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February 17, 2016

To: Members of the Judiciary Committee

From: Julia Tse, Policy Associate

Re: Opposition to LB 975 to adopt the Child Welfare Services Preservation Act

Our child welfare system is and should be structured to prioritize the best interests of the children that it serves. Voices for Children opposes LB 975 because it places the religious beliefs of private agencies before the best interests of system-involved children in Nebraska. While we are supportive of the bill's intent to increase foster care placements and adoptive homes, **we believe this bill would reduce opportunities for stability and permanency for children in our foster care system.**

All kids deserve to grow up in a safe and loving family. In the United States and in Nebraska, there has historically been a shortage of foster and adoptive homes. As research on the detrimental effects of long-term foster care mounted, **policy changes that supported permanency for children who could not return home connected more and more kids with loving families.** That trend is observable here in Nebraska, as our adoption numbers approach those in foster care waiting for adoption.ⁱ

Agencies are responsible for facilitating an important connection, but religious beliefs of an external entity have no bearing on the ability of a prospective parent to provide for a child. In our state, foster and adoptive homes are thoroughly vetted and supported to ensure that families are prepared to care for a child. As round-the-clock caretakers, cheerleaders, tutors, nurturers, and chauffeurs to children who have experienced the trauma of abuse and neglect, foster and adoptive parents are an invaluable resource that we cannot afford to lose. **Denying children the right to a family with the proper knowledge, skill, capacity, and desire to provide a permanent, loving home is counterproductive to the purpose of our child welfare system.**

Although we believe it is not the intent of the bill to do so, **the broad language of LB 975 would give private agencies unprecedented power to exclude many from a system that relies on our sense of community—qualified single parents, relatives who wish to step up, unmarried couples, same-sex couples, those with different religious beliefs, or even children themselves—on the basis of religious beliefs.** Youth in care may feel powerless and Nebraska has taken great strides in recent years to bring those youth voices forward. Offering this level of discretion to agencies over children and families may undermine this progress.

Our system should aspire to unconditional inclusiveness. Children in care come from diverse backgrounds and experiences, and so it is imperative to seek foster and adoptive parents that are similarly diverse to ensure that system-involved children can find homes that will nurture and support their healthy development. **Studies show that LGBT young people are overrepresented in foster care, and are typically lacking in social supports and particularly vulnerable to homelessness and physical violenceⁱⁱ—and it is therefore essential that our system reflects the intent to support *all* youth. This is one reason why child welfare experts and medical authorities alike are in consensus that practices preventing same-sex fostering and parenting do not support the best interests of children.ⁱⁱⁱ** In fact, Nebraska would be a part of a very small minority of states allowing state dollars to be used in such a manner.^{iv}

Losing potential adoptive parents can also have a significant fiscal impact. Regional studies show that same-sex couples are 1.4 times more likely than married different-sex couples to have adopted or foster a child.^v Foster care is an essential, but expensive service, and finding more adoptive homes for children who cannot return home would bring significant savings in our state budget.^{vi} Additionally, Nebraska receives a significant source of funding through the federal adoption incentive awards, which have been distributed since 1998 to states that increase adoptions and guardianships for children in care. Since then, Nebraska has received \$4,254,478 for its efforts in improving permanency in our state.^{vii}

Continuing to invest in agencies that maximize all available opportunities to find permanency for children in state care is not only in the best interests of all children, but also financially efficient.

As a state, **we must ensure that our policies seek to maximize opportunities to engage *more* adoptive homes, and that agencies acting on the state’s behalf are *guided exclusively by what is in the best interests of a child*.** Thanks to sound investments and policy decisions made in the Legislature, we have been pleased to see significant progress in our child welfare system in recent years. This has been observable in reduced out-of-home placements, increased supports for older youth, and promising pilot projects in Alternative Response and Family Finding—all efforts centered on the needs of kids and families, instead of private agencies. We respectfully urge the Committee to indefinitely postpone LB 975. Thank you.

ⁱ See attached chart. The Annie E. Casey Foundation, KIDS COUNT Data Center, <http://datacenter.kidscount.org>.

ⁱⁱ “Youth in the Margins: A Report on the Unmet Needs of Lesbian, Gay, Bisexual and Transgender Adolescents in Foster Care,” Lambda Legal Defense & Education Fund, 2001.

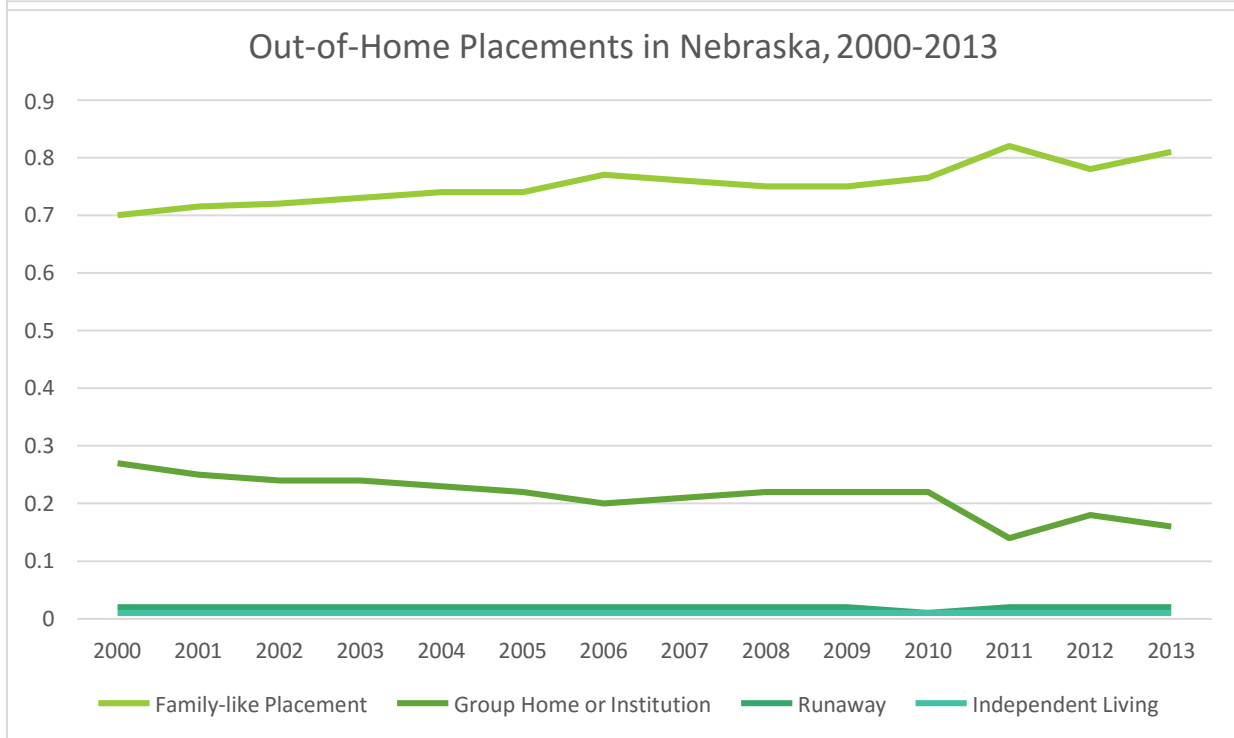
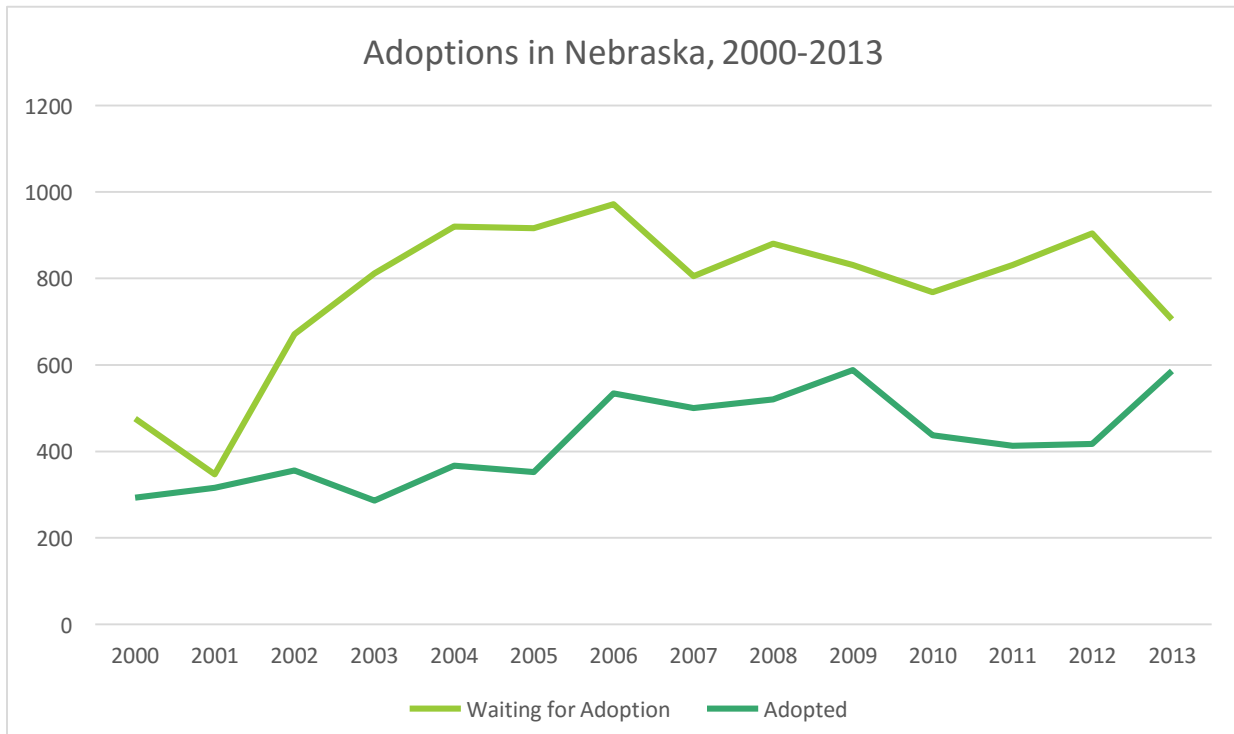
ⁱⁱⁱ See Child Welfare League of America, Position Statement on Parenting of Children by Lesbian, Gay, and Bisexual Adults; American Academy of Pediatrics, Policy Statement: Promoting the Well-Being of Children Whose Parents Are Gay or Lesbian; American Medical Association, Resolution on Partner Co-Adoption; American Psychiatric Association, Position on Adoption and Co-parenting of Children by Same-sex Couples; American Psychological Association, Policy Statement, Sexual Orientation, Parents, and Children; American Academy of Child and Adolescent Psychiatry, Policy Statement: Gay, Lesbian, and Bisexual Parents; North American Council on Adoptable Children, Position Statement: Gay and Lesbian Adoption and Foster Care.

^{iv} Michigan and Virginia have recently enacted similar laws.

^v Gary G. Gates, “Demographics of Same-sex Couples in Arkansas, Missouri, Nebraska, North Dakota and South Dakota: Analyses of the 2013 American Community Survey,” The Williams Institute, UCLA School of Law, 5.

^{vi} On average in 2012, Nebraska spent about \$471 per child per day (compared to a national average of \$381 per child), and demonstrates a significantly higher state funding burden, at 77%, compared to the national average of 46%. Jennifer Miller and Jessica Robuck, “Nebraska Child Welfare Financing Primer,” ChildFocus, Inc., April 2015.

^{vii} U.S. Administration for Children & Families, “Adoption Incentives Earning History by State: FY 1998-FY 2014,” September 2015.



- Family-like placement includes pre-adoptive placements, non-relative foster family homes, trial home visits, and relative foster homes

Source of all data on this page: Source: Annie E. Casey Foundation, KIDS COUNT Data Center, <http://datacenter.kidscount.org>

Prepared by Voices for Children in Nebraska, Opposition to LB 975
 Judiciary Committee – February 17, 2016