EXCLUSIVE: The Nuns Suing New York to Keep Caring for the Dying

THE DOMINICAN SISTERS OF HAWTHORNE, WHO ARE SUING NEW YORK OVER A NEW ASSISTED DYING LAW THEY SAY VIOLATES THEIR FAITH. (BECKET)

On Friday, the Dominican Sisters of Hawthorne filed a complaint over the state's new assisted dying law, arguing it forces religious workers to compromise their faith.

By Madeleine Long

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Faith

The new religious revival, faith, and community, are explored in commentary from religious l

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A coalition of Catholic healthcare providers filed suit in federal court in Albany on Friday, arguing that New York's new assisted dying law would force them to choose between their faith and their ability to provide care for the sick, the elderly, and the dying.

The lawsuit, filed in the Northern District of New York, names 13 plaintiffs, including multiple congregations of nuns such as the Dominican Sisters of Hawthorne, the Carmelite Sisters for the Aged and Infirm, and the Little Sisters of the Poor. The Diocese of Rockville Centre and Catholic Health, a network of five Long Island hospitals, are also named.

New York's Medical Aid in Dying Act, signed into law in February and set to take effect August 5, allows terminally ill patients with a prognosis of six months or less to request drugs to end their lives. Governor Kathy Hochul called it a matter of bodily autonomy when she signed the bill. "New Yorkers deserve the choice to endure less suffering, not by shortening their lives, but by shortening their deaths," she said.

The law works in tandem with an existing New York statute, the Palliative Care Information Act, which requires doctors and nurse practitioners to inform terminally ill patients of all their end-of-life options. Now that assisted dying is one of them, medical professionals must proactively raise it with patients—whether or not the patient asks.

For the Dominican Sisters of Hawthorne, who have cared for those dying of incurable cancer at Rosary Hill Home, a small nursing facility about 35 miles north of New York City, compliance with the Medical Aid in Dying Act is not an option. The Catholic Church teaches that human life is sacred and that deliberately ending it—or facilitating its ending—is gravely wrong. The sisters consider any participation in that process, however indirect, a violation of their faith.

A DOMINICAN SISTER AND HER PATIENT AT ROSARY HILL HOME. (BECKET)

The sisters have never charged a patient or accepted a dollar of government money. According to their complaint, they have cared for approximately 45,000 patients over their 125-year history.

Mother Marie Edward, the superior of the Dominican Sisters of Hawthorne, said it's her duty to "support the person to the natural end of their life."

"Everyone is made in the image and likeness of God, and there is a dignity about the human person," she told *The Free Press*. "We are only the guardians of this body. We do not take the charge of whether or not we live or we die. That's up to God."

The lawsuit asks the court to declare the Medical Aid in Dying Act unconstitutional and block its enforcement before it takes effect next month. At its core, the complaint argues the law violates the First Amendment by compelling doctors and nurses at religious facilities to counsel patients about assisted dying and by interfering with the Church's ability to govern its own healthcare institutions. It also states that the law conflicts with federal statutes prohibiting the use of federal healthcare funds for assisted dying—a claim that applies to several plaintiffs who receive Medicare and Medicaid funding.

Noncompliance carries significant consequences, according to the complaint, including civil penalties of up to $2,000 per violation, potential loss of operating licenses, and criminal liability resulting in up to a year in prison for willful violations.

New York's law includes a provision permitting religious facilities to opt out of prescribing or administering lethal drugs on their premises. But according to the sisters' lawyers, the opt-out is among the narrowest in the nation, narrower than similar laws in California, Oregon, and Washington, where religious providers can opt out of all participation if their faith requires it.

Even facilities in New York that invoke the religious exemption must still require physicians to counsel patients about assisted dying, assess their mental fitness, and walk them through every step of the qualification process on that facility's premises—everything short of writing the prescription and administering the drugs.

A SISTER SERVES A RESIDENT AT ROSARY HILL HOME. (BECKET)

According to the complaint, Rosary Hill would be required to create institutional policies ensuring all patients receive that counseling. And if a patient requests a transfer to a facility willing to assist their death, the home must affirmatively arrange it.

"It imposes direct obligations on the sisters," Adèle Keim, an attorney at the Becket Fund for Religious Liberty representing the plaintiffs, told *The Free Press*. "The sisters are required to create an assisted suicide information delivery system and implement it in their home."

Some plaintiffs face an even more precarious position. The Missionary Sisters of St. Benedict, whose assisted living facility is not classified as a healthcare facility under the law's definition, receive no religious opt-out whatsoever—meaning they would be required to allow the prescription and administration of lethal drugs on their premises with no exemption available.

"New York is not increasing choice," Keim said. "It's extinguishing choice. It's eliminating the ability of New Yorkers to choose for themselves and their loved ones an environment of end-of-life care where they will not be offered assisted suicide in their lowest moments, and where they will be treasured and valued and treated with dignity until their final breath."

Hawthorne is a sleepy commuter hamlet in Westchester County with a hardware store, a barbecue joint, and a train station along its main street. When people hear the name of the town, they might immediately think of Nathaniel Hawthorne, the famous novelist who penned *The Scarlet Letter*. But the town actually takes its name from his daughter, Rose Hawthorne Lathrop, a convert to Catholicism who later became a Dominican nun, and founded Rosary Hill Home in 1901.

The first thing you encounter inside Rosary Hill is not a reception desk or a nurses' station, but a chapel. When I visited, I found two elderly sisters sitting in chairs in adoration, the Catholic practice of silent, prayerful watch before the Blessed Sacrament, believed to be the living presence of Jesus Christ. When the Sacrament is exposed, it cannot be left unattended, so outside the chapel door there hung a sign-up sheet with sisters' names penciled into slots to make sure someone was always there.

This is, and has been for 125 years, a home for the dying poor. The sisters accept patients of every faith and background. Their work is sustained entirely by charitable donations. Some patients stay for years, and the vast majority die there.

The sisters tend to their patients the way a family member would. They paint their fingernails, comb their hair, and arrange flowers in their rooms. All of the care encompasses a standard set by Lathrop at Rosary Hill's founding: "We must make our guests glad they crossed the threshold that is to be their last boundary," she wrote. "We must make them as comfortable and happy as if their own people had kept them and put them into the very best bedroom."

DOMINICAN SISTERS WITH A RESIDENT AT ROSARY HILL HOME. (BECKET)

What drew Edward to the community decades ago, and what continues to draw the women who come today, is what she describes as a life of charity —something that sits outside the ordinary understanding of work. "Consecrated life is a state," Edward told *The Free Press*. "It is a giving over of your life to God, a total giving over." The nursing care, she said, is a fruit of that—not the point itself, but the expression of it.

Rosary Hill is staffed by about a dozen sisters—all trained nurses or nursing aides—alongside lay aides and a physician who visits weekly. Some of the sisters arrived as registered nurses already, while others came with degrees in history or careers in fashion design. One current novitiate is a former engineer. Another put plans for medical school aside to follow her vocation to become a nun.

Rosary Hill currently cares for 24 patients. In four years of state reporting, it has received zero complaints, zero citations, and zero enforcement actions. Over that same period, it says, the New York State Department of Health received more than 55,000 complaints against other nursing homes statewide and issued an average of 23 citations per facility.

Edward has tried to shield the sisters from the litigation. The congregation is largely cloistered, and sisters receive just one day off a month. But she has been aware of the coming threat of assisted dying for years. "This talk of euthanasia legalization, of course going on in other states—it's not a surprise," she said. "But it is certainly a great disappointment."

This is not the first time the sisters have found themselves in the state's crosshairs. In April, the Dominican Sisters of Hawthorne filed a separate lawsuit against the state over a 2023 law requiring long-term care facilities to assign rooms by gender identity, use patients' preferred pronouns, and subject all staff to mandatory "training on cultural competency" every two years.

The sisters had never heard of the law until letters from New York's Department of Health began arriving in 2024. According to the complaint, they had received three over the course of roughly a year, each demanding compliance. They had never had a patient seeking to transition. In March 2026, they wrote to the state requesting a religious exemption and heard nothing. They filed suit the following month.

The April complaint argues the law is unconstitutional on multiple grounds, forcing the sisters to affirm beliefs and adopt practices that contradict their Catholic faith, while simultaneously exempting facilities run by the Church of Christ, Scientist from the very same requirements. The First Amendment, their lawyers argue, does not allow the government to burden one religious group while protecting another.

THE DOMINICAN SISTERS OF HAWTHORNE HAVE CARED FOR THE DYING POOR FREE OF CHARGE FOR 125 YEARS. (BECKET)

"The sisters do not want to litigate," L. Martin Nussbaum, their lawyer on the gender case, told *The Free Press*. "They want this resolved, and they want to focus on their ministry."

In June, the Department of Justice announced it would join the case on the sisters' behalf. "States should take notice that they cannot require Americans to abandon their religious beliefs in the name of woke gender ideology," Assistant Attorney General Harmeet Dhillon said in a statement. "New York's law would force these religious women to choose between their faith and their license if they wish to continue serving the dying."

Twice the state has inserted itself into one of the most intimate environments imaginable, a home where people go to die, tended by women who have devoted their entire lives to that work.

Edward, who has sat at the bedside of the dying since 1979, told me she has great faith that the congregation will prevail—that God will allow them to continue serving the sick and dying.

"It is such a great honor to be there when you know that that patient is looking at you one moment," she said, "and then the next moment they're looking at the face of God."

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Madeleine Long

Madeleine Long is an editorial assistant at *The Free Press*.

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