

Over the last two weeks, the LDS church has had their new policy on LGBT and LGBT children leaked, provided an [explanation by Christofferson](#), then finally “clarified” through a [statement from the first presidency](#) and [commentary from Church Public Affairs](#).

The church stated that the “questions” regarding the policy change was caused by “incomplete news reports, tweets and Facebook posts without necessary context and accurate information” that the church was apparently going to give to leaders. This so-called clarification was anything but. It was a modification and backtrack, in order to appease the large backlash from active and inactive church members.

## Handbook 1, Section 16.13 policy as released

Let’s look at the Handbook 1, Section 16.13 language regarding children of gays to see why.

A natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may not receive a name and a blessing. A natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may be baptized and confirmed, ordained, or recommended for missionary service only as follows:

A mission president or a stake president may request approval from the Office of the First Presidency to baptize and confirm, ordain, or recommend missionary service for a child of a parent who has lived or is living in a same-gender relationship when he is satisfied by personal interviews that both of the following requirements are met:

1. The child accepts and is committed to live the teachings and doctrine of the Church, and specifically disavows the practice of same-gender cohabitation and marriage.
2. The child is of legal age and does not live with a parent who has lived or currently lives in a same-gender cohabitation relationship or marriage.

Now to review the “clarification” released on November 13, 2015

The provisions of Handbook 1, Section 16.13, that restrict priesthood ordinances for minors, apply only to those children whose primary residence is with a couple living in a same-gender marriage or similar relationship.

[...]

children who already have been baptized and are active in the church but are living with same-gender couples can continue to receive priesthood ordinances.

The clarification states that 16.13 only applies to “children whose primary residence is with” the parent in a same-sex marriage. Also, any currently active child is completely excluded from this policy change, essentially “grandfathered” into a version of Handbook 1 without section 16.13.

## Evidence the Policy Clarification was a Post Hoc Modification

So why isn’t the church’s clarification just that – adding context to the released policy? Because the handbook policy, as released, lacks critical criteria and contains superfluous language in light of the clarification. One important sentence shows how:

A natural or adopted child [{missing criteria}](#) of a parent living in a same-gender relationship [...] may be baptized [and confirmed, ordained, or recommended for missionary service](#) only as follows:

First, the clarification adds in the qualification for the child to have “primary residence” with the parent. This sort of qualification needs to be in the handbook in order to be enforceable long-term. There is no handbook for the Handbook. The Handbook language has only one qualification regarding residence status, and it applies to the parent. No such criteria applies to the child. Adding a condition is much more than just providing context.

Second, the clarification waives section 16.13 for already baptized members. As far as I am aware, “grandfathering” is essentially unheard of for church policy changes. Did they grandfather in the active members currently living in a same-sex relationship from the apostasy policy change? No. Here is where the rubber meets the road: had this been their initial intention, there would have been no real need to include any ordinance beyond baptism in the policy. The phrase “and confirmed, ordained, or recommended for missionary service” is unnecessary if the policy is only supposed to apply to already baptized members. This “clarification” is only clarifying in that it shows the church is reflexively softening their position after realizing just how many people were affected by the original language. There are a full 18 years of children that are potentially impacted by the original policy, while the parts they didn’t change, like the baby naming and blessing, only impacts roughly a month or two of newborns at this moment.

In order to better illustrate the point, let’s look at a few alternative wordings for this Section 16.13.

## 1. How the policy would have been written to not need clarifications

So, had the church always been planning the context and clarification as they claim, what should the policy have looked like? There are many ways they could have approached it; I’ve included one below. Uncorrelated Mormon’s blog has an [alternative approach](#) to the same end. This is what the policy should now be changed to in the Handbook, in order to actually enforce the policy as modified:

A natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may not receive a name and a blessing. A natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may be baptized and confirmed, ordained, or recommended for missionary service only as follows:

- [The child is already baptized and wishes to be ordained or recommended for missionary service;](#)

- [The child’s primary residence is not with the parent living in a same-gender relationship; OR](#)

- A mission president or a stake president may request approval from the Office of the First Presidency to baptize and confirm, ordain, or recommend missionary service for a child of a parent who has lived or is living in a same-gender relationship when he is satisfied by personal interviews that both of the following requirements are met:

1. The child accepts and is committed to live the teachings and doctrine of the Church, and specifically disavows the practice of same-gender cohabitation and marriage.
2. The child is of legal age and does not live with a parent who has lived or currently lives in a same-gender cohabitation relationship or marriage.

## 2. What the policy could have been while still protecting the church

As explained in Mormon Stories [Episode 587](#), there is a potential tort liability the church may be trying to avoid with this policy change. Please listen to that episode if you are interested in better understanding this concern. Essentially, baptizing the church may create a “special relationship” between the church and the children, which could be a basis to sue the church directly or one of the other organizations of the corporation which is the church. One example given is if the active parent utilizes

the church's teachings in order to alienate the child from the gay parent, and I'm sure there are other potential situations.

Given their desire to avoid such a liability, I propose my non-lawyerly recommendation for what could have mitigated that liability, without being quite so archaic and bigoted:

A natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may not receive a name and a blessing without written approval of each parent with custody rights. A natural or adopted minor child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, may be baptized and confirmed, ordained, or recommended for missionary service only if each parent with custody rights maintains a written approval of the child's full church participation. Such approval is allowed to be withdrawn by the parent at any time. as follows: A mission president [...]

Under this approach, both parents must continue to be in favor of the child's participation. I believe this would indemnify the corporation of the church to a large degree, while not punishing those families where church attendance is still encouraged or at least permitted.

### 3. What the policy would be if the purpose was to protect the children

In Elder Christofferson's interview, the First Presidency letter, and the Church Public Affairs commentary, the same point was made: "Our concern with respect to children is their current and future well-being and the harmony of their home environment," and "Church leaders want to avoid putting little children in a potential tug-of-war between same-sex couples at home and teachings and activities at church." However truthful or noble those concerns may be, the Section 16.13 really does *nothing* directly to protect children in that way.

Forbidding a naming and blessing, baptism, confirmation, ordination, or mission recommendation has nothing to do with stopping a tug-of-war between home life and church teachings. The things being prohibited are all rituals of the church. Any child attending but not participating in the rituals is still hearing every single teaching of the church. To reiterate one more time: the church's anti-gay teachings have no relation to the prohibited rituals.

If the church is actually going to protect the children from the church's teachings, I recommend they adopt the following policy "clarifications":

A natural or adopted minor child of a parent who has lived or is living in a same-gender relationship, whether the couple is married or cohabiting, may not attend church. receive a name and a blessing. A natural or adopted child of a parent living [...]

Short and sweet, right? Alternatively, the church could also recommend the parent in a same-gender relationship be given full custody so that the child is not subject to church teaching at home, during church activities such as home teaching, visiting teaching, family home evening, etc. I don't see them taking this approach, even though it is the only solution to achieve their stated goal.

### 4. What the policy should be

Finally, I want to end with what the policy should be, in my perspective. The first of my two recommendations is to just remove Section 16.13 completely. Alternatively:

In accordance with Article of Faith 2, a natural or adopted child of a parent living in a same-gender relationship, whether the couple is married or cohabiting, should be treated equally in every way. Ward or Branch leadership should check any mistreatment or bully-type behavior that

may occur due to the church's strong position against same-gender relationships. may not receive a name [...]

## **5. Other alternatives?**

Do you agree with my revisions?

Are there any other “clarifications” you would recommend the church adopt?

Let me know in the comments!