



December 19th, 2019

Secretary Alex Azar  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

RE: Proposed rulemaking to repromulgate or revise certain regulatory provisions of the Department of Health and Human Services, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards; RIN 0991-AC16, 84 Fed. Reg. 63831 (Nov. 19, 2019)

Dear Secretary Azar:

FosterClub, the national network for young people in foster care, is pleased to provide comments on the Notice of Proposed Rulemaking RIN 0991-AC16. If you would like to discuss further, please contact Celeste Bodner, FosterClub, 503-717-1552 or [celeste@fosterclub.com](mailto:celeste@fosterclub.com).

Thank you for the opportunity to submit.

Sincerely,

A handwritten signature in black ink, appearing to read "Celeste Bodner", with a long, sweeping underline.

Celeste Bodner  
Executive Director

## **Comments from FosterClub on proposed rulemaking RIN 0991-AC16.**

FosterClub is deeply concerned about the impact of this decision on the children and youth currently in foster care. We have three overarching concerns:

**This proposed rule will provide a license for discriminatory practices in the recruitment of foster and adoptive parents and may close doors to foster and adoptive parents based on their sex, sexual orientation, gender identity or religious beliefs.** This reduces the number of foster and adoptive families available locally to foster children and youth served by agencies with those practices. This is particularly critical as states, tribes and jurisdictions are implementing the Family First Prevention Services Act (P.L. 115-123) and reviewing how they will ensure the appropriate placements for children and young people in foster care, which includes a focus on family-based placements.

**Allowing discrimination would directly contradict recommendations provided by those with first-hand experience living in the foster care system.**

In August, the Children's Bureau released an Information Memorandum (ACYF-CB-19-03) encouraging public agencies to keep youth and family voices central to child welfare planning and improvement efforts.

Young Leaders from FosterClub - advocates who are youth and alumni from foster care - have worked for years to identify, create and recommend foster care and adoption policies and practices that will protect young people who experience the foster care system from discrimination or harm, particularly around sex, sexual orientation, gender identity and expression .

Young Leaders know that even when discrimination isn't enshrined in official policies - legislative or administrative - it happens all too often. We know, from the experiences our Young Leaders share, that LGBTQ+ and Two-Spirit youth of color face even further discrimination including: increased placement changes, homelessness, fewer connections to supportive adults, lack of affirmation and erasing of their identities, and increased discrimination and disparate treatment by staff and others.

Even if youth don't experience direct discrimination, the knowledge that a system or agency allows discrimination undermines the trust and relationships with caregivers and service providers that youth need to heal from trauma and thrive.

**The full identities of children and young people, including religious, must be respected, valued and affirmed by child welfare agencies, providers and foster parents.** For many

young people who have experienced abuse or neglect, foster families provide shelter and space to heal. However, young people also report the difficulties of fitting into a new family whose religious observances may be different, and sometimes even contrary to their own. Children and youth must be protected from being discriminated against while in care or being forced to confirm to a foster care agency or foster family's views regarding religion, or subsequent views that may accompany religious beliefs.

Under Family First Prevention Services Act, the Department of Health and Human Services (HHS) was directed to "identify reputable model licensing standards with respect to the licensing of foster family homes." In the process of establishing those standards, HHS requested public comment. FosterClub, based on feedback from our network of young leaders, submitted public comments in September 2018 regarding considerations for the Model Family Foster Home Licensing Standard. We recommended inclusion of the following standard:

"Applicants will affirm and support the identity of children and youth placed in their home, including (age-appropriately) race, cultural and ethnic identity, religion, and sexual orientation, gender identity, and expression."

While these standards are specifically referring to initial licensing, we recognize how crucial role support and affirmation from a foster family can be for a child or youth's normalcy and well-being.

Nearly half a million children and youth currently in foster care need our community and nation to step up and provide support so they have what they need to thrive. There must be no space for discrimination in our country's child welfare system.

We know that children, young people and families with involvement in the child welfare system also frequently access and utilize other HHS programs, supports and services. FosterClub urges HHS to withdraw proposed rulemaking changes, re-instate enforcement of current protections and ensure that children, young people and families who interact with the child welfare system are fully protected from discrimination.

We also affirm and fully support the comments submitted by the National Foster Care Youth & Alumni Policy Council in response to this NPRM.