

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Magazu v. Department of Children and Families

473 Mass. 430 (2016) · No. SJC-11864 · Decided January 4, 2016

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Gregory and Melanie Magazu's application to become foster and preadoptive parents because they used corporal punishment with their biological children. The court held that the Department of Children and Families reasonably interpreted its statutory and regulatory authority in concluding that their disciplinary practices were incompatible with foster placement, and that the decision was supported by substantial evidence and was not arbitrary or capricious. The court further held that although the denial substantially burdened the Magazus' sincere religious beliefs, the burden was outweighed by the department's compelling interest in protecting foster children's physical and emotional well-being.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Spina, J.; Gants, C.J.; Cordy, J.; Botsford, J.; Duffly, J.; Lenk, J.; Hines, J.
JURISDICTION	Massachusetts
DECIDED	January 4, 2016
DOCKET	SJC-11864
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court judgment dismissing the Magazus' complaint for judicial review of the Department of Children and Families' decision denying their application to become foster and preadoptive parents; the Supreme Judicial Court transferred the case from the Appeals Court on its own motion.
STANDARD OF REVIEW	Under G. L. c. 30A, § 14, review is confined to the administrative record, and the court will not disturb the agency decision unless substantial rights were prejudiced by a constitutional violation, excess of authority, error of law, unlawful procedure, lack of substantial evidence, unwarranted factual findings, or arbitrary or capricious action. Courts give due weight to the agency's experience, technical competence, specialized knowledge, and discretionary authority, and

	ordinarily defer to an agency's rational interpretation of its own regulations.
PRECEDENTIAL VALUE	Published precedential decision of the Massachusetts Supreme Judicial Court
PARTIES	Gregory T. Magazu, Melanie A. Magazu v. Department of Children and Families

TOPICS

judicial review of agency action

agency adjudication

administrative law

free exercise clause

adoption

PRACTICE AREAS

administrative law

constitutional law

family law

foster care and adoption

QUESTIONS PRESENTED

1. Whether the Department of Children and Families reasonably interpreted its enabling legislation and regulations to deny a foster and preadoptive parent application based on the applicants' use of corporal punishment on their own children.
2. Whether the Department's denial was arbitrary or capricious, exceeded its authority, or lacked substantial evidentiary support under G. L. c. 30A, § 14.
3. Whether conditioning the opportunity to become foster parents on abandoning corporal punishment substantially burdened the applicants' right to free exercise of religion under art. 46, § 1, of the Massachusetts Constitution, and, if so, whether the burden was justified by a compelling governmental interest.

HOLDINGS

1. The Department reasonably interpreted its enabling legislation and related regulations to permit a policy against placing foster children in homes where parents use corporal punishment on their own children, even though the policy was not stated in an express regulation.
2. The denial did not exceed the Department's authority, was not arbitrary or capricious, and was supported by substantial evidence.
3. The Department's policy substantially burdened the applicants' sincerely held religious beliefs, but the burden was justified because the Department had a compelling interest in protecting the physical and emotional well-being of foster children, and granting a religious exemption would substantially undermine that interest.

KEY QUOTATIONS

“Nonetheless, we conclude that such a policy falls squarely within the parameters of the department's enabling legislation and companion regulations, and is rationally related to the department's objectives in the

placement of foster children.” (473 Mass. at 440-441)

“The State can prevail only by demonstrating both that (3) the requirement pursues an unusually important governmental goal, and that (4) an exemption would substantially hinder the fulfillment of the goal.” (473 Mass. at 443)

“Based on the department's compelling interest in protecting the welfare of foster children, we conclude that its prohibition against the use of corporal punishment in a foster home outweighs the burden on the Magazus' right to employ physical discipline in accordance with their religious beliefs.” (473 Mass. at 445-446)

FACTUAL BACKGROUND

Gregory and Melanie Magazu, a married couple with two young daughters, applied for a Massachusetts family resource license to become foster and preadoptive parents. They disclosed that they used spanking as a form of discipline with their daughters, regarded physical discipline as appropriate in some circumstances, and believed their Christian faith supported that practice, while agreeing not to use corporal punishment on a foster child. The Department denied the application because the family's disciplinary practices were incompatible with its policy against placing foster children in homes where corporal punishment was used and because of concerns that foster children, many of whom had histories of abuse or neglect, could be traumatized by witnessing or later experiencing such discipline.

PROCEDURAL HISTORY

The Department denied the Magazus' foster and preadoptive parent application because they used corporal punishment with their own children and believed it was appropriate discipline. After a fair hearing, a hearing officer affirmed the denial. The Superior Court dismissed the Magazus' G. L. c. 30A, § 14 appeal on a motion for judgment on the pleadings, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Blixt v. Blixt, 437 Mass. 649, 656, 663 (2002), cert. denied, 537 U.S. 1189 (2003)
- Doe, Sex Offender Registry Board No. 68549 v. Sex Offender Registry Board, 470 Mass. 102, 108-109 (2014)
- Bulger v. Contributory Retirement Appeal Board, 447 Mass. 651, 657 (2006)
- Ten Local Citizen Group v. New England Wind, LLC, 457 Mass. 222, 228 (2010)
- Warcewicz v. Department of Environmental Protection, 410 Mass. 548, 550 (1991)
- J.M. Hollister, LLC v. Architectural Access Board, 469 Mass. 49, 55 (2014)
- Anusavice v. Board of Registration in Dentistry, 451 Mass. 786, 795 (2008)
- Arthurs v. Board of Registration in Medicine, 383 Mass. 299, 312-313 (1981)
- Commonwealth v. Dorvil, 472 Mass. 1, 8, 12 (2015)

- Commonwealth v. Nissenbaum, 404 Mass. 575, 578 & n.3 (1989)
- Rasheed v. Commissioner of Correction, 446 Mass. 463, 466-467, 472, 474 (2006)
- Society of Jesus of New England v. Commonwealth, 441 Mass. 662, 669-671, 676 (2004)
- Attorney General v. Desilets, 418 Mass. 316, 321-323 (1994)
- Wisconsin v. Yoder, 406 U.S. 205, 214-215, 220 (1972)
- Sherbert v. Verner, 374 U.S. 398, 402-409 (1963)
- Curtis v. School Committee of Falmouth, 420 Mass. 749, 761-762 (1995), cert. denied, 516 U.S. 1067 (1996)
- Hernandez v. Commissioner of Internal Revenue, 490 U.S. 680, 699 (1989)
- Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439, 450-451 (1988)
- Cantwell v. Connecticut, 310 U.S. 296, 303 (1940)
- Murphy v. I.S.K.Con. of New England, Inc., 409 Mass. 842, 851, cert. denied, 502 U.S. 865 (1991)
- Petition of the Department of Public Welfare to Dispense with Consent to Adoption, 383 Mass. 573, 587-588 (1981)
- Richards v. Forrest, 278 Mass. 547, 553 (1932)
- Alsabti v. Board of Registration in Medicine, 404 Mass. 547, 549 (1989)
- New Boston Garden Corp. v. Assessors of Boston, 383 Mass. 456, 466 (1981)
- Lindsay v. Department of Social Services, 439 Mass. 789, 799 (2003)
- Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872, 878 (1990)
- Abdul-Alázim v. Superintendent, Massachusetts Correctional Institution, Cedar Junction, 56 Mass. App. Ct. 449, 453-454 & n.8 (2002)
- Kerins v. Lima, 425 Mass. 108, 112 n.6 (1997)