

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

AIMEE MADDONNA,	)	
	Plaintiff,	)
	)	
v.	)	Civil Action No. 6:19-cv-03551-JD
	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES, <i>et</i>	)	
<i>al.</i> ,	)	
	Defendants.	)
_____	)	

**PLAINTIFF’S STATEMENT OF UNDISPUTED MATERIAL FACTS**

**Foster Care in South Carolina**

1. As of November 14, 2024, more than 3,800 children are in South Carolina’s foster-care system. Greenville County, where Mrs. Maddonna and her family live, has the second highest number of children in care of any other county in the state. And South Carolina’s Upstate Region, which includes Greenville County, is home to nearly one third of all children in foster care in the State. (<https://bit.ly/3Ot3ZD5>.)

2. To help it operate its foster-care program, South Carolina, through DSS, contracts with and licenses private agencies to serve as child-placing agencies (CPAs) and to recruit, screen, and support foster families. (Ex. 4 Lowe Tr. 36:11-37:3). Some of these CPAs are religiously affiliated, faith-based organizations. (Ex. 12 McMaster Letter, at 1.)

3. South Carolina is divided into regions for purposes of DSS’s work (Ex. 4 Lowe Tr. at 30:6-8), and the Greenville area is part of the Upstate Region. (Ex. 4 Lowe Tr. 30:9-18).

4. DSS authorizes and invests private CPAs with the governmental authority “to provide foster care services” “for the state.” (Ex. 4 Lowe Tr. 36:11-25.)

5. CPAs receive federal and state government funding for their services. (Ex. 16 DSS Summary of CPA Administrative Fees from July 1, 2016 through January 31, 2022 (10545-

G-001 to -002).)

6. These agencies “recruit, train, and license families or make recommendations for licensure to [DSS].” (Ex. 4 Lowe Tr. 36:11-25.)

7. They handle initial inquiries and applications from prospective foster parents. (Ex. 4 Lowe Tr. 37:4-23.)

8. They guide prospective parents through the application process. And they perform home studies for the state, “conduct[ing] a walk-through of the home, assess[ing] the family, interview[ing] . . . applicable household members,” and submitting a “written home study assessment” to DSS along with a recommendation whether the family is suitable to be licensed as foster parents. (Ex. 4 Lowe Tr. 37:12-38:3; Ex. 2 Barton Tr. 56:10-15.)

9. The agencies’ home-study assessments are a “big piece” of the information DSS has on applicants. (Ex. 2 Barton Tr. 57:3-58:10.)

10. Generally, “if there is nothing glaring that . . . causes [DSS] to ask more questions,” it relies on the home study and other application materials sent by the CPA in deciding whether to license a foster family. (Ex. 2 Barton Tr. 57:3-59:7.)

11. DSS rarely goes against the recommendations of its CPAs in deciding whether to license foster families. (Ex. 5 Staudt Tr. 30:25-31:15.)

12. DSS generally does not track the religions of foster children or their biological parents unless the family or the child makes a specific request related to practicing their religion. (Ex. 3 Tester Tr. 145:3-146:7.)

13. Thus, under the system that South Carolina has set up, “DSS works with CPAs who cull out families . . . based on their own set of religious criteria . . . , and then DSS relies on CPAs to recommend whoever has made it past that screening process to become a prospective foster parent in South Carolina.” (Ex. 2 Barton Tr. 118:6-13.)

14. Once a foster family is licensed, the CPA keeps that family and home “under their supervision,” ensuring that the family continues to meet state requirements and, once the family receives a foster-child placement, “making sure that the child gets the care that he needs.” (Ex. 5

Staudt Tr. 22:24-23:14; *see also* Ex. 2 Barton Tr. 67:19-68:1.)

15. CPAs also help DSS decide where to place particular children: DSS sends the agencies information about children in need of homes, and the agencies respond if they have a family that might be a good match. (Ex. 2 Barton Tr. 68:2-11.)

16. Because “[t]he child-placing agencies know those families better than [DSS] know[s] those families,” DSS considers their recommendations to be valuable information. (Ex. 2 Barton Tr. 68:22-69:14.)

17. Notably too, DSS has since July 2020 shifted most of its own focus to applicants for kinship care—that is, people looking to foster a child who is related to them or with whom they already have a close relationship. (Ex. 2 Barton Tr. 31:15-32:11; Ex. 4 Lowe Tr. 53:14-54:5; *see also* Ex. 2 Barton Tr. 138:7-24 (noting that DSS has worked with “very few, . . . if any” non-kinship applicants since implementing this practice change).) Because of DSS’s focus on recruiting kinship families, it relies yet more heavily on CPAs to work with non-kin prospective parents. (Ex. 2 Barton Tr. 33:6-34:22.)

#### Child Placing Agency Miracle Hill Ministries

18. As of the commencement of this lawsuit, Miracle Hill, a CPA located in the Upstate Region of South Carolina, has been the state’s largest provider of foster care services for children requiring nontherapeutic foster care. (Ex. 12 McMaster Letter at 2,)

19. From July 1, 2016 through January 31, 2022, Miracle Hill has received more than \$3,000,000 in state funds and just under \$300,000 in federal funds. (Ex. 16 DSS Summary of CPA Administrative Fees, at 1.)

20. Miracle Hill is also well-known in the community. In the Greenville area, “the only [CPA] that anybody is aware of is Miracle Hill. . . . That’s the option that is discussed. That’s . . . still the one that’s the most known.” (Ex. 1 Maddonna Tr. 142:10-14.)

21. During initial home studies, Miracle Hill employees ask about church attendance and involvement of the prospective parents and any children they have, because Miracle Hill “would want the family to be attending church together and . . . would want to see what they’re

teaching their children.” (Ex. 6 Betts Tr. 26:2-12, 28:20-29:2, 209:15-210:16.)

22. Miracle Hill considers it important that foster parents expose foster children to its preferred religious teachings and expected foster parents to exercise spiritual influence—Protestant Christian influence—over the children in its care. (Ex. 6 Betts Tr. 210:17-211:9.)

23. Unless the biological parents or children specifically object, Miracle Hill intends for foster parents to teach the Christian religion to their foster children and “share the gospel of Jesus Christ” with them—even if those foster children and their biological families are adherents of a different religion. (Ex. 6 Betts Tr. 213:13-23, 214:19-25, 217:13-218:9.)

24. Miracle Hill incorporates religious questions into its initial home study, assessing “the home’s spiritual health and well-being” through questions about the family’s beliefs and spiritual life. (Ex. 6 Betts Tr. 24:12-25:8, 28:20-29:2.)

25. Miracle Hill employees asks about “how [the family] follow[s] Christ on a day-to-day basis,” what Jesus and the cross mean to them, and what their involvement is in their church. (Ex. 6 Betts Tr. 24:12-26:12.)

26. Miracle Hill “expects foster parents to provide Christian teachings to the children in their care” absent an explicit objection from the biological parents or the child; and it does not even seek parental consent before doing so, instead taking their beliefs and wishes into account only if the biological parents specifically and affirmatively raise objections on their own. (Ex. 6 Betts Tr. 213:5-23.)

27. Miracle Hill requires foster parents to adhere to its doctrinal statement “in faith and in practice.” (Ex. 6 Betts Tr. 94:1-2, 169:7-170:16.)

28. From 2017 to 2021, Miracle Hill had the highest number of new foster-home licenses among nontherapeutic agencies (i.e., those that don’t do placements for children with the most severe medical conditions). And in both 2017 and 2020, Miracle Hill had the highest number of new licenses overall, even counting the therapeutic agencies. (Ex. 8 DSS Summary of New Foster Home Licenses.)

29. Miracle Hill likewise had the highest number of nontherapeutic placements of

foster children from 2017 to 2021. The only providers that had higher placement numbers during any of those years were therapeutic agencies, and their counts of *nontherapeutic* placements were lower than Miracle Hill's. (Ex. 9 DSS Summary of Placements by Provider.)

30. Miracle Hill has a placement coordinator who recommends families to DSS that may be a good fit for a particular foster child and then meets with the family once a placement is made to help with the paperwork and provide additional support. (Ex. 6 Betts Tr. 58:14-59:17.) Those placement visits are not required by DSS, and Miracle Hill is unaware of other CPAs that provided the service. (*Id.*)

31. In addition to guiding families through the process of applying to become licensed foster parents and helping them obtain placements, families working with Miracle Hill also receive other benefits and support. Miracle Hill sometimes provides tangible support, including if the family needs a bed, dresser, or other similar items. (Ex. 6 Betts Tr. 55:3-21.)

32. After a child is placed with a Miracle Hill family, Miracle Hill continues to provide support above and beyond what is required by DSS. For example, it helps connect foster families with educational support and resources for their foster child. (Ex. 6 Betts Tr. 56:22-57:14.) Miracle Hill is not aware of any other CPAs that provide that kind of support. (*Id.*)

33. Miracle Hill also gives its foster families tickets to events and other community activities. (Ex. 6 Betts Tr. 56:6-21.)

34. Miracle Hill has care coordinators who prepare individual service plans for the children (not required by DSS) and meet with the assigned families monthly (not just the quarterly meetings required by DSS). (Ex. 6 Betts Tr. 59:18-61:20.)

35. Miracle Hill offers respite care to its foster families, during which another licensed foster family takes care of the foster child while the regular foster family is away. (Ex. 6 Betts Tr. 63:19-64:23.) Miracle Hill's ability to offer respite support depends on the agency's large number of licensed foster families, including roughly thirty families licensed solely for respite care. (Ex. 6 Betts Tr. 66:2-6; Ex. 8 DSS Summary of New Foster Home Licenses.)

### **Miracle Hill's Troubles with DSS and Govern McMaster's 2018 Intervention**

36. When reviewing Miracle Hill's application to renew its CPA license for 2018, DSS determined that Miracle Hill was using religious information that it gathered about prospective foster parents and families to refuse to provide services as a licensed child-placement agency to families who did not adhere to Miracle Hill's evangelical-Christian beliefs and those who did not attend Miracle Hill-approved Christian churches. (Ex. 4 Lowe Tr. at 77:6-78:10; Ex. 14 DSS Letter from Lowe to Miracle Hill.)

37. State workers, unaware of the full scope of the discrimination, would later learn that Miracle Hill had turned away roughly 25 to 30 families on religious bases since 2017. (Ex. 2 Barton Tr. 146:22-147:14; Ex. 6 Betts Tr. 97:11-98:15.)

38. DSS determined that Miracle Hill's policies and practices constitute discrimination based on religion in contravention of federal and state law and that Miracle Hill was violating its own nondiscrimination policies submitted to DSS as part of the organization's license-renewal process. For these reasons, on January 26, 2018, DSS issued Miracle Hill a temporary (rather than regular) CPA license and requested that Miracle Hill issue, within thirty days, a written plan for resolving the legal violations that DSS had identified and for complying with applicable laws, regulations, and policies. (Ex. 14 DSS Letter from Lowe to Miracle Hill.)

39. After DSS informed Miracle Hill that it would need to comply with non-discrimination requirements to receive a permanent license, Miracle Hill reached out to Governor McMaster for help. (Ex. 7 Lehman Tr. 125:4-12.)

40. On February 27, 2018, Governor McMaster sent a letter to then-HHS Administration for Children and Families Principal Deputy Assistant Secretary Steven Wagner requesting a waiver from the federal nondiscrimination requirements for South Carolina, including faith-based organizations like Miracle Hill that operate under South Carolina's Title IV-E Foster Care Program. (Ex. 12 McMaster Letter.)

41. On January 23, 2019, HHS ACF Principal Deputy Assistant Secretary Wagner granted South Carolina the requested exception from the federal nondiscrimination requirements. (Ex. 13, Wagner Letter.)

42. On March 13, 2018, Governor McMaster issued Executive Order No. 2018-12, exempting all faith-based foster-care CPAs in South Carolina from complying with state antidiscrimination requirements. (Ex. 10 Executive Order.)

43. The Executive Order directs that, “to the fullest extent permitted by state and federal law,” “DSS shall not deny licensure to faith-based CPAs solely on account of their religious identity or sincerely held religious beliefs.” (*Id.*)

44. The Executive Order expressly permits faith-based child-placement subgrantees to associate only with “foster parents and homes who share the same faith” as the subgrantee “in recruiting, training, and retaining foster parents.” (*Id.*)

45. Miracle Hill was the only agency that ever requested a waiver of DSS’s nondiscrimination requirements. (Ex. 4 Lowe Tr. 160:1-7.)

46. The governor did not consult DSS’s Director of Permanency Management, one of the top policymakers for foster care in the state, before deciding to waive South Carolina’s requirements and request a waiver from HHS allowing CPAs to discriminate based on religion. (Ex. 2 Barton Tr. 217:10-24, 220:20-24.)

47. Before issuing the blanket waiver, DSS did not study what effects that waiver would have on the foster system in general or foster youth in particular. (Ex. 4 Lowe Tr. 157:14-158:2; Ex. 3 Tester Tr. 18:4-19:21, 26:25-27:5.)

48. DSS has not assessed the effect of the blanket waiver since it took effect. (Ex. 3 Tester Tr. 19:24-20:19, 39:1-13, 44:16-23.)

49. The State does not know which other CPAs discriminate based on religious criteria; it assumes that other agencies likely are not discriminating because invidious discrimination is not obvious on the face of agencies’ written policies, and the State has not received complaints. (Ex. 14 Def. Leach’s Ans. to 2d Interrog. No. 3.)

50. Under the State’s blanket prospective waiver that protects all religious CPAs that wish to engage in religious discrimination, the CPAs do not have to request anything. Nor are CPAs required to report to the State when they turn someone away or decide not to recommend someone as a foster parent. (Ex. 4 Lowe Tr. 44:6-14; Ex. 2 Barton Tr. 38:23-39:10.) The only way DSS would know whether a CPA follows federal and state nondiscrimination requirements or the CPA’s own stated policies with respect to whether it discriminates against prospective parents would be if a prospective parent filed a complaint. (Ex. 4 Lowe Tr. 256:18-257:8.)

51. The state has no other mechanism through which to learn whether a CPA turned someone away on religious grounds. (Ex. 2 Barton Tr. 115:16-116:4.) And it does not track whether people turned away on religious grounds try applying to work with another CPA. (Ex. 3 Tester Tr. 142:9-144:3.) DSS does not monitor whether CPAs using the waiver make referrals when they turn prospective foster parents away for religious reasons. (Ex. 4 Lowe Tr. 165:19-168:3.) The only way that DSS would know whether someone was turned away and whether they received any referrals would be if they self-reported to DSS. (*Id.*)

52. DSS does not know how many prospective foster parents have been turned away by CPAs based on religious criteria. (Ex. 3 Tester Tr. 153:19-154:1.)

53. Rejection by a CPA also creates practical burdens for prospective foster parents. Different CPAs have different locations and offer different kinds of resources and support to prospective parents as they apply for licenses, seek to have a child placed with them, and take care of any foster children with whom they are entrusted. (*See, e.g.*, Ex. 5 Staudt Tr. 35:25-38:25, 167:3-19. CPAs are not “interchangeable.” Ex. 5 Staudt Tr. 35:25-36:2; *see also* Ex. 1 Maddonna Tr. 141:1-5 (explaining that “different families have different needs” and “what might be fabulous resources in one may still not suit the needs of somebody else”).)

54. Working with a CPA with an office close to one’s home is particularly important for many because that makes it more likely that the agency can offer help or send it quickly when needed. (Ex. 5 Staudt Tr. 34:11-19; *see also* Ex. 6 Betts Tr. 87:13-88:22 (Miracle Hill offers 24-hour emergency support services, which could include in-person visits as needed); Ex. 1

Maddonna Tr. 156:7-24 (noting importance of “ready access to your case worker”).)

55. Nor is the potential alternative of working directly with DSS to foster children enough to negate these practical burdens. As noted above, DSS has largely shifted its focus and resources to kin-based placements, leaving the bulk of non-kinship applicants to the private CPAs. (Ex. 4 Lowe Tr. 53:14-54:5; Ex. 2 Barton Tr. 32:6-34:22.) And DSS does not provide the same levels of services and support that the private agencies do. (Ex. 2 Barton Tr. 291:13-17 (free monthly cleaning services); Ex. 5 Staudt Tr. 32:6-25 (doctor-appointment set-up and transportation assistance).)

56. South Carolina does not require CPAs to inform DSS—or anyone—that they intend to make use of the blanket waiver. Agencies are not required to inform DSS that they have turned someone away, much less confirm that they have rejected and turned away a family based on the family’s religion. (Ex. 10 S.C. Exec. Order No. 2018-12.)

57. DSS has not required CPAs making use of the waiver “to take any steps when they turn away an applicant based on religion,” such as referring the rejected applicants to DSS or other CPAs. (Ex. 2 Barton Tr. 147:15-148:5.)

58. Though Miracle Hill typically informs rejected parents of other CPAs in the region, that includes other faith-based agencies that Miracle Hill believes might also discriminate based on religion. (Ex. 5 Staudt Tr. 159:22-161:14.) Miracle Hill does not know or track whether those who fail its religious test ended up reaching out to other CPAs or DSS. (Ex. 6 Betts Tr. 102:23-103:22.) Nor does it know whether the people it turns away will be able to find another CPA that offers comparable services and support. (Ex. 6 Betts Tr. 303:10-304:7; Ex. 7 Lehman Tr. 49:6-8.)

59. DSS’s recent partnership with Heartfelt Calling does not alleviate the religious burdens on prospective foster parents who try to navigate the various CPAs. As one DSS employee explained, Heartfelt Calling does not direct prospective parents toward specific agencies. (Ex. 2 Barton Tr. 40:14-41:9.) Instead, it sends them to the page on the organization’s website that lists all CPAs. (*Id.*; *see also* Ex. 2 Barton Tr. 140:16-141:11.)

60. Though Heartfelt Calling's website might for some agencies include limited information about the kinds of parents the agency is or isn't willing to work with, Heartfelt Calling does not have accurate information for every CPA, meaning that prospective parents might not be aware of an agency's religious criteria until they contact the agency. (Ex. 2 Barton Tr. 136:7-137:4, 141:3-19.)

61. If an agency turns a prospective parent away based on religious criteria and the prospective parents then return to Heartfelt Calling, that organization will once again direct the prospective parent back to the listings on its website. (Ex. 2 Barton Tr. 146:5-21, 150:8-153:3.)

### **Aimee Maddonna and Miracle Hill**

62. Aimee Maddonna is a resident of Simpsonville, South Carolina, outside of Greenville. (Ex. A Maddonna Decl. ¶ 1.)

63. Her father's experiences in the foster-care system as a child led him as an adult to take in and care for foster children so that he could provide them with the type of foster family that he wished he had. Mrs. Maddonna, therefore, grew up alongside both biologically related and foster siblings. (Ex. A Maddonna Decl. ¶ 4.)

64. Mrs. Maddonna's parents instilled in her the importance of providing a safe, loving home to children in need of a foster family. She always intended to share with and pass on to her own children these fundamental values of charity and service. (Ex. A Maddonna Decl. ¶ 5.)

65. To do so, and building on her own experience growing up with foster siblings, Mrs. Maddonna contacted Miracle Hill, a Greenville CPA for the State of South Carolina, to see whether her family could volunteer to work with foster children so that, through volunteering, her family would get to know and develop relationships with children who might be good matches for foster placement in their home, with the objective that her family could ultimately provide a loving home for a child or children in need. (Ex. A Maddonna Decl. ¶ 6.)

66. Because the Maddonnas' children have special needs, it was and is important to Mrs. Maddonna to ensure that any foster child the family would welcome into their home would

be a good fit with the whole family. Volunteering as a family was therefore especially important. (Ex. A Maddonna Decl. ¶ 7.)

67. Mrs. Maddonna's family is particularly experienced and willing to work with special-needs kids and older children—who are the hardest to place. (Ex. A Maddonna Decl. ¶ 8.)

68. In September or October 2014, Mrs. Maddonna began communicating with Miracle Hill Ministries about the opportunity to volunteer with foster children. They corresponded over the course of the next few weeks, into November 2014. (Ex. A Maddonna Decl. ¶ 9.)

69. During this period, Mrs. Maddonna told her children about the exciting opportunities that they could have to provide love and care to children in foster care, and her family planned activities that they could do with foster children. (Ex. A Maddonna Decl. ¶ 10.)

70. In November 2014, in the course of their correspondence, Miracle Hill's representative asked Mrs. Maddonna to provide the name of her church, which she did, giving the name of her Catholic parish. (Ex. A Maddonna Decl. ¶ 11.)

71. The following day, Miracle Hill informed Mrs. Maddonna that she and her family were no longer welcome to volunteer because Miracle Hill would not accept Catholics as volunteer mentors or foster parents. The representative expressed disappointment because, but for their Catholic faith, she explained, the Maddonnas were a great fit with the program. (Ex. A Maddonna Decl. ¶ 12.)

72. In December 2014, a different representative of Miracle Hill informed Mrs. Maddonna that only Christians who attended the right type of Protestant church were permitted to volunteer and work with the children that the South Carolina Department of Social Services placed in Miracle Hill's care. (Ex. A Maddonna Decl. ¶ 13.)

73. On February 12, 2019, Mrs. Maddonna again reached out to Miracle Hill to revisit the possibility that her family be accepted as volunteer mentors to foster children in its care, with the ultimate aim to foster a child. (Ex. A Maddonna Decl. ¶ 14.)

74. On February 20, 2019, a representative of Miracle Hill sent Mrs. Maddonna an e-mail that once again rejected the Maddonna family as volunteer mentors, informing Mrs. Maddonna that because “mentors play an important role in providing spiritual as well as emotional support, guidance, and counsel,” Miracle Hill requires them to “agree with [its] Protestant statement of faith” and “share [its] distinctly Protestant beliefs and convictions.” (Ex. A Maddonna Decl. ¶ 15 (and referenced attachment to declaration).)

75. The representative told Mrs. Maddonna that she could go someplace else to become a mentor or that she could do other charitable work through Miracle Hill but could not mentor or foster any children assigned to Miracle Hill by DSS. Miracle Hill entrusted roles that involved the spiritual influence, teaching, and formation of children to Protestants only. (Ex. A Maddonna Decl. ¶ 16.)

76. Mrs. Maddonna clearly understood that she and her family were turned away by Miracle Hill because they do not share its evangelical-Christian beliefs and cannot affirm its statement of faith. (Ex. A Maddonna Decl. ¶ 17.)

77. When Mrs. Maddonna requested in February 2019 that she and her family be permitted to volunteer, Miracle Hill had not yet lifted its formal bar on Catholics’ participating in its foster-care services. (Ex. A Maddonna Decl. ¶ 18.)

78. Miracle Hill later did lift its ban on Catholics’ participating in its foster-care services (while still excluding Jews, Muslims, other minority faiths, and nonbelievers), but only if Catholics signed and affirmed Miracle Hill’s Protestant statement of faith and agreed to live in accordance with that doctrinal statement. (Ex. A Maddonna Decl. ¶ 19; Ex. 6 Betts Tr. 92:11-15; Ex. 7 Lehman Tr. 24:25-25:21.)

79. From 2017 to the time Miracle Hill changed its policy in 2019, it had turned away approximately 25 to 30 families—the majority of whom were Catholic. As of June 2021, Miracle Hill had only one licensed foster family that was Catholic. (Ex. 6 Betts Tr. 97:14-98:15, 165:25-166:14.)

80. Under Miracle Hill’s revised policy, it would not be enough simply to sign the

statement of faith; prospective foster parents must also adhere to the statement of faith “in faith and in practice.” Just as Miracle Hill previously could refuse to work with those who don’t believe something in the statement of faith, it would also refuse to work with those whose religious “practices might not align with Miracle Hill’s doctrinal statement.” Ex. 6 Betts Tr. 94:1-2, 169:7-170:16.

81. Miracle Hill also requires that prospective foster parents regularly attend a Christian church that Miracle Hill determines meets its narrow definition of “Christian.” (Ex. 6 Betts Tr. 27:14-28:19.)

82. Mrs. Maddonna reviewed Miracle Hill’s doctrinal statement and found that it was and is inconsistent with her religious beliefs and her understanding of her faith. If she were to attest to and agree to live in accordance with that doctrinal statement, she would be forced either to misrepresent her faith and falsely affirm commitments to religious beliefs that are not her own, or else abandon her own beliefs to adopt the religious beliefs and practices that Miracle Hill favored. (Ex. A Maddonna Decl. ¶ 20.)

83. Because of the religious requirements that Miracle Hill inserted into its provision of foster-care services, Mrs. Maddonna’s family was prevented from becoming volunteer mentors to children in the State’s care that DSS assigned to Miracle Hill. They were thereby deprived of the opportunity to open their loving home to a child in need. (Ex. A Maddonna Decl. ¶ 21.)

84. Because the state permits the agencies with which it contracts to enforce their own religious beliefs in providing foster-care services, Mrs. Maddonna has no assurance or expectation that another religious agency would treat her in a nondiscriminatory way. And she could not put her family through another round of preparing to and getting excited about getting to know and help foster children but then being told that they aren’t good enough to do that because of their religion. (Ex. A Maddonna Decl. ¶ 22.)

85. The experience of being rejected from the state’s foster-care program because the Maddonnas are Catholic was and is hurtful to Mrs. Maddonna and her children. The thought of

going through the motions again of planning and scouting out other opportunities—ones she wasn't even sure existed—and risking suffering religious discrimination that she knew the state didn't prohibit seemed futile. (Ex. A Maddonna Decl. ¶ 23; Ex. 1 Maddonna Tr. 51:22-52:9, 82:8-83:10.)

86. If the state were to provide assurance that religious foster-care agencies would not turn away families like the Maddonnas based solely on the agency's religious beliefs, the family would welcome the opportunity in the future to open their home to a child in need. (Ex. A Maddonna Decl. ¶ 24.)

Greenville, South Carolina  
November 21, 2022.

s/ Aaron J. Kozloski  
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