



PROTECTING YOUR PREGNANCY CENTER:

HOW TO BETTER PREPARE YOUR
PREGNANCY CENTER FOR RELIGIOUS
FREEDOM LEGAL THREATS

ALLIANCE DEFENDING FREEDOM

MINISTRY ALLIANCE

RELIGIOUS FREEDOM LEGAL HELP
FOR CHURCHES & MINISTRIES



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Introduction

Pregnancy centers are motivated by the belief that life is a sacred gift from God and that every human deserves to be protected and welcomed into this world. Now that *Roe v. Wade* has been overturned, we are one step closer to making that aspiration a reality. Pregnancy centers will play a significant role in this mission, as they already have for decades.

But not everyone is excited about what's possible in a post-*Roe* world. In a culture that is quick to disregard and even discard life, it's no surprise that pregnancy centers sometimes find themselves under fire for carrying out their mission in a way that honors God.

And the pressure is only increasing. We've seen an uptick in violence and vandalism against pregnancy centers now that *Roe v. Wade* no longer dictates abortion policy. The violence is a bold-faced attempt to intimidate these organizations and impede their good and vital work throughout the United States.

Pro-abortion organizations and activists who object to the life-affirming services are the ones targeting pregnancy centers and the vital assistance they provide to pregnant women and their unborn children. These opponents of life, and their allies in state and local governments, have done things like launch legislative campaigns to compel pregnancy centers to refer or advertise for abortion or abortifacient drugs, clearly and intentionally undermining their mission and work.

These efforts are aimed at destroying pregnancy centers by making them speak about what they do not believe and act in ways that conflict with their reason for existing.

But it doesn't stop there. The peddlers of sexual autonomy have made the situation even worse. Throughout the country, laws based on sexual orientation and gender identity (SOGI) are being used to strip away our first freedoms: freedom of speech and freedom of religion. It's not far-

fetched to imagine opponents of the pro-life cause using these same laws to attack pregnancy centers and coerce them into violating their mission and sincerely held beliefs.

Alliance Defending Freedom created this guide to help prevent that from happening. We've partnered with three of the largest pregnancy center organizations in the U.S.—Care Net, Heartbeat International, and the National Institute of Family and Life Advocates—to provide pregnancy centers with the knowledge and foresight necessary to help them operate in a way consistent with their mission and beliefs, without fear or apology.



For more than 30 years, Care Net has worked to build a culture where women and men faced with pregnancy decisions are transformed by the Gospel of Jesus Christ and empowered to choose life for their unborn children and abundant life for their families. Care Net not only supports one of the largest networks of pregnancy centers in North America, but also supports a growing number of churches with robust ministries for women and couples making pregnancy decisions, along with a national, real-time call center providing pregnancy decision coaching.



For more than 50 years, Heartbeat International has helped God's people discover the lifesaving, death-defying, soul-satisfying, and God-glorifying power of neighborly love. Through over 3,300 affiliated pregnancy help locations, maternity homes, and nonprofit adoption agencies on all six inhabited continents, this organization has worked tirelessly to create a world where abortion is unthinkable, and each new life is celebrated as a gift from God.



Since 1993, the National Institute of Family and Life Advocates has provided life-affirming pregnancy centers with legal counsel, education, and training as they seek to love mothers and their unborn children. They continue to work toward an abortion-free America where every human life, born and unborn, made in the image of God, is valued.

In the following pages, you will find examples of what other ministries around the country are facing, how your pregnancy center may be vulnerable to similar threats, and how ADF can help you secure crucial legal protections for your ministry.

An ADF Ministry Alliance membership can offer your pregnancy center affordable religious-liberty legal help through our membership program so that you can continue to freely and confidently minister to expectant and new mothers and fathers and women who have had an abortion. To learn more, visit ADFMinistryAlliance.org.

Three C's That Help Protect Your Pregnancy Center's Religious Freedom

1. CLEARLY COMMUNICATE YOUR PREGNANCY CENTER'S BELIEF

Make sure your core beliefs and convictions are clear. This is especially important in the areas of the sanctity of human life, marriage, and sexuality. Clearly communicating your faith helps serve as evidence for what your pregnancy center holds as sincere religious beliefs and how those beliefs connect to your mission and conduct requirements.

2. CREATE CORE DOCUMENTS MEMORIALIZING YOUR BELIEFS AND PRACTICES

Core documents are your pregnancy center's policies. Core documents can range from your pregnancy center's mission statement and bylaws to its employee handbook and facility-use policy. Core documents memorialize your organization's beliefs and how your ministry operates in accordance with and as a result of those beliefs.

3. CONSISTENTLY APPLY CORE DOCUMENTS

Your pregnancy center's religious freedom is more easily defended when you consistently abide by the documents you create. Consistency demonstrates that you not only hold strong convictions and beliefs but that your convictions and beliefs are genuine because you actually live them out.



Featured Case: *Cedar Park Assembly of God of Kirkland v. Kreidler*

Located just outside of Seattle, Washington, Cedar Park Church is well-known for its commitment to the belief that all human life is precious and worth protecting. And that commitment goes far beyond simply voicing its beliefs on its website or in a Sunday service. Cedar Park puts those beliefs into action.

The church is involved in various pro-life ministries. It partners with foster care and adoption agencies, supports a local pregnancy center, and even co-founded an adoption agency for frozen embryos remaining after in vitro fertilization. Every year, Cedar Park also hosts "Presentation Sunday" to pray for couples struggling with infertility. Cedar Park also includes its beliefs about the sanctity of human life in its bylaws and employee handbook. Every member of its staff signs a statement of faith that includes these beliefs as well. Most importantly, Cedar Park's pro-life ministries have helped countless people and given them hope when they felt all was lost.





But a state law threatens to undermine this church's pro-life culture and work.

In 2018, the Washington State Senate passed a law mandating that most healthcare plans in the state offering maternity care must also pay for elective abortions. If Cedar Park's leaders were to refuse to abide by the law, they could face fines and criminal penalties, including jail time.

That's why Cedar Park decided to take a stand. Alliance Defending Freedom attorneys represented this church in court to challenge Washington's law. Thankfully, the U.S. Court of Appeals for the 9th Circuit ruled that Cedar Park has a legitimate claim against the State of Washington. The court affirmed that the church had a free-exercise claim due to the government's pro-abortion law.

No church should be forced to cover abortions, and certainly not a church like Cedar Park that dedicates its ministry to protecting and celebrating life.

Statement on the Sanctity of Human Life

The belief in the sanctity of human life is one of the main reasons why pregnancy centers exist. So, it is essential that they adopt a statement of belief concerning the sanctity of human life from conception to natural death.

Pro-abortion organizations continue to advocate for a requirement that all organizations—including churches and faith-based ministries—pay for contraception, abortion-inducing drugs and devices, and even elective surgical abortions for their employees. These efforts have resulted in the federal government attempting to force religious and pro-life organizations like the Little Sisters of the Poor, March for Life, and numerous Christian colleges, to provide abortifacients to their employees and students. Some states have even quietly mandated that insurers include abortion coverage in all available health plans, including those offered to churches and other religious employers.



At the same time, advocates of euthanasia and physician-assisted suicide continue to push for the right to terminate life they no longer deem valuable.

Pregnancy centers need to make their views on the sanctity of human life crystal clear, internally and externally. Some ministries continue to face difficult employment decisions concerning employees who either choose or publicly advocate for abortion, euthanasia, or physician-assisted suicide contrary to the ministry's religious beliefs. Therefore, having a clear statement is essential.

Members of ADF Ministry Alliance receive access to attorneys when drafting policies like this. Once members' policies are drafted, our attorneys can review them to help ensure that religious liberty legal protections are being considered. Members can also consult with our attorneys when having difficult conversations relating to policies in order to maintain the integrity of your ministry's witness. Become an ADF Ministry Alliance member at ADFMinistryAlliance.org.





Featured Case: *National Institute of Family & Life Advocates v. Becerra*

The mission of pro-life pregnancy centers is to help women navigate pregnancy and motherhood while protecting the lives of their unborn children. They work to create alternative options for women who do not want to end the lives of their children in the womb. This is at the heart of why the National Institute of Family and Life Advocates (NIFLA) exists.

So, it would seem obvious that illuminating the way to abortion violates the very mission of these centers.

But in 2015, California passed a law attempting to force pregnancy centers to do just that by advertising abortion as an option for women seeking care. This directly violated these pregnancy centers' right to free speech. The law targeted these centers in two specific ways. First, the law required medically licensed pregnancy centers to provide disclosures informing pregnant women that California offered free or low-cost abortion services. The disclosures also had to

include a phone number for a county office, which would then refer women to Planned Parenthood or other abortion providers.

Second, it forced unlicensed pregnancy centers to add extensive disclosures to any advertisements explaining they were not medically licensed. This even applied to pregnancy centers that did not provide medical services but other free services like parenting classes or materials like diapers and strollers. The disclosures were clearly meant to drown out the pregnancy centers' pro-life message and give the false impression that they were not qualified to provide care to pregnant mothers.

Shortly after the law's passage in California, Alliance Defending Freedom attorneys filed a federal lawsuit on behalf of NIFLA and two individual pregnancy centers in the state, seeking to have the unconstitutional law struck down. The case eventually made its way to the U.S. Supreme Court.

In a 5-4 decision, the Court ruled NIFLA was likely to succeed in its claim that the government cannot compel pro-life groups to speak messages with which they disagree. The Court overturned California's law, freeing pro-life pregnancy centers to assist women without being forced to advertise abortion.

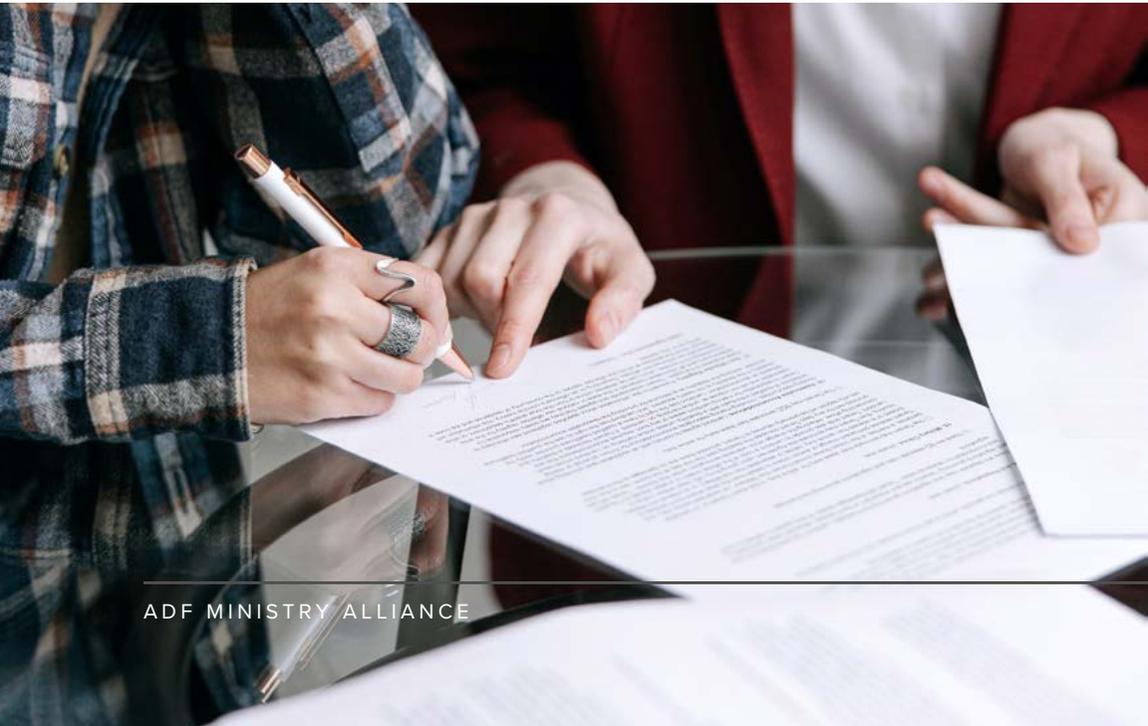
While many Americans primarily think of the First Amendment as protecting our right to speak freely about our beliefs, it is important to remember that it also protects us from being forced to speak messages we object to.



Employment: The Ministerial Exception

The First Amendment protects religious employment decisions made by religious entities. This means that religious organizations may consider an applicant's or employee's religious beliefs in hiring and firing decisions. And under a constitutional doctrine known as the ministerial exception, religious organizations remain free to make their own staffing decisions when the person in question is a ministerial employee: someone who is tasked with leading a religious organization, teaching and explaining its beliefs, or conducting worship or other important religious ceremonies or rituals.

ADF Ministry Alliance members have access to samples of employment documents and more information relating to religious employment that can help protect your ministry. If your organization has questions or faces an employment claim or situation, you have access to attorneys who can advise and advocate for your ministry's religious liberty. Find out more about joining the ADF Ministry Alliance at [ADFMinistryAlliance.org](https://www.ADFMinistryAlliance.org).



Funding Streams

The service that pregnancy centers provide is critical. This work often can't be done without generous financial donations from supporters. And in some cases, the government can provide supplemental funding that helps a ministry pursue its mission. It's important to know that whenever the government provides a grant or service available to the public, religious ministries cannot be treated worse if they apply. Your ministry is equal in the eyes of the law concerning grants and services. So if your ministry is otherwise eligible for a government grant or service, you have the right to contend on the same basis as other applicants.

However, as a condition of receiving federal, state, or local government funding, the government typically requires that recipients adhere to certain criteria—criteria that could compromise your pregnancy center's religious freedom.

For example, accepting federal funding could subject your ministry to certain nondiscrimination laws that try to limit your organization's ability to operate according to its deeply held religious beliefs. All funding streams should be carefully reviewed, even funding that may not appear to limit your pregnancy center's religious freedom.

As a member, ADF can provide you with an attorney who will evaluate the source and all requirements of potential funding streams before you enter into an agreement or accept money. We can also provide review if your pregnancy center is currently accepting government funds. Our attorneys will evaluate the requirements through a First Amendment lens so that you can be aware of any religious freedom issues.

Does Your Pregnancy Center Have a Ministry Protection Plan?

Your pregnancy center doesn't have to navigate complex religious-liberty legal issues alone. We're here to serve you.

1. JOIN TODAY

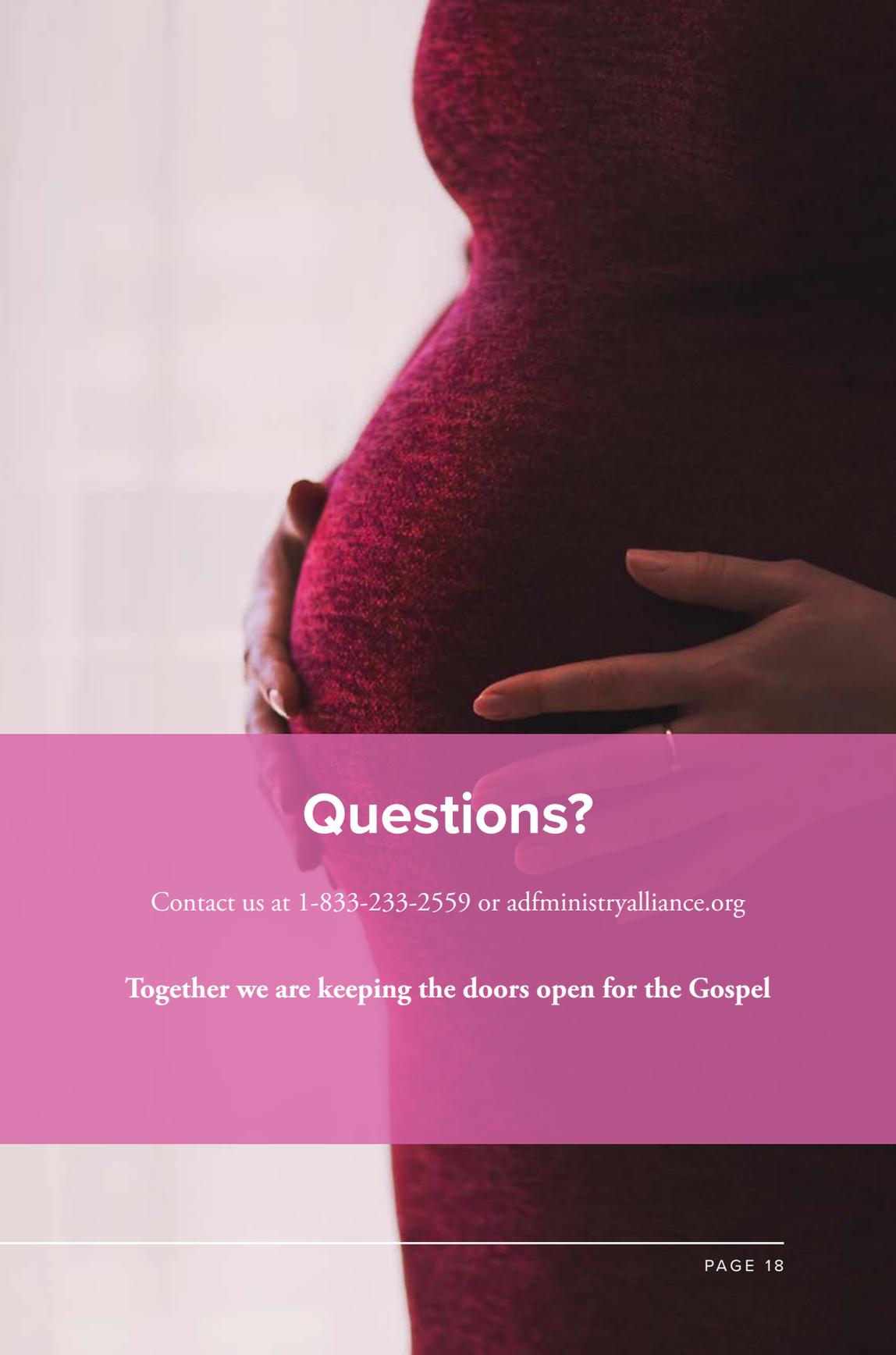
Visit ADFMinistryAlliance.org and click "Join Today." Our team will quickly review your application and make sure we can help your ministry.

2. ROBUST REVIEW

An attorney from our team will provide a comprehensive review of your ministry's religious freedom legal protections and answer any questions you have.

3. BETTER PROTECTED

We'll work together to better protect your ministry from religious liberty legal challenges.



Questions?

Contact us at 1-833-233-2559 or administryalliance.org

Together we are keeping the doors open for the Gospel

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