

Every Child Deserves a Family Act, H.R. 3827 Introduced by Rep. Pete Stark

This legislation would open thousands of new foster and adoptive homes to abused and neglected children in the child welfare system by prohibiting any entity receiving Federal child welfare funds from denying or delaying adoptive or foster care placements based solely on the marital status, sexual orientation, or gender identity of the prospective parent(s).

There are approximately 500,000 in our child welfare system and over 125,000 of these children are waiting to be adopted. Unfortunately, there is an acute shortage of adoptive and foster parents. The result is that many children, particularly minority and special needs children, languish in care and bounce from placement to placement. Nearly 25,000 youth “age-out” of the system each year with no family and few supports. These youth are more likely than nearly any other group to experience poverty, suffer from mental illness, or become incarcerated or homeless. Despite the fact that 65,000 adopted children currently live with a gay or lesbian parent and despite the dire need for more loving families for foster children, some states and local jurisdictions have enacted discriminatory bans that prevent placements with qualified parents based solely on their sexual orientation, marital status, or gender identity. Congress invests more than \$8 billion into the child welfare system each year and we should not accept policies that use Federal funds that will guarantee that fewer children are adopted or placed in stable foster homes. The only criteria that should guide adoption and foster placements are what are in the child’s best interest.

The Every Child Deserves a Family Act would ensure that a child’s best interest, not bigotry, guides every placement decision. It builds on 1994’s Multi-Ethnic Placement Act (MEPA), which prohibited entities receiving Federal funds from racial and ethnic discrimination when making placement decisions. H.R. 3827 would:

- Prohibit any entity that receives federal child welfare funds from denying or delaying the placement of child into an adoption or foster care placement based solely on the sexual orientation, gender identity, or marital status of the prospective parent(s);
- Provide the HHS Secretary with authority to enforce the prohibition, including the use of financial penalties, after entities are given a reasonable period of time to come into compliance;
- Allow aggrieved individuals to bring a cause of action for equitable relief in Federal District Court;
- Task the GAO with conducting an analysis of compliance and report back to Congress within 5 years.