



June 12, 2020

Administrator Paul Ray
Office of Information and Regulatory Affairs
725 17th Street, NW
Washington, DC 205031

Re: RIN 0991-AC16 Health & Human Services Grants Regulation EO 12866

One Colorado Education Fund (OCEF) is the state's leading advocacy organization for lesbian, gay, bisexual, transgender, and queer Coloradans and their families. We have worked in a nonpartisan manner over the past 10 years to advance policy measures to help close the gap between legal and lived equality for LGBTQ Coloradans. Our data collection within Colorado shows that LGBTQ youth -- who comprise nearly 30 percent of youth in our foster care system-- are in desperate need of federal nondiscrimination protections.

On an average day in Colorado, 12 children or teens enter foster care because their parents need time to learn new skills and address safety concerns, or, as is the case for many LGBTQ youth, they escaping abusive homes or homophobic & transphobic bullying in school. LGBTQ youth are overrepresented in foster care and face an increased risk of both negative experiences and outcomes. They are twice as likely as their non-LGBTQ peers to report being treated poorly while in care. They are likely to have a greater than an average number of placements than their non-LGBTQ peers. And they are more likely than their non-LGBTQ peers to be placed in congregate care, including group homes. These children and teens experience foster care for many of the same reasons as other young people in care, but they potentially have the added layer of trauma that comes with being rejected or mistreated because of their sexual orientation, gender identity, or gender expression. The removal of discrimination protections via RIN 0991-AC16 for nearly all programs that receive Health and Human Services grants will only serve to harm these already vulnerable youth.

Allowing child welfare agencies to discriminate against LGBTQ families, children, and individuals, as well as religious minorities, serves to only create negative outcomes for our broader society. The net impact of this proposed rule change also includes the reduction of the pool of qualified prospective foster parents because child welfare agencies would have the approval of the federal government to discriminate against future parents based on their religion, sex, sexual orientation, or gender identity. In Colorado, there are currently more than 8,000 children in our foster care system who need loving, forever homes. However, we only have around 2,000 qualified foster parents. Additionally, a 2007 report published by the Williams Institute indicated that the removal of LGBTQ foster parents in Colorado would cost taxpayers between \$481,000-\$723,000 per year.

OCEF urges the Department of Health and Human Services to withdraw the proposed rule change to RIN 0991-AC16. Every child and teen deserves a nurturing, affirming family that provides them with a safe place to process their feelings of grief and loss, the freedom to express who they are, and the support they need to become responsible, happy, and healthy adults.

Sincerely,
Michael Crews, Policy Director