

Children's Defense Fund

Children's Rights

<https://www.childrensdefense.org/blog/lgbtq-child-welfare-system-rfi/>

Public Facing Advocacy Writing

As many as one in three children in foster care identify as LGBTQ+, and same-sex couples are seven times more likely to foster or adopt than their opposite-sex counterparts. Still, LGBTQ+ children and families, particularly LGBTQ+ children and families of color, disproportionately experience negative treatment in the child welfare system. Over the last several years, a slew of state and federal laws and policies have sought to worsen the treatment that these children and families face by allowing taxpayer-funded discrimination against them and by seeking to erase their experiences. The Childrens Defense Fund has [firmly and vigorously opposed](#) these actions, knowing that discrimination is never in the best interest of children.

In this spirit, CDF was proud to join with other members of the Every Child Deserves a Family Campaign [to respond to a request for information \(RFI\)](#) from the Biden administration to detail actions the administration could take to improve services for LGBTQ+ children and families in the child welfare system. The RFI, *Methods and Leading Practices for Advancing Equity and Support for Underserved Communities Through Government*, specifically sought input from experts on strategies to promote equity, remove barriers and burdens, and to meaningfully engage with communities that have been served poorly by current programs and policies.

It is crucial that the federal government focus on the needs of LGBTQ+ youth, because their experiences and outcomes in the foster care system are nothing short of horrific. Not only are LGBTQ+ youth dramatically overrepresented in the child welfare system, once in care they are twice as likely to report experiencing maltreatment within the system as their non-LGBTQ+ peers, and they experience longer stays in congregate care facilities, like group homes and institutions, rather than in family-like settings. They experience higher rates of multiple placements, criminal justice involvement, hospitalization for emotional reasons, and homelessness. More than one in three LGBTQ+ youth in foster care reports attempting suicide in the last year. These experiences and outcomes are even worse for LGBTQ+ youth of color, who experience the dual impacts of racism and anti-LGBTQ+ discrimination in care.

LGBTQ+ adults also experience worse treatment from the child welfare system than their non-LGBTQ+ peers, despite the fact that LGBTQ+ adults are more likely to adopt the very children that the child welfare system has the most difficulty finding stable homes for, including older youth, children with disabilities, and large sibling groups. Even though there is a massive shortage in foster parents and more than 120,000 children are eligible for adoption, LGBTQ+ parents are regularly denied the opportunity to foster or adopt solely because of their sexual orientation or gender identity. In recent years, eleven states have passed laws explicitly allowing discrimination against LGBTQ+ adults who want to foster or adopt, and in 2019, the Trump administration announced it would be rescinding and no longer enforcing a policy that barred discrimination in programs funded with federal tax dollars.

This discrimination not only reduces the number of stable, loving homes for children at a time when those homes are needed, it reduces the diversity of homes available, which increases placement instability for all children, regardless of their sexual orientation or gender identity. It is not sufficient to simply have enough foster parents for the number of children in the system. Child welfare agencies need to have a diverse array of foster parents in order to find the *right* family for each child. Limiting the pool of foster parents by faith, sexual orientation, or gender identity prevents agencies from effectively matching children to families that can support and affirm the diverse and complex identities and needs of children in care, which ultimately leads to placement disruptions and worse outcomes for children.

Given these realities, it is crucial that the Biden administration take strong, proactive steps to advance policies that would mitigate the harm done to LGBTQ+ children and adults in the child welfare system. As 85% of youth in foster care who identify as LGBTQ+ are youth of color, these actions must be taken in a way that centers their intersectional identities and the ways they are at higher risk within the system.

Over the past several years, CDF and the rest of the child welfare community have had to act defensively to oppose actions from the Trump administration and the states that would weaponize the child welfare system against LGBTQ+ families. The response to the Biden administration's RFI contains many of the provisions that we have pushed for during that time, including reversing policies that allow discrimination in taxpayer-funded programs and stringently enforcing non-discrimination. It calls for the reinstatement of data requirements that would track the experiences of LGBTQ+ youth in foster care, with the knowledge that what isn't counted doesn't count, and for the expansion of those requirements to cover gender identity data, knowing that transgender youth in care face some of the worst outcomes in the system.

The response to the RFI goes beyond defensive recommendations and proposes proactive solutions to help improve the experiences and outcomes of LGBTQ+ children in the system. It calls on the Biden administration to establish senior staff positions within the administration on Children and Families (ACF) that focus on the needs of LGBTQ+ youth in the child welfare system and in Runaway and Homeless Youth Act programs. We recommended that the administration establish a National Resource Center for Safety, Well-Being, Placement Stability, and Permanency for LGBTQ+ Foster Youth, which would support research into promising practices for serving LGBTQ+ youth in the system. Further, we recommended that the administration act on this research, issuing guidance to the states and providing technical assistance and training to help child welfare agencies implement practices that would benefit LGBTQ+ youth.

In crafting these proposals, the Every Child Deserves a Family Campaign also acknowledged the importance of building power within communities that have been underserved by government. We called on the administration to engage directly with LGBTQ+ youth who had experience with the child welfare system and to establish an advisory committee for ACF made up of these youth that could guide the agency in improving care. We also called on the administration to host regular convenings of LGBTQ+ youth, birth families, and foster and adoptive parents to ensure that the administration remained focused on their needs and the barriers they are facing.

CDF is extremely grateful for the opportunity to advise the Biden administration on strategies to improve the experiences and outcomes of LGBTQ+ youth in the child welfare system. We look forward to continuing to work with the administration on implementing these recommendations.

Read the full response to the Request for Information [here](#).

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