INTRODUCTION

The U.S. House of Representatives is currently considering an appropriations bill that could potentially cut federal funding for state child welfare services by 15%—a $1.04 billion cut around the country—to any state that requires that its taxpayer-funded child welfare providers to not discriminate against families or children in care. The bill would also eliminate federal agencies’ ability to enforce key nondiscrimination provisions on behalf of children and families or other conditions on receipt of federal funds. This bill seeks to create a license to discriminate for child welfare providers, prioritizes the interests of providers over the welfare of children, will reduce the likelihood that the most vulnerable children find stability with a foster or adoptive family, and could cut more than $1.04 billion to state child welfare budgets—all of which mean that the more than 395,000 children in the child welfare system across the country will pay the price.

KIDS PAY THE PRICE WHEN PROVIDERS CAN DISCRIMINATE

The bill targets the 46 states that have laws and policies in place to ensure that all children served by state contracted, government-funded child welfare providers are served without discrimination and that all qualified families are considered to care for these children. These laws and policies prohibit discrimination against interfaith couples, single parents, parents who are of a different religion, or lesbian, gay, bisexual, or transgender (LGBT) parents, and they ensure that all youth in state care are treated with dignity and respect. For example, 44 states and the District of Columbia prohibit discrimination against children in the child welfare system based on religion. This amendment would allow providers to use a religious litmus test to decide which children to care for, require children participate in compulsory religious activities, or subject a child to harmful, medically discredited “conversion therapy,” for example.

These nondiscrimination laws and policies are necessary. Discrimination in the child welfare system harms children—both because they themselves can be treated unfairly or refused services and because it allows otherwise qualified families to be turned away. The result is a reduced pool of eligible families and increased congregate care placements, negatively impacting outcomes for children. Ten states currently permit child placing agencies to flatly refuse to consider well-qualified prospective foster or adoptive families, and some states even allow these state-contracted child welfare providers to refuse to serve certain children. In 2018, a state-contracted child welfare provider in South Carolina refused to consider a Jewish couple who had previously served as foster parents in another state simply because they were Jewish and didn’t meet the religious litmus test of the child welfare provider.

PROPOSED CUTS TO STATES HARM CHILDREN

The bill goes even farther than condoning discrimination by child welfare providers. It would not only license discrimination by state contracted, government-funded providers, but it would actually punish states that act to protect children and families from discrimination. It would penalize such states by cutting up to 15% of federal funding for child welfare services, simply for enforcing nondiscrimination provisions. This would slash capacity for the state to serve children waiting to be reunited with their families or to be placed in a forever home. In total, 46 states and the District of Columbia risk a 15% reduction in funding because of this amendment, a cumulative cut of $1.04 billion to a system that is already strained to adequately serve for the more than 395,000 children in foster care.

Specifically, this bill would allow the federal government to withhold two types of federal funding—Title IV-B and Title IV-E funding—from states which refuse to license, contract with, or reimburse providers who do not want to follow state laws and regulations governing the children in their care. These federal funds are vital sources of funding for child welfare services, including for family support and connection and family reunification (Title IV-B) and for adoption and foster care services (Title IV-E). Through Title IV-E, states are reimbursed for the costs associated with placing children in foster or adoptive homes, and
in guardianships. In 2014, Title IV-E reimbursements to states totaled $7 billion. These two sources of funding are crucial to the success of state foster and adoption services.

This table lists each state, the number of children in the state’s system, and the potential amount of each state’s funding that this amendment puts at risk.

### THE COST OF THE ADERHOLT AMENDMENT: KIDS PAY THE PRICE

<table>
<thead>
<tr>
<th>NUMBER OF CHILDREN AT RISK</th>
<th>STATE</th>
<th>TITLE IV-B AND IV-E FUNDS TO STATE AT RISK</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,880</td>
<td>Arkansas</td>
<td>$9,905,305</td>
</tr>
<tr>
<td>54,685</td>
<td>California</td>
<td>$249,332,373</td>
</tr>
<tr>
<td>5,733</td>
<td>Colorado</td>
<td>$12,962,021</td>
</tr>
<tr>
<td>4,119</td>
<td>Connecticut</td>
<td>$15,656,933</td>
</tr>
<tr>
<td>780</td>
<td>Delaware</td>
<td>$1,770,848</td>
</tr>
<tr>
<td>826</td>
<td>District of Columbia</td>
<td>$9,476,919</td>
</tr>
<tr>
<td>23,810</td>
<td>Florida</td>
<td>$47,669,773</td>
</tr>
<tr>
<td>1,605</td>
<td>Hawai‘i</td>
<td>$4,513,662</td>
</tr>
<tr>
<td>1,518</td>
<td>Idaho</td>
<td>$2,895,427</td>
</tr>
<tr>
<td>16,113</td>
<td>Illinois</td>
<td>$47,366,423</td>
</tr>
<tr>
<td>19,837</td>
<td>Indiana</td>
<td>$28,589,286</td>
</tr>
<tr>
<td>6,004</td>
<td>Iowa</td>
<td>$9,629,730</td>
</tr>
<tr>
<td>7,302</td>
<td>Kansas</td>
<td>$6,508,649</td>
</tr>
<tr>
<td>7,812</td>
<td>Kentucky</td>
<td>$13,419,758</td>
</tr>
<tr>
<td>4,461</td>
<td>Louisiana</td>
<td>$10,445,684</td>
</tr>
<tr>
<td>1,837</td>
<td>Maine</td>
<td>$4,932,556</td>
</tr>
<tr>
<td>3,841</td>
<td>Maryland</td>
<td>$13,535,005</td>
</tr>
<tr>
<td>10,910</td>
<td>Massachusetts</td>
<td>$15,307,232</td>
</tr>
<tr>
<td>11,599</td>
<td>Michigan</td>
<td>$44,202,427</td>
</tr>
<tr>
<td>8,793</td>
<td>Minnesota</td>
<td>$9,148,592</td>
</tr>
<tr>
<td>5,486</td>
<td>Mississippi</td>
<td>$6,037,928</td>
</tr>
<tr>
<td>12,408</td>
<td>Missouri</td>
<td>$16,614,345</td>
</tr>
<tr>
<td>3,366</td>
<td>Montana</td>
<td>$3,187,175</td>
</tr>
<tr>
<td>4,012</td>
<td>Nebraska</td>
<td>$8,391,060</td>
</tr>
<tr>
<td>4,251</td>
<td>Nevada</td>
<td>$10,151,701</td>
</tr>
<tr>
<td>1,220</td>
<td>New Hampshire</td>
<td>$2,467,304</td>
</tr>
<tr>
<td>6,527</td>
<td>New Jersey</td>
<td>$25,608,902</td>
</tr>
<tr>
<td>2,610</td>
<td>New Mexico</td>
<td>$6,271,681</td>
</tr>
<tr>
<td>19,702</td>
<td>New York</td>
<td>$86,755,774</td>
</tr>
<tr>
<td>10,425</td>
<td>North Carolina</td>
<td>$20,614,515</td>
</tr>
<tr>
<td>1,407</td>
<td>North Dakota</td>
<td>$2,885,356</td>
</tr>
<tr>
<td>13,725</td>
<td>Ohio</td>
<td>$61,221,629</td>
</tr>
<tr>
<td>10,047</td>
<td>Oklahoma</td>
<td>$15,205,015</td>
</tr>
<tr>
<td>7,625</td>
<td>Oregon</td>
<td>$19,655,828</td>
</tr>
<tr>
<td>16,086</td>
<td>Pennsylvania</td>
<td>$40,202,877</td>
</tr>
<tr>
<td>1,654</td>
<td>Rhode Island</td>
<td>$3,528,158</td>
</tr>
<tr>
<td>3,968</td>
<td>South Carolina</td>
<td>$9,569,009</td>
</tr>
<tr>
<td>1,416</td>
<td>South Dakota</td>
<td>$1,697,129</td>
</tr>
<tr>
<td>8,333</td>
<td>Tennessee</td>
<td>$15,820,815</td>
</tr>
<tr>
<td>30,738</td>
<td>Texas</td>
<td>$55,321,823</td>
</tr>
<tr>
<td>2,838</td>
<td>Utah</td>
<td>$5,655,800</td>
</tr>
<tr>
<td>1,323</td>
<td>Vermont</td>
<td>$2,980,986</td>
</tr>
<tr>
<td>4,890</td>
<td>Virginia</td>
<td>$15,544,454</td>
</tr>
<tr>
<td>10,959</td>
<td>Washington</td>
<td>$19,573,179</td>
</tr>
<tr>
<td>5,973</td>
<td>West Virginia</td>
<td>$12,404,727</td>
</tr>
<tr>
<td>7,382</td>
<td>Wisconsin</td>
<td>$18,091,328</td>
</tr>
<tr>
<td>993</td>
<td>Wyoming</td>
<td>$309,347</td>
</tr>
</tbody>
</table>

**395,829 CHILDREN**

**TOTAL**  
$1,043,036,443 IN FEDERAL CHILD WELFARE FUNDING

ENDNOTES

1 The Aderholt Amendment passed on July 11 as part of an appropriations bill that will be considered by the U.S. House of Representatives. “Amendment to Labor, HHS, Education Appropriations Bill, 2019, Offered by Mr. Aderholt of Alabama,” https://docs.house.gov/meetings/AP/AP00/20180711/108538/HMKP-115-AP00-20180711-SD005.pdf.

2 Analyses by Lambda Legal shows that 46 states and the District of Columbia have statutes, regulations or agency policies which explicitly prohibit discrimination against children in foster care on the basis of sex or gender, religion, and/or sexual orientation or gender identity. The four states that lack these protections are: Alabama, Alaska, Arizona, and Georgia. Lambda Legal, “Child Welfare Map,” https://www.lambdalegal.org/map/child-welfare.

3 Forty-six (46) states and the District of Columbia prohibit discrimination against children in foster care based on sex or gender; 44 states and the District of Columbia have statutes, regulations, or agency policies which prohibit discrimination on the basis of religion; 38 states and the District of Columbia have statutes, regulations, or agency policies prohibiting discrimination based on sexual orientation and sex or gender; 29 states and the District of Columbia have protections for gender identity. Lambda Legal, “Child Welfare Map,” https://www.lambdalegal.org/map/child-welfare.

Eight states and the District of Columbia that have laws explicitly prohibiting discrimination against foster and adoptive parents based on sexual orientation in the child welfare system, while three states and the District of Columbia also prohibit discrimination against foster or adoptive parents based on gender identity. Movement Advancement Project, “Foster and Adoption Law,” as of July 16, 2018, http://www.lgbtmap.org/equalitymaps/foster_and_adoption_laws.

