

local news

Foster care fiasco

Letter from Children's Services Division turns into smoking gun for gay man seeking to become foster parent in southern Oregon

by Inga Sorensen

All Charles Brian Copey wanted to do was provide a home to children in need. This wasn't a new desire, in fact, over the past two decades the 53-year-old retired Merrill Lynch executive had raised not only his own son, but five of his sister's children as well. Not uncharacteristically, Copey, who lives in Grant Pass, decided to apply to become a foster parent. He filled out the appropriate forms and successfully underwent the required reference and criminal history checks. As he was about to undertake a final step toward certification—attending parenting classes—he received a letter from the Josephine County branch of Oregon Children's Services Division telling him the agency had learned that Copey is gay and, therefore, due to "community standards" CSD "could not support the placement of children in your home." Last week, Copey's attorney filed a lawsuit against CSD alleging it violated Copey's constitutional right to equal protection under the law.

"I was absolutely shocked when I received that letter. I had successfully gone through the background and criminal history check. My references were fine. I'm financially stable and have enough room in my home to accommodate foster children. I'm the block captain for my Neighborhood Watch. I'm 100 percent healthy and I've raised children before," explains Copey, who moved to Grants Pass from Seattle last year to be close to his elderly mother. "The only reason the CSD turned me away was because I'm gay. It's outrageous and discriminatory."

Copey says he decided to pursue becoming a foster parent this past summer and approached his county CSD office. He went through the initial steps of the process: filling out application forms, undergoing a criminal background check, and supplying references. The next step required he take a series of pre-placement parenting classes designed to ensure that potential foster parents have the skills to meet the special needs of children placed in their homes.

"Everything was going along fine, and then, out of the blue, I get this letter," says Copey.

That correspondence, dated Aug. 9, was from foster care certifier Dean Nunnemaker, who works at CSD's Josephine County branch. In the letter Nunnemaker says he had learned from an acquaintance of Copey's that Copey is gay. He wrote, "I spoke with my supervisor today and she felt, due to community standards, we could not support placement of children in your home. She also said that we would be putting you at risk for potential allegations, and that we couldn't withhold this information from the children's biological parents. If I had known this information beforehand, I would have discussed this with you then and let you know our position."

Copey says he spoke with Nunnemaker soon after receiving the letter. "He [Nunnemaker] said that if I was living in Portland or Eugene my sexual orientation would not make any difference, but that it was different here," he says.

No one from the Josephine County CSD office would speak with *Just Out*, but Karen Lee, a

spokeswoman for CSD headquarters in Salem says, "There is no administrative rule that says a person cannot be a foster parent simply because of his or her sexual orientation. The reasons someone can be disqualified from consideration include things like the applicant has a criminal record or there's evidence of sexual abuse. Gays and lesbians can certainly become foster parents."

According to CSD administrative guidelines, foster care applicants can be disqualified from consideration if: they have a criminal record; they lie on their initial application forms; there's evidence of sexual abuse; there's a history of alcohol/drug-related offenses; or their premises don't meet safety standards.

Additionally, CSD says foster parents should: be emotionally and financially stable; understand the importance of keeping siblings together whenever possible (Copey says his home had been furnished to accommodate two children); and, ironically, that foster parents "be able to respect persons with differing values, lifestyles, philosophies, and cultural identity and heritage."

There are no state administrative rules or statutes that prohibit people based on their sexual orientation from becoming foster parents.

Karen Lee, a spokeswoman for CSD headquarters in Salem says, "There is no administrative rule that says a person cannot be a foster parent simply because of his or her sexual orientation."

"CSD can swear on a stack of Bibles that it doesn't discriminate, but that's bull and we have the letter to prove it," says Springfield attorney Robert Ackerman, who believes CSD not only breached its own rules, but also violated Copey's federal constitutional right to equal protection under the law.

Ackerman recently filed a lawsuit in federal court in Eugene on Copey's behalf seeking an injunction prohibiting CSD from discriminating against Copey because of his sexual orientation.

"Many times it's hard to prove that somebody's been discriminated against because there isn't any tangible proof," says Ackerman. "That's not the case here. The letter clearly shows CSD is violating its own rules and discriminating against Mr. Copey."

Doug Mares is CSD's interim director for the Southern Region, which oversees agency branches in several southern counties including Josephine. "Sexual orientation is not, by itself, a reason for a denial of application," he admits.

When we asked him whether CSD employees at the Josephine County branch believe it is the agency's policy to disqualify foster care applicants solely because they are gay or lesbian, Mares answered, "From the letter it would appear that is the case."

He adds, "This is an unfortunate situation and it has been dealt with." Mares, who would not elaborate on what personnel actions—if any—have been taken, says in light of this incident CSD employees have received some training to reacquaint them with agency guidelines.

For his part, Copey says he is going to wait and see what happens in the legal arena: "The most important thing to me is that nobody else has to go through this. CSD put me through hell and this should never, ever happen again."

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