



November 19, 2019

U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue SW
Washington, DC 20201

Re: Comment on Health and Human Services Grants Regulation RIN 0991-AC16

The Westchester County Board of Legislators respectfully submits the following comments in response to the proposed change to the Department of Health and Human Services Grants Regulation RIN 0991-AC16.

The proposed rule change would allow agencies receiving taxpayer funding from the United States Department of Health and Human Services to discriminate against program participants based on religion, sex, sexual orientation, and gender identity. This could potentially lead to agencies putting religious beliefs above the needs of children in their care, which would have a dire impact on children and families involved in the foster care system.

There are more than 400,000 children in the foster care system in the United States, with more than 114,000 waiting to be adopted. Data indicates that same-sex couples with children are far more likely to adopt a child. Taxpayer-funded contracted child welfare agencies should not be allowed to discriminate against children and turn away qualified foster care families. This rule will shrink the already insufficient pool of families for children in need of a loving home. Currently, most faith-based foster care agencies follow professional child welfare standards and accept all qualified families. These agencies play an important role in providing these services. There is a shortage of families, and allowing agencies to turn away qualified families based on religious criteria will only exacerbate this problem. A system that allows discrimination may have a chilling effect and prevent loving families from entering the foster care system.

Qualified parents willing to take on such a huge commitment to a foster child should not have any barriers to this commitment. Notably, children who languish in the system may age out without ever having had a permanent family, and then face an increased risk of homelessness, incarceration and poverty. This can hardly be seen as a desirable outcome.

It must be noted that the negative impact of the regulation extends beyond foster and adoptive parents to the children themselves. Children who are struggling with their sexual identity, and are already feeling

stigmatized in school and other areas, will be further marginalized. Preventing LGBTQ individuals or couples from becoming foster or adoptive parents sends a message that they are unworthy, and teaches intolerance.

Additionally, the proposed regulation is unconstitutional, as it violates the establishment clause separating church and state by commingling federal funding requirements with tenets of religion, and by providing federal funding to agencies that should treat everyone equally regardless of religious belief.

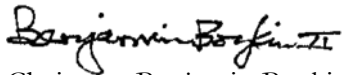
Finally, Families First¹, whereby children in congregate care must be placed in a home setting or federal funding will be unavailable, directly contradicts this proposed rule change. More foster homes are needed, which as noted earlier, are scarce and much needed.

Therefore, we strongly urge rejection of this change to regulation RIN 0991-AC16 as adoption of this regulation would harm the most vulnerable members of society.

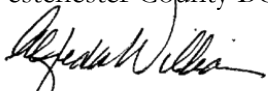
Sincerely,



Kitley S. Covill, Westchester County Legislator District Two



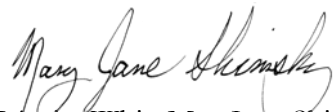
Chairman Benjamin Boykin II
Westchester County BOL District 5



Vice Chair Alfreda Williams
Westchester County BOL District 8



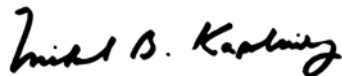
Majority Leader Catherine Parker
Westchester County BOL District 7



Majority Whip MaryJane Shimsky
Westchester County BOL District 12



Legislator Margaret Cunzio
Westchester County BOL District 3



Legislator Michael Kaplowitz
Westchester County BOL District 4



Legislator Nancy Barr
Westchester County BOL District 6



Legislator Catherine Borgia
Westchester County BOL District 9

¹ NYS has a two year waiver before it will be required to comply with the Federal Families First rule.



Legislator Damon Maher
Westchester County BOL District 10



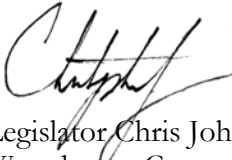
Legislator Terry Clements
Westchester County BOL District 11



Legislator Lyndon Williams
Westchester County BOL District 13



Legislator David Tubiolo
Westchester County BOL District 14



Legislator Chris Johnson
Westchester County BOL District 16