

May 17, 2017

The State of Texas Senate  
1200 Congress Ave  
Austin, TX 78701

The undersigned nonpartisan, nonprofit organizations are dedicated to ensuring the safety, permanency and wellbeing for children and families that are connected to adoption and foster care. This includes providing leadership and education that improves laws, policies and practices through sound research, analysis and advocacy. Eliminating policy and practice barriers for children in foster care awaiting permanent homes is one of our priorities.

The Texas Senate will soon consider legislation that would significantly limit the opportunities for the more than 12,000 Texas children waiting in foster care to join permanent, adoptive homes. This bill – HB 3589—would sanction discrimination against LGBTQ children in care and prospective adoptive or foster parents. Under the guise of religious freedom, this bill would allow a foster or adoption agency to deny a placement based on that agency's moral or religious beliefs, even if the agency receives public funds. Further, agencies would face no consequence if they forced LGBTQ children to engage in religious based counseling, or even subjected them to the discredited practice of “conversion therapy.”

The best interest of children should be the state's primary goal and no one's interest is being served when discriminatory practices are endorsed by the state, even allowing taxpayer-funded organizations to insert their personal religious beliefs into their professional mandate to ensure the wellbeing of children.

HB 3859 stands in opposition to the robust base of professional knowledge that highlights the critical need for the largest possible pool of qualified parents to adopt children languishing in the child welfare system, and the harm to children that results from excluding any single class of potentially qualified parents (such as LGBTQ people) from that pool.

The reality is, a quarter century of research has found that children raised by lesbian and gay parents fare just as well as those reared by heterosexual parents. Major professional groups, including the American Medical Association and the American Psychological Association, as well as national and state child welfare organizations, overwhelmingly support adoptions by qualified same-sex parents.

Religious organizations have an important, constitutionally protected fundamental right to believe what they wish. However, by accepting taxpayer funding to offer adoption and foster care services to the public the organization is engaging in a publicly funded secular activity, since children in the protection of the state are the state's responsibility. Discriminating against potentially qualified prospective parents using taxpayer dollars does a disservice not only to the children waiting to join foster or adoptive families but also to the entire state.

There are all too many children in temporary living situations. In Texas alone, the most recent statistics from FY 2015 indicate there are 29,990 children in foster care with 12,643 children waiting in care for a permanent adoptive family. During FY 2015, more than 47,492 children were served by foster care. Nationally, the most recent statistics indicate that more than 21,000 children aged out of foster care without a permanent family structure. The outcomes facing youth who exit foster care on their own as opposed to joining a permanent family are staggering; these young people are more likely to flounder in society with higher rates of homelessness and unemployment compared to their peers who are adopted. These numbers illustrate the critical need for the largest possible pool of potentially qualified parents to adopt children from the child welfare system.

Stability and security are vital for children's healthy development. Allowing agencies that serve waiting children to discriminate against potentially qualified parents limits opportunities for children. It is also essential that children are supported in developing a healthy identity; subjecting children to discredited and abusive therapeutic techniques on the grounds of moral convictions does not serve their best interest.

If we truly wish to act in good conscience towards children in care, we must not enshrine discriminatory practices into the law, in any state.

Signed,

Child Welfare League of America  
The Donaldson Adoption Institute  
North American Council on Adoptable Children  
Voice for Adoption