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2 **UNITED STATES DISTRICT COURT**
3 **WESTERN DISTRICT OF WASHINGTON**
4 **TACOMA DIVISION**

5 JENNIFER DEGROSS and SHANE
6 DEGROSS,
7
8 *Plaintiffs,*

Case no.: 3:24-cv-05225-DGE
The Honorable David G. Estudillo

9 v.

10 TANA SENN, in her official capacity
11 as Secretary of the Washington State
12 Department of Children, Youth, and
13 Families, NATALIE GREEN, in her
14 official capacity as Assistant
15 Secretary of Child Welfare Field
16 Operations, RUBEN REEVES, in his
17 official capacity as Assistant
18 Secretary for Licensing, and
19 JEANINE TACCHINI, in her official
20 capacity as Senior Administrator of
21 Foster Care Licensing,
22 *Defendants.*

**JOINT FINAL JUDGMENT AND
PERMANENT INJUNCTION**

BACKGROUND

1 At issue in this case is a Washington Department of Children, Youth, and
2 Families (the “Department” or “DCYF”) regulation governing licensing of foster
3 parents. Section 110-148-1520 of DCYF’s administrative code provides the
4 minimum licensing requirements established by DCYF. Section 1520(7) requires
5 prospective parents to connect foster children “with resources that support[] and
6 affirm[] their needs regarding ... SOGIE [sexual orientation, gender identity, and
7 expression].” Wash. Admin. Code § 110-148-1520(7). Section 1520(9) also requires
8 prospective parents to support foster children’s SOGIE “by using their pronouns
9 and chosen name.” Wash. Admin. Code § 110-148-1520(9).

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11 Plaintiffs in this case, Shane and Jennifer DeGross, were licensed foster
12 parents for nine years before Olive Crest, their chosen child-placing agency, could
13 not certify their application for license renewal to DCYF because Plaintiffs could
14 not comply with § 1520’s requirements related to names and pronouns. They sued
15 various Department officials and alleged that these requirements violate their
16 First Amendment rights.

17 The parties subsequently agreed that Plaintiffs could reapply for their
18 license and seek a waiver under § 110-148-1630(1) of the administrative code.
19 Under this provision, the Department may “make exceptions” to the licensing
20 rules, as well as “limit or restrict [the applicant’s] license ... to ensure the safety
21 and well-being” of foster children. Wash. Admin. Code § 110-148-1630(1), (2).
22 Plaintiffs submitted an application through Olive Crest.

23 In 2025, the Department issued the DeGrosses a waiver of § 1520(9), which
24 included the following parameters: (1) children ages 2 to 18 years old may be
25 placed in the home for respite care, and children ages 2 to 5 years old may be
26 placed in the home for foster care; (2) Olive Crest must conduct a thorough review
of a child’s case plan before they are placed in the home; (3) emergency placements

1 are prohibited to allow Olive Crest to conduct a thorough review of the individual
2 needs of a child; (4) Olive Crest will defer a recommendation for adoption until
3 there is an identified child; (5) a child’s caseworker shall be notified of the waiver
4 to verify that there are no known gender diverse identity considerations; and (6)
5 the DeGrosses are required to complete LGBTQIA+ Basics for Supporting Youth
6 in training within the first year of their license. (Dkt. 41-3 at 3)

7 Plaintiffs subsequently filed an amended complaint challenging these
8 restrictions. (Dkt. 41). After this Court granted in part and denied in part
9 Defendants’ motion to dismiss (Dkt. 62), the parties agreed to a settlement
10 according to the terms set out below in their Joint Proposed Final Judgment and
11 Permanent Injunction.

12 Consistent with the parties’ agreement,

13 **IT IS HEREBY ORDERED:**

14 1. DCYF is prohibited from denying foster family home license applicants,
15 or licensed foster parents seeking renewal of their license, a full license consistent
16 with the requests of the applicant/licensee or attaching any conditions or
17 restrictions to the license solely because of their religious beliefs, including speech
18 and actions pertaining to marriage, gender, or sexual relationships.

19 2. To effectuate the requirements of Paragraph one, DCYF will revise the
20 current version of § 110-148-1520(7) to require that foster parents and prospective
21 foster parents be given the options to: (a) connect a child with resources and
22 supports in the home and community; or (b) refrain from impeding DCYF or other
23 support persons from facilitating their connection to and engagement with
24 resources and supports related to their race, religion, culture, SOGIE,
25 developmental capabilities, tribal affiliations, heightened medical needs, behavioral
26 needs, and any other aspect of the child’s individual identity; or some combination
of both (a) and (b).

1 3. DCYF is prohibited from requiring foster parents to agree to use
2 prescribed words or language, including chosen pronouns, to express views about
3 sexual orientation, gender identity, or gender expression inconsistent with their
4 sincerely held religious beliefs as a condition of licensure. To effectuate the
5 requirements of this Paragraph, DCYF will remove the current version of § 110-
6 148-1520(9).

7 4. DCYF may not impose any per se standard, rule, or policy that
8 categorically disqualifies foster parents from being considered for any particular
9 placements, in whole or in part, based on their religious beliefs concerning
10 marriage, gender, and sexual relationships.

11 5. DCYF shall rescind the waiver restrictions applied to the DeGrosses
12 consistent with paragraphs 1 and 3 above and shall confirm in writing that the
13 DeGrosses have a full and unrestricted foster care license. DCYF shall not condition
14 any future license renewal on the DeGrosses' participating in any waiver process
15 arising from their religious objections at issue in this litigation.

16 6. During the licensing process, DCYF shall be permitted to inquire about
17 an applicant's views regarding SOGIE. This line of inquiry shall be no different
18 from other information gathering concerning the variety of identities of prospective
19 children in care.

20 7. Nothing in this Order prohibits DCYF or a child-placing agency from
21 inquiring about a child's SOGIE before placement, just as it does for all children for
22 all components of their individual characteristics, including identities.

23 8. Nothing within this Order vests within foster families any right to
24 placement of a specific child. Because DCYF is responsible for protecting children's
25 constitutional rights to be free from unreasonable risk of harm, including to their
26 physical and emotional wellbeing, nothing in this Order interprets, affects, or

changes DCYF's authority or obligations under applicable law to exercise its sole

1 discretion concerning children’s foster placements. Nothing in this order prohibits
2 DCYF from deciding a child’s placements based on its individualized consideration
3 of the child’s needs and of a foster parent’s concerns or limitations (including where
4 religiously motivated) on their ability or willingness to meet the child’s specific
5 needs, including with regard to their SOGIE. To the extent that placement or
6 continued placement of a particular child with a prospective foster parent causes or
7 is likely to cause harm to the child, including to their wellbeing, and regardless of
8 the reason for the harm-causing behavior (religious or otherwise), nothing in this
9 Order prohibits or prevents DCYF from removing a child or declining to place a
10 child.

11 9. Nothing in this Order prohibits DCYF from denying a license when an
12 applicant does not meet the minimum licensing requirements articulated in ch. 110-
13 148 WAC, as long as the denial is otherwise consistent with the terms of this Order.

14 10. The intent of this Order is that DCYF may not exclude from full licensure
15 applicants or foster families solely because of their sincerely held religious beliefs
16 concerning marriage, gender, or sexual relationships or because they seek to speak
17 and act consistently with these beliefs. *See Bates v. Pakseresht*, 146 F.4th 772, 784–
18 801 (9th Cir. 2025).

19 11. Defendants shall pay Plaintiffs’ costs and attorney fees in the amount of
20 \$250,000 within 90 days of this Order.

21 12. This Order shall operate as a final judgment of the Court, and the parties
22 agree that it represents a complete resolution of all claims and defenses without
23 prejudice to the parties’ rights concerning any future occurrences or circumstances.

24 13. The Court retains jurisdiction to enforce the terms of this Order as may
25 be necessary. Before the Court entertains any enforcement request concerning an
26 alleged violation of this Order, the complainant must first negotiate in good faith

with DCYF for at least 30 days to attempt to resolve any dispute. If they are unable

1 to reach a resolution within 30 days, either the Defendants or the complainant may
2 request the involvement of a mediator to resolve the dispute. Mediation is not
3 mandatory under this Order. If the Defendant and complainant agree, they may
4 proceed to mediation. The costs of mediation shall be split 50-50 between the
5 Defendant and complainant. This 30 day negotiation requirement shall not apply to
6 a complainant who reasonably believes that an actual or threatened violation of this
7 Order may imminently result in the revocation of a license and, as a result of the
8 revocation, the removal of a child from the complainant's home as a consequence of
9 the complainant's loss of licensure, provided that nothing in this provision confers
10 jurisdiction on the Court to prevent or delay a child's removal.

11 14. The Clerk's Office is directed to mark this case as closed.

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13 **APPROVED and SO ORDERED:**

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15 Dated this 20th day of May, 2026.



David G. Estudillo
United States District Judge

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