



STATEMENT ON HHS WAIVER OF CHILD WELFARE PRACTICES

Thursday, January 24, 2019
Child Welfare League of America
Washington, DC

The Child Welfare League of America (CWLA) is greatly disappointed in the January 23, 2019 decision by the Department of Health and Human Services (HHS) to use the Religious Freedom Restoration Act (RFRA) to allow a waiver of current federal prohibitions against discrimination in the recruitment of foster and adoptive parents and the placement of children and youth.

We recognize and support the critical and important role that religious-affiliated agencies have played and continue to play in our nation's human services programs. The decision by HHS, however, would offer broad authority to potentially violate the central principle of the nation's child welfare system by not placing the *best interest of children and youth first*.

The CWLA *National Blueprint for Excellence in Child Welfare (CWLA National Blueprint)* standards addresses the issue of nondiscrimination on the basis of religion. These standards would apply to any entity whether agencies, governments, organizations, distinct communities, or other defined groups. The *CWLA National Blueprint* specifically recommends "nondiscrimination policies that may be broader than legal requirements when they are felt to be in the best interest of child well-being, and encourages all entities and jurisdictions to work toward the adoption of policies that are inclusive and protect all those served from discrimination. Each entity must determine the applicability of relevant laws, and the entities should work together to protect all children, youth, and families from discrimination on the basis of race, color, age, disability, gender, familial status, religion, sexual orientation, gender identity, genetic information, language, religion, national, ethnic or social origin, political beliefs, or citizenship." (*CWLA National Blueprint*, p.109)

The decision by HHS mainly focuses on the role and the rights of agencies and focuses its language on the recruitment of foster parents. By doing so, it ignores the impact on the children and youth in foster care, particularly those young people who identify as LGBT. The broad waiver will also impact on the selection and recruitment of adoptive and kin families.

Fundamentally, the use of federal child welfare dollars through Title IV-B and Title IV-E should not be about the funding of public and private agencies, but about how we can best support the more than 600,000 children and youth who will spend at least some time in foster care in 2019.

We ask HHS to revise its decision and instead work with us and other agencies and organizations across the country in a way that is respectful of cultural differences based on tribal heritage, race, religion, ethnicity, and gender identity. We must commit ourselves as a nation serving the best interests of each child, young person, and family served by these agencies.

CWLA, 727 15th Street, NW, 12th Floor, Washington, DC 20005, 202-688-4200, www.cwla.org

Contacts: Christine James-Brown, President & CEO, Child Welfare League of America, cjamesbrown@cwla.org, and John Sciamanna, Vice President, Public Policy, jsciamanna@cwla.org