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May 30, 2018

The Honorable Alex M. Azar II
Secretary of Health & Human Services
U.S. Department of Health & Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

RE: Comments on the advance notice of proposed rulemaking, RIN: 0970-AC72, Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements.

Dear Secretary Azar,

Thank you for the opportunity to submit comments in response to the Department of Health & Human Services (HHS) Administration for Children and Families' (ACF) March 15, 2018, advance notice of proposed rulemaking regarding the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements.

I am concerned by the Department's proposal to "streamline" AFCARS data elements, and I urge you to consider the benefits of collecting each element - particularly information related to foster youths' and foster and adoptive parents' sexual orientation - in improving outcomes for youth in care.

Section 479 of the Social Security Act requires HHS to manage a data collection system on children in foster care and those who are adopted with title IV-E agency involvement. The data are extremely valuable; ACF uses AFCARS to conduct trend analysis, distribute federal funding, and target areas for federal research, assistance, and regulatory change. Congress also uses these data to shape policy affecting foster and adoptive youth.

I was pleased that the December 14, 2016, AFCARS final rule included additional data elements for collection. The rule was drafted with the input of a variety of stakeholders at the state and tribal level, and it incorporated comments solicited throughout 2015 and 2016. It requires state and tribal IV-E agencies to report information on a child's sexual orientation, foster or adoptive parents' sexual orientation, and any family conflict related to a child's sexual orientation that led to a removal from the home.

These data will help agencies and professionals better understand the experiences and outcomes of LGBTQ youth. In its final 2016 rule, ACF stated, "We support further understanding of

LGBTQ youth in foster care and their experiences while in foster care. Such information can help agencies improve their supports and services to these young people.” While existing research on LGBTQ youth in foster care is limited, studies indicate that they are at a greater risk of childhood abuse and tend to have more negative experiences in foster care than non-LGBTQ youth and poorer outcomes once they have left care. It is clear that these youth need additional support services.

In the final 2016 rule, ACF also stated “Our goal in including this information [on LGBTQ youth and parents] is that the data will assist title IV-E agencies to help meet the needs of LGBTQ youth in foster care.” I applaud this goal, in addition to ACF’s work thus far to improve experiences and outcomes for foster youth, and I urge you to retain the LGBTQ data elements in order to stay on this path.

Thank you for your consideration of these views. Please contact Kerry McKittrick in my office with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jim Langevin". The signature is fluid and cursive, with the first name "Jim" and last name "Langevin" clearly legible.

James R. Langevin
Member of Congress