whom they intended to give a loving home and family. But they were not able to find another agency in the Knox County area that was willing to provide them the services that Tennessee required for them to be eligible to adopt an out-of-state child. As a result, they were not able to foster or adopt the child from Florida.

### **The Department's Funding of Holston**

48. The Department provides state funds to Holston for placement, training, and other services that Holston provides to prospective and current foster parents.

49. The Department enters into contracts with Holston, which are signed by the Commissioner, to engage and pay Holston to provide those services on the Department's behalf.

50. The most recent of these contracts in the possession of the plaintiffs, together with Attachment 1 thereto, is attached as Exhibit B.

51. On June 15, 2020, Commissioner Nichols signed an amendment to this contract, which extended the contract. The amendment is attached as Exhibit C.

52. On November 3, 2021, on behalf of the Rutan-Rams, the plaintiffs' counsel sent the letter attached as Exhibit D to Commissioner Nichols, to the Department's General Counsel and Assistant General Counsel, and to Holston's President/CEO.

53. The November 3 letter explained that the Department's funding of Holston violates the Tennessee Constitution and requested that the Department stop contracting with and funding Holston unless Holston stops discriminating based on religion in its provision of programming funded with public dollars.

54. The letter further explained that the Rutan-Rams were making this request "both as individuals who have suffered discrimination at the hands of Holston and as Tennessee

taxpayers whose tax payments to the State have funded and continue to fund Holston's discriminatory practices."

55. The November 3 letter warned that failure to respond to the letter by December 3, 2021, or "to end religious discrimination by Holston in state-funded programming by then will be treated as a denial of this request," in which case the Rutan-Rams, joined by other Tennessee taxpayers who also object to the Department's funding of Holston's discrimination, would file a lawsuit against the Department.

56. Neither the Department nor Holston ever provided a substantive response to the November 3 letter.

57. An attorney for Holston did send a letter to the plaintiffs' counsel on December 2, 2021, identifying himself as counsel for Holston with respect to the matter.

58. On the same day, Holston filed a lawsuit in the United States District Court for the Eastern District of Tennessee challenging a federal regulation that prohibits discrimination on the basis of age, disability, sex, race, color, national origin, religion, gender identity, and sexual orientation in programs funded by the U.S. Department of Health and Human Services.

59. In the complaint initiating its federal suit, which is attached as Exhibit E, Holston confirmed that it refuses to serve prospective foster or adoptive parents who do not subscribe to Holston's understanding of Christianity, as reflected in Holston's statement of faith.

60. Exhibit F is Holston's statement of faith.

61. The understanding of Christianity set forth in Holston's statement of faith is not universally held by all Christians. A substantial proportion of Christians likely would not agree with Holston's statement of faith.

62. On December 3, 2021, the plaintiffs' counsel spoke to the Department's General Counsel, who stated that he had passed on the November 3 letter to someone in the Tennessee Attorney General's office and recommended that the plaintiffs' counsel contact the Attorney General's office directly.

63. Later the same day, via the e-mail attached as Exhibit G, the plaintiffs' counsel forwarded the November 3 letter to Tennessee's Attorney General and Chief Deputy Attorney General.

64. On December 7, 2021, on behalf of all the plaintiffs, the plaintiffs' counsel sent the letter attached as Exhibit H to the Department's General Counsel and Assistant General Counsel, to the Attorney General and Chief Deputy Attorney General, and to Holston's counsel.

65. The December 7 letter stated that plaintiffs Rev. Alexander, Rev. Blanchard, Dr. Blanz, Rev. Cobb, Rev. Gyauch, and Ms. Stoedter are Tennessee taxpayers who object to the Department's use of their tax payments to fund Holston's discriminatory programming, and that they were joining and reiterating the Rutan-Rams' request that the Department stop contracting with and funding Holston unless Holston stops discriminating based on religion in its provision of programs funded with public dollars.

66. The December 7 letter warned that failure to respond by January 6, 2022, or "to end religious discrimination by Holston in state-funded services by then will be deemed to be a denial of this request," in which case the plaintiffs would file a lawsuit against the Department shortly thereafter.

67. Neither the Department nor Holston ever responded to the December 7 letter.

## Claims for Relief

### *First Cause of Action: Violation of Article I, Section 3 of the Tennessee Constitution*

68. Plaintiffs repeat and incorporate by reference each of the foregoing allegations as if fully set forth here.

69. Article I, Section 3 of the Tennessee Constitution provides: “That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.”

70. Article I, Section 3 “guarantees freedom of worship and separation of church and state.”<sup>11</sup>

71. Article I, Section 3 prohibits the State of Tennessee from providing state funds to organizations that discriminate based on religion in the programs or services that are funded by the State.

72. Tenn. Code Ann. § 36-1-147 facially violates Article I, Section 3 by permitting state funding of child-placing agencies that discriminate in state-funded programs or services against prospective or current foster parents based on the religious beliefs of the parents.

73. The defendants are violating Article I, Section 3 by funding and contracting with Holston, because Holston refuses to provide state-funded services and programs to prospective

---

<sup>11</sup> *City of Nashville v. State Bd. of Equalization*, 360 S.W.2d 458, 469 n.5 (Tenn. 1962).

and current foster parents who do not subscribe to the religious beliefs set forth in Holston's statement of faith.

***Second Cause of Action:  
Violation of Article I, Section 8 and Article XI, Section 8 of the Tennessee Constitution***

74. Plaintiffs repeat and incorporate by reference each of the foregoing allegations as if fully set forth here.

75. Article I, Section 8 of the Tennessee Constitution provides: "That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land."

76. Article XI, Section 8 of the Tennessee Constitution provides: "The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunitie[s], or exemptions other than such as may be, by the same law extended to any member of the community, who may be able to bring himself within the provisions of such law. No corporation shall be created or its powers increased or diminished by special laws but the General Assembly shall provide by general laws for the organization of all corporations, hereafter created, which laws may, at any time, be altered or repealed, and no such alteration or repeal shall interfere with or divest rights which have become vested."

77. Together, Article I, Section 8 and Article XI, Section 8 "guarantee equal privileges and immunities for all those similarly situated."<sup>12</sup>

---

<sup>12</sup> *Tenn. Small Sch. Sys. v. McWherter*, 851 S.W.2d 139, 152 (Tenn. 1993).

78. Article I, Section 8 and Article XI, Section 8 prohibit the State of Tennessee from providing state funds to organizations that discriminate based on religion in the programs or services that are funded by the State.

79. Tenn. Code Ann. § 36-1-147 facially violates Article I, Section 8 and Article XI, Section 8 by permitting state funding of child-placing agencies that discriminate in state-funded programs or services against prospective or current foster parents based on the religious beliefs of the parents.

80. The defendants are violating Article I, Section 8 and Article XI, Section 8 by funding and contracting with Holston, because Holston refuses to provide state-funded services and programs to prospective and current foster parents who do not subscribe to the religious beliefs set forth in Holston's statement of faith.

### **Request for Relief**

WHEREFORE, the plaintiffs respectfully request that this Court:

1. Declare that Tenn. Code Ann. § 36-1-147 facially violates Article I, Section 3, Article I, Section 8, and Article XI, Section 8 of the Tennessee Constitution by permitting state funding of child-placing agencies that discriminate in state-funded programs or services against prospective or current foster parents based on the religious beliefs of the parents.
2. Declare that the defendants have violated and are continuing to violate Article I, Section 3, Article I, Section 8, and Article XI, Section 8 of the Tennessee Constitution by funding and contracting with Holston, because Holston discriminates, in services and programs funded by the Department, based on the religious beliefs of prospective or current foster parents.

3. Enjoin the defendants from continuing to fund or contract with Holston as long as Holston continues to discriminate, in services or programs funded by the Department, based on the religious beliefs of prospective or current foster parents.
4. Grant the plaintiffs attorney's fees, expenses, and costs to the extent authorized by law.
5. Grant any other relief that the Court deems appropriate.

Dated: January 19, 2022

Respectfully submitted,

/s/ Scott Kramer

Scott Kramer (BPR No. 019462)

The Kramer Law Center

P.O. Box 240461

Memphis, TN 38124

Phone: (901) 896-8933

thekramerlawcenter@gmail.com

Richard B. Katskee (D.C. Bar. No. 474250)\*

Alex J. Luchenitser (D.C. Bar No. 473393)\*

Gabriela Hybel (D.C. Bar No. 1672249)\*

Americans United for Separation of Church and  
State

1310 L St. NW, Suite 200

Washington, DC 20005

Phone: (202) 466-7306

Fax: (202) 466-3353

katskee@au.org

luchenitser@au.org

hybel@au.org

*\*Pro hac vice motions to follow*

*Counsel for Plaintiffs*