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November 10, 2009

The Honorable Fortney "Pete" Stark
U.S. House of Representatives
239 Cannon House Office Building
Washington, DC 20515

RE: H.R. 3827, "Every Child Deserves a Family Act"

Dear Representative Stark:

I write on behalf of the American Bar Association (ABA) to thank you for introducing H.R. 3827, the Every Child Deserves a Family Act. The ABA, the world's largest, voluntary professional organization with nearly 400,000 members, is the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence and respect for the law.

The ABA has a long tradition of opposing categorical exclusions in child placement decisions based on immaterial classifications when the placement is in the best interests of the child. To this end, in 1999 and 2006 the ABA House of Delegates considered and approved the following two policies disfavoring categorical parenting restrictions based on sexual orientation:

RESOLVED, that the American Bar Association supports the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interest of the child. (1999)

RESOLVED, that the American Bar Association opposes legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe. (2006)

Ending categorical discrimination based on sexual orientation will open more homes to foster children. Currently, there is a shortage of qualified individuals willing to adopt or foster a child in the child welfare system. Of the estimated 500,000 children in the United States foster care system, over 129,000 are legally available for adoption. Unfortunately, nearly 25,000 foster children age out of the system each year, never finding a loving, permanent family. Research shows that

these youth who age out of the foster care system are at a high risk for poverty, homelessness, and incarceration.

Thirty years of scientific research shows overwhelmingly that children raised by lesbian and gay parents do as well emotionally and psychologically as children raised in heterosexual households. Experts estimate that gay and lesbian parents are raising four percent of all adopted children, over 65,500 children, and fostering three percent of all foster children, over 14,000 children. Despite this, several states restrict parenting based on sexual orientation and marital status and one-third of child welfare agencies in the United States reject gay and lesbian applicants. These categorical exclusions fail to take into account the best interests of each child in each placement situation and deprive children waiting in foster care of the opportunity to access gay and lesbian individuals and same-sex couples desiring to serve as foster and adoptive parents.

We again thank you for introducing H.R. 3827, which will promote permanency for the hundreds of thousands of children waiting in foster care by removing sexual orientation as a bar to child placement decisions when the placement is in the best interests of the child. For more information, please contact Julie M. Strandlie, Legislative Counsel, at jstrandlie@staff.abanet.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman