

# United States Senate

WASHINGTON, DC 20510

December 8, 2023

Secretary Xavier Becerra  
200 Independence Ave SW  
Washington, D.C. 20201

Re: Notice for Public Comment, Safe and Appropriate Foster Care Placement Requirements for Titles IV-E and IV-B, Document Number: 88 FR 66752

Dear Secretary Becerra,

We write in support of the Department of Health and Human Services (HHS) proposed rule on *Safe and Appropriate Foster Care Placement Requirements for Titles IV-E and IV-B*. The proposed rule will help ensure LGBTQIA+ children in foster care feel safe and valued, and receive appropriate services without discrimination or prejudice. This proposed rule is needed to protect children in the foster care system more than ever, and if finalized, will further support the primary goal of federal child welfare programs - to serve the best interests of *all* children.

LGBTQIA+ children, particularly children in the foster care system, face many challenges associated with mental health, stigma and discrimination. Compared to their heterosexual peers, LGBTQIA+ children are at increased risk for social exclusion, family violence, substance abuse, and mental health problems including depression, anxiety, nonsuicidal self-injury, unstable housing, and suicidality.<sup>12</sup> These challenges are more pronounced for children in the foster care system, particularly for LGBTQIA+ youth of color who are disproportionately overrepresented in the child welfare system and stay longer in child welfare systems, while also having an increased risk of experiencing discrimination and violence compared to their peers.<sup>3</sup> According to a national longitudinal study, LGBTQIA+ children are nearly 2.5 times more likely to experience a foster care placement than their heterosexual peers.<sup>4</sup> Further, in a Los Angeles study, nearly 38 percent of LGBTQIA+ children and youth in foster care reported poor treatment related to their status as a sexual or gender minority.<sup>5</sup>

By outlining requirements for the safe and appropriate placement of LGBTQIA+ children in foster care, including notifying youth about the availability of safe and appropriate foster care

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<sup>1</sup> Homelessness among youth who identify as LGBTQ+: A systematic review - McCann - 2019 - Journal of Clinical Nursing - Wiley Online Library

<sup>2</sup> A Closer Look at the Psychosocial Realities of LGBTQ Youth | Pediatrics | American Academy of Pediatrics (aap.org)

<sup>3</sup> Huggins et al., 2019; Conron & Wilson, 2019; Wilson & Kastanis, 2015 (youth.gov)

<sup>4</sup> Are sexual minority youth overrepresented in foster care, child welfare, and out-of-home placement? Findings from nationally representative data - PubMed (nih.gov)

<sup>5</sup> Sexual and Gender Minority Youth in Foster Care - Williams Institute (ucla.edu)

placements, prohibiting retaliation based on sexual orientation or gender identity, and requiring LGBTQIA+ training for caseworkers and supervisors, the proposed rule will help ensure LGBTQIA+ children in foster care receive the support and services they need to help offset the challenges they face. LGBTQIA+ foster youth, who represent 30 percent of foster youth nationwide,<sup>6</sup> have a higher likelihood of experiencing a longer road to permanent placement in foster care.<sup>7</sup> These youth deserve placements that are safe, affirm who they are, and have been cleared by well-trained caseworkers who understand their unique needs. If finalized, the proposed rule will help ensure that LGBTQIA+ children in foster care have access to affirming spaces and social support they need to thrive.

As members of Congress we are committed to ensuring all children, including LGBTQIA+ children, thrive in safe and stable environments. We commend HHS for taking steps to ensure LGBTQIA+ children in foster care feel safe and valued and receive needed services with dignity and support. We look forward to the finalization of this rule, and urge its swift implementation.

Sincerely,



Ron Wyden  
United States Senator



Tammy Baldwin  
United States Senator



Richard Blumenthal  
United States Senator



Ben Ray Luján  
United States Senator



Chris Van Hollen  
United States Senator



Benjamin Cardin  
United States Senator



Michael Bennet  
United States Senator



Debbie Stabenow  
United States Senator





Ed Markey  
United States Senator


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<sup>6</sup> <https://youth.gov/youth-topics/lgbtq-youth/child-welfare#:~:text=Studies%20have%20found%20that%20about,youth%20not%20in%20foster%20care.>

<sup>7</sup> <https://www.finance.senate.gov/imo/media/doc/Letter%20to%20HHS%20on%20South%20Carolina%20Child%20Welfare%20Waiver.pdf>


  
Kirstin Gillibrand  
United States Senator


  
Patty Murray  
United States Senator

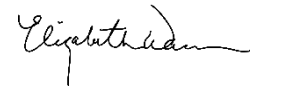
  
Bernard Sanders  
United States Senator





Jon Fetterman  
United States Senator


  
Jeanne Shaheen  
United States Senator

  
Chris Murphy  
United States Senator

  
Elizabeth Warren  
United States Senator

  
Laphonza Butler  
United States Senator

  
Sheldon Whitehouse  
United States Senator

  
Jack Reed  
United States Senator

Cc: Rebecca Jones Gaston, Commissioner, Administration on Children, Youth and Families,  
Administration for Children and Families (ACF)