



## THE COMMONWEALTH OF MASSACHUSETTS COMMISSION ON LGBTQ YOUTH

Alexander A. Nally  
**Chair**

Sasha Goodfriend  
**Vice Chair**

Corey Prachniak-Rincón  
**Director**

June 13, 2018

### **RE: Comments on Adoption and Foster Care Analysis and Reporting System APRNM RIN 0970-AC72**

The Massachusetts Commission on LGBTQ Youth (“the Commission” hereafter) is a government agency in the state of Massachusetts that was originally founded as a Governor’s Commission in 1992 and today is an independent body established by the legislature. The Commission works regularly on the topic of data collection, including in partnership with the state’s Department of Children and Families (DCF), which oversees Massachusetts’s adoption and foster care systems. The Commission is tasked with providing technical assistance and support to agencies such as DCF on matters related to LGBTQ youth, and with issuing annual recommendations to agencies, available at <http://mass.gov/annual-recommendations>.

As a government agency which has worked at implementing data collection standards including that presented in the 2016 Adoption and Foster Care Analysis and Reporting System Final Rule (“AFCARS Final Rule”), the Commission strongly recommends that HHS maintains the existing data elements relating to sexual orientation, gender identity, and gender expression. Any burden associated with collecting this data is vastly outweighed by the benefit of collecting it, which is necessary in both identifying shortfalls in the system and in designing effective solutions to counter them. As the Commission has worked for 26 years at expanding data collection regarding LGBTQ young people in Massachusetts, we and our fellow agencies who have partnered with us - including DCF - have found many benefits to collecting this type of data. Many of these benefits were reported to HHS during the notice and comment period for the current rule, and must be given serious and objective consideration in analyzing whether the rule is “overly burdensome,” which our success in Massachusetts leads us to believe it is not.

As our annual report linked above indicates, the available data in Massachusetts and nationwide suggests a deeply troubling situation for LGBTQ youth involved in the adoption and foster care system, with youth facing many challenges in addition to those faced by all youth in the foster care and adoption system. The available data also show that they are disproportionately part of and thus affected by these systems, with one

leading study finding that 19% of foster youth, or nearly one in five, is LGBTQ.<sup>1</sup> And yet, the limitations of the data and our ongoing work in partnership with other state agencies indicates the need to do even more. To this end, rather than reducing data collection and further contributing to the “invisibilization” of this population, HHS should encourage even more collection of data regarding LGBTQ youth and parents, particularly with respect to gender identity and expression.

In Massachusetts, we have already made significant strides in increasing data collection, and whatever burden presented by these data elements in the AFCARS Final Rule is not significant. An arbitrary change to this rule designed to weaken data collection on LGBTQ youth and families would, on the other hand, present a significant threat to the steps we have taken to protect youth and ensure a more equitable and safe system. Reducing data will also mean that solutions to the challenges faced by LGBTQ youth and families will be less driven by data and thus less likely to be effective and efficient. To this end, HHS should add voluntary gender identity questions for foster youth over 14 and for foster and adoptive parents and guardians, which will also help to fill in existing gaps in knowledge.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Prachniak-Rincón". The signature is fluid and cursive, with the first name "Corey" being the most prominent.

Corey Prachniak-Rincón  
Director  
MA Commission on LGBTQ Youth  
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<sup>1</sup> Bianca D.M. Wilson, Khush Cooper, Angel Kastanis, Sheila Nezhad, New Report: Sexual and Gender Minority Youth in Foster Care, WILLIAMS INST. (Aug. 2014), [https://www.acf.hhs.gov/sites/default/files/cb/pii\\_rise\\_lafys\\_report.pdf](https://www.acf.hhs.gov/sites/default/files/cb/pii_rise_lafys_report.pdf)