



February 2, 2010

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:

We would like to applaud you for your attention to the need for permanency for children in our nation's child welfare system and for introducing H.R. 3827, the Every Child Deserves a Family Act, which would prohibit states and child welfare agencies from denying or delaying adoption or foster care placements based on the sexual orientation, marital status or gender identity of the potential parents.

Lambda Legal Defense & Education Fund (Lambda Legal) is a national non-profit legal organization committed to advancing the civil rights of lesbian, gay, bisexual and transgender (LGBT) people and individuals living with HIV through litigation, public policy advocacy and education. Lambda Legal's Youth in Out-of-Home Care Project raises awareness and advances reforms on behalf of LGBT youth in child welfare, juvenile justice and homeless systems of care. Our work aims to increase the will and capacity of child welfare organizations to prepare and support out-of-home LGBT youth as they transition from adolescence to independence.

Lambda Legal has a longstanding commitment to ending discrimination against both LGBT youth in care and adults who want to become foster or adoptive parents. We strongly support the intent of the Every Child Deserves a Family Act to do away with discriminatory bans prohibiting children from being placed with qualified parents due to the parents' sexual orientation, marital status or gender identity. In particular, we would like to express support for the following key principles encompassed in the bill:

Expanding the pool of potential foster and adoptive parents for children in the child welfare system is in the best interest of waiting foster children and will help them achieve permanency.

The Every Child Deserves a Family Act will halt states' efforts to senselessly diminish the already critically inadequate pool of prospective foster and adoptive parents by rejecting otherwise qualified, loving applicants based only on their sexual orientation, marital status or gender identity. The bill will also protect children already placed with loving, capable foster parents from being removed from the stable homes in which they are thriving if a particular state does not allow their foster parents to adopt them because of their sexual orientation, marital status or gender identity. Thus, the Every Child Deserves a Family Act will promote the well-being of foster children by increasing their chances to achieve permanency and

provide them with protection from being separated from the foster families that already successfully care for them.

Social science evidence and the professional consensus overwhelmingly support adoption and foster parenting by qualified gay and lesbian parents.

Decades of social science data show that children raised by lesbian and gay adults fare just as well as other children. Every leading professional child welfare organization in this country strongly supports licensing lesbian and gay people as foster and adoptive parents according to the same criteria applied to all other applicants. Efforts to prohibit lesbian and gay people from serving as foster and adoptive parents are contrary to the mainstream professional consensus on the subject, represented by the statements of the American Academy of Pediatrics,¹ the American Academy of Child & Adolescent Psychiatry,² the National Association of Social Workers,³ the Child Welfare League of America,⁴ the North American Council on Adoptable Children,⁵ the Evan B. Donaldson Adoption Institute⁶ and the National Adoption Center.⁷

Bans on adoption and foster parenting based on sexual orientation, marital status or gender identity only waste taxpayer dollars.

Imposing bans based on the sexual orientation, marital status or gender identity of foster and adoptive parents not only deprives children of nurturing families but also needlessly imposes added costs on already financially strapped child welfare systems. Given the critical shortage of foster families, if LGBT adults are barred from the pool of available homes many children will be relegated to more restrictive group home settings, which are substantially more expensive than family foster care and where the quality of care, even in the best facilities, rarely approximates that of a loving family.

Lambda Legal thanks you for your commitment to eliminating discrimination against prospective foster and adoptive parents based on sexual orientation, marital status or gender identity and to ensure that the best interests of children are the only criteria for finding

¹ Comm. on Psychosocial Aspects of Child and Family Health, Am. Acad. of Pediatrics, *Coparent or Second-Parent Adoption by Same-Sex Parents*, 109 *Pediatrics* 339 (2002).

² Am. Academy of Child & Adolescent Psychiatry, "Gay, Lesbian, Bisexual, or Transgender Parents Policy Statement" (2008).

³ Nat'l Assoc. of Soc. Workers, "Lesbian, Gay and Bisexual Issues," *Social Work Speaks: National Association of Social Workers Policy Statements 2003-2006* (6th ed. 2003).

⁴ Child Welfare League of Am., "Position Statement on Parenting of Children by Lesbian, Gay, and Bisexual Adults" (2005); Child Welfare League of Am., *Standards of Excellence for Family Foster Care Services* § 3.18 (1995); Child Welfare League of Am., *Standards of Excellence for Adoption Services* § 4.7 (2000).

⁵ North Am. Council on Adoptable Children, "Gay and Lesbian Foster Care and Adoption" (2005).

⁶ J. Howard & M. Freundlich, Evan B. Donaldson Adoption Inst., *Expanding Resources for Waiting Children II: Eliminating Legal & Practice Barriers to Gay & Lesbian Adoption from Foster Care* (2008); J. Howard & M. Freundlich, Evan B. Donaldson Adoption Inst., *Expanding Resources for Children: Is Adoption by Gays and Lesbians Part of the Answer for Boys and Girls Who Need Homes?* (2006).

⁷ Nat'l Adoption Ctr., "Adoption of Children by Gay or Lesbian Adults" (2008).

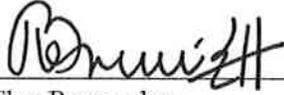
Letter to Rep. Stark

February 2, 2010

Page 3

adoptive and foster parents. We look forward to working with you to pass this crucial legislation.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Bermudez", written over a horizontal line.

Flor Bermudez

Youth in Out-of-Home Care Staff Attorney

(212) 809-8585 Ext. 241

fbermudez@lambdalegal.org