



June 13, 2018

Kathleen McHugh
U.S. Department of Health and Human Services
Administration for Children and Families
Director, Policy Division
330 C Street SW
Washington, D.C. 20024

RE: Proposed rulemaking for Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements, 45 CFR 1355 (Mar. 15, 2018) [RIN 0970-AC72]

Submitted via email to CBComments@acf.hhs.gov.

Dear Kathleen McHugh,

We appreciate the opportunity to provide comments regarding the Notice of Proposed Rulemaking at 83 Fed. Reg. 11449 (“Proposed Rule”) proposing to streamline the Adoption and Foster Care Analysis and Reporting System (AFCARS) data elements and requesting comments on whether some data elements are overly burdensome.

Founded in 2003, the National Center for Transgender Equality is one of the nation’s leading social justice organizations working for life-saving change for the over 1.5 million transgender Americans and their families. Through our work, we are deeply aware of the stigma and discrimination faced by transgender youth, who are frequent targets of harassment, mistreatment and abuse in schools, their homes, shelters, detention facilities, and in foster care. We have also seen the positive steps taken in recent years by various federal agencies to collect data on sexual orientation and gender identity, which is essential to understanding and addressing the diverse needs of the lesbian, gay, bisexual, and transgender (LGBT) population, including LGBT youth.

We strongly urge the U.S. Department of Health and Human Services (“HHS”), Administration for Children and Families (“ACF”), Administration on Children Youth and Families (“ACYF”), and Children’s Bureau (“Children’s Bureau”) maintain the current data elements outlined in the December 14, 2016 AFCARS Final Rule 81 FR 90524 (“Final Rule”), including those related to sexual orientation, gender identity, and gender expression. The Final Rule went through a thorough notice and comment period, during which HHS considered comments on the any potential burden of data elements proposed and adjusted the Final Rule to address them. Without adequate data on the particular risks that LGBT youth face in foster care, government agencies, states and tribes cannot adequately develop policies and services to best address the needs of these vulnerable populations, including Native American and Alaskan Native LGBT youth. We also urge the Children’s Bureau to include a gender identity measure in the instances where it already collects data on sexual orientation.

Federal data collection on sexual orientation, gender identity and gender expression is essential to combat widespread discrimination, harassment and abuse faced by LGBT youth, including in the foster care system

Population-based surveys have shown that 4.1% of Americans identify as LGBT, and that younger people are more likely to identify as lesbian, gay, bisexual, or transgender than older people at every age group (for example, Gallop estimates that 7.3% of millennials identify as LGBT, as compared to 3.2% of Generation X and 2.4% of baby boomers).¹ Transgender youth—young people who know themselves to be a gender that is different from the one they were thought to be at birth—live in every part of the United States. An estimated 0.7% of the U.S. population between the ages of 13 and 17 is transgender, representing 150,000 adolescents.²

Transgender people are particularly vulnerable to violence, harassment, and bullying. The 2015 U.S. Transgender Survey, a national study of nearly 28,000 transgender adults in the United States, found that in the year prior to taking the survey, 13% of respondents were physically attacked and 10% were sexually assaulted, and 47% had been sexually assaulted at some point in their lifetime. Additionally, of survey respondents who were out or perceived as transgender in K–12, nearly one-quarter reported being physically attacked and over one in eight were sexually assaulted at school because people thought they were transgender.³ National data indicates that lesbian, gay, and bisexual (LGB) youth are also especially vulnerable to violence. For example, the National Youth Risk Behavior Survey conducted by the CDC in 2015 found that 10% of LGB students, compared with 5% of heterosexual students, reported being threatened or injured with a weapon on school property, and 34% of LGB students, compared with 19% of heterosexual students, reported being bullied on school property.⁴

Family rejection and mistreatment is a major contributor to disproportionate high levels of homelessness among LGBT youth. A 2012 study estimates that LGBT youth comprise 40% of the homeless youth population, with family rejection the major driving factor that leads to homelessness in this population.⁵ The U.S. Transgender Survey found that one in ten (10% respondents) who were out to their immediate family reported that a family member physically abused them because they were transgender. One in twelve (8%) respondents who were out to their immediate family were kicked out of the house, and one in ten (10%) ran away from home. Nearly one in three (30%) respondents experienced homelessness during their lifetime. The rate of homelessness was

¹ Gary J. Gates, Gallup, *In US, More Adults Identifying as LGBT* (2017), <http://www.gallup.com/poll/201731/lgbt-identification-rises.aspx>. See also: Jody L. Herman et al. *Age of Individuals who Identify as Transgender in the United States* (2017), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/TransAgeReport.pdf> (estimating that 0.7% of persons aged 13 to 17 in the United States identify as transgender, as compared to 0.6% of adults).

² Jody L. Herman et al. *Age of Individuals who Identify as Transgender in the United States* (2017), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/TransAgeReport.pdf>; See also Andrew R. Flores et al., *How Many Adults Identify as Transgender in the United States?* (2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf> (estimating that 0.6% of the United States adult population, or 1.4 million adults, are transgender).

³ Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey* 95 (2016), www.ustranssurvey.org/report.

⁴ Laura Kann et al., *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12—United States and Selected Sites*, 65 MORBIDITY & MORTALITY WEEKLY REPORT 1, 11, 15 (2015), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>; See also Human Right Watch, “*Like Walking Through a Hailstorm*”: Discrimination Against LGBT Youth in U.S. Schools (2016), <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools> (finding that LGBT youth are “...more than twice as likely as non-LGBT youth to be physically attacked at school...”); Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* 19 (2016) (discussing the higher victimization rates of sexual and gender minorities when incarcerated).

⁵ Durso, Laura, Gary J Gates, The Williams Institute, *Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless* (2012), <https://williamsinstitute.law.ucla.edu/research/safe-schools-and-youth/serving-our-youth-july-2012/>

substantially higher among respondents whose immediate family had kicked them out of the house, with nearly three-quarters (74%) of these respondents experiencing homelessness.⁶

Extreme family rejection and homelessness also result in many LGBT youth being placed in foster care.⁷ A 2013 study conducted in connection with the ACYF-funded R.I.S.E. Project illustrates the disproportionately high levels of LGBT youth in the foster care system.⁸ The purpose of the study was to determine the percentage of Los Angeles County foster youth who identify as LGBT, and whether their experiences in foster care were different from those of their peers. The study found that almost one in five (19%) of youth ages 12-21 in foster care self-identify as LGBT, and 5.6% identify as transgender, the majority of which are youth of color. The study concluded that there are “between 1.5 to 2 times as many LGBTQ youth living in foster care as LGBTQ youth estimated to be living outside of foster care.”⁹ Other studies have estimated even higher numbers of LGBT youth in foster care.¹⁰

In addition to being disproportionately represented in the system, LGBT youth experience worse conditions and outcomes in foster care. The federally-funded R.I.S.E. study found that LGBT youth have a higher number of foster care placements and are more likely to be living in a group home.¹¹ Over twice as many LGBT youth reported being treated poorly by the foster care system compared to non-LGBT youth, and LGBT youth were almost three times more likely to be hospitalized for emotional reasons.¹² All of these factors contribute to increase barriers to permanency for LGBT youth in the system.¹³

In the past few years, several public agencies have been successfully collecting sexual orientation and gender identity data on LGBT youth to better assess risk and track disparities and outcomes in different areas of federal policy.¹⁴ For example, the National Survey of Youth in Custody (NSYC) includes a measure of sexual orientation for youth over the age of 14,¹⁵ and has provided a wealth of important information about disproportionate incarceration and sexual victimization of LGB youth in custody.¹⁶ The National Survey of Family Growth (NSFG), which includes respondents as young as 15, similarly includes a sexual orientation measure.¹⁷ Sexual orientation questions have also been included on school-based surveys of adolescents since the

⁶ Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey* 95 (2016), www.ustranssurvey.org/report.

⁷ Administration for Children and Families, ACYF-CB-IM-11-03, *Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care* (April 6, 2011) <https://www.acf.hhs.gov/sites/default/files/cb/im1103.pdf> + https://assets2.hrc.org/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf?_ga=2.203792144.123444589.1528475781-119191609.1523902394

⁸ 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

⁹ 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

¹⁰ See for example Center for the Study of Social Policies, *Out of the Shadows: Supporting LGBTQ Youth in Child Welfare through Cross-System Collaboration*, 2016 <https://www.cssp.org/pages/body/Out-of-the-shadows-current-landscape.pdf> (noting that a forthcoming study estimated that 22.8% of youth in foster care identify as LGB, and noting that number should be even higher since estimate does not include transgender youth in foster care).

¹¹ Same as 8 above.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Sexual Minority Assessment Research Team (SMART), Williams Institute, *Best Practices for Asking Questions about Sexual Orientation on Surveys* 24 (2009), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf> (citing various surveys).

¹⁵ Bureau of Justice Statistics, *Data Collection: National Survey of Youth in Custody (NSYC)*, <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=321> (last visited May 5, 2018).

¹⁶ See, e.g., Bianca D.M. Wilson et al., *Disproportionality and Disparities among Sexual Minority Youth in Custody*, 46 J. YOUTH & ADOLESCENCE 1547 (2017); Alan J. Beck et al., Bureau of Justice Statistics, *Facility-Level and Individual-Level Correlates of Sexual Victimization in Juvenile Facilities, 2012*, NCJ Publication No. 249877 (2016), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5663>.

¹⁷ See Anjani Chandra et al., *Sexual Behavior, Sexual Attraction, and Sexual Identity in the United States: Data From the 2006–2008 National Survey of Family Growth*, 36 NATIONAL HEALTH STATISTICS REPORTS 1, <https://www.cdc.gov/nchs/data/nhsr/nhsr036.pdf>.

mid-1980s through versions of the Youth Risk Behavior Survey (as noted in the Children’s Bureau comments to the Final Rule)¹⁸ and sexual orientation and gender identity data is collected by many health care providers.¹⁹ The rules promulgated under the Prison Rape Elimination Act (“PREA”) require youth and adult correctional officers to collect sexual orientation and gender identity information as part of the initial screening process to identify residents and inmates who may be vulnerable to sexual assault while incarcerated.²⁰

Despite this modest progress, a lack of comprehensive federal data on the needs and experiences of LGBT people, especially LGBT youth, continues to be a pervasive problem. This is particularly true of data on transgender youth. As recognized by the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, “there remains a lack of data on the characteristics and well-being”²¹ of LGBT people. The Working Group concluded that “in order to understand the diverse needs [of LGBT people]..., more representative and better quality data need to be collected.”²² Without this data, public policymakers, government and state agencies, service providers and tribes cannot adequately understand or address the diverse needs of the LGBT populations, including LGBT youth. This type of data is essential to develop and implement sound policymaking, determine appropriate level of funding, improve outcomes, replicate best practices and reduce costs and disparities for LGBT youth, including LGBT-identified American Indian and Alaska Native youth.

Retaining existing data collection initiatives on sexual orientation, gender identity and expression, and improving data collection on transgender youth will improve the safety, permanency and well-being of LGBT youth and result in cost savings

Data on LGBT foster youth is necessary to inform law, policy and funding determinations, identify best practices for replication and, importantly, to enhance the Administration on Children and Families’ efforts to prevent removal and allow to children to remain safely at home with their families. Collecting data on LGBT foster youth nationally will allow the Children’s Bureau, states and tribes to identify successes and best practices in improving outcomes for LGBT foster youth and to replicate them to address disparities experienced by LGBT foster children.

The Social Security Act requires collection of data regarding characteristics of all children in foster care.²³ The core objectives of safety, permanency, and well-being apply to all children in the custody of state and tribal child welfare systems, including LGBT children. In April 2011, ACF reiterated “the fundamental belief that every child and youth who is unable to live with his or her parents is entitled to safe, loving and affirming foster care placement, irrespective of the young person’s sexual orientation, gender identity or gender expression.”²⁴ ACF acknowledged that LGBT youth are overrepresented in the population served by the child welfare system and in the population of youth experiencing homelessness.²⁵

¹⁸ Laura Kann et al., Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12—United States and Selected Sites, 2015, 65 *Morbidity & Mortality Weekly Report* 1, 11, 15, <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>, at 2.

¹⁹ Sean Cahill and others, “Do Ask, Do Tell: High Levels of Acceptability by Patients of Routine Collection of Sexual Orientation and Gender Identity Data in Four Diverse American Community Health Centers,” *PLoS ONE* 9 (9) (2014): e107104, available at <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0107104>.

²⁰ National Standards to Prevent, Detect and Respond to Rape, 28 CFR § 115 (2012).

²¹ Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* (2016).

²² *Id.*

²³ https://www.ssa.gov/OP_Home/ssact/title04/0479.htm

²⁴ Administration for Children and Families, *ACYF-CB-IM-11-03, Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care* (April 6, 2011) <https://www.acf.hhs.gov/sites/default/files/cb/im1103.pdf>

²⁵ *Ibid.*

HHS should retain the data elements in the AFCARS Final Rule related to sexual orientation, gender identity, and gender expression so that agencies, states and tribes can improve outcomes, identify and fund needed resources, and reduce the disparities experienced by LGBT foster children.

The 2016 Final Rule streamlined much of the data collection elements in the original proposed rule (2015 NPRM²⁶ and 2016 SNPRM²⁷), and addressed burdens identified by States, tribal entities and other stakeholders through years of public comments on AFCARS data elements. The Final Rule data elements reflect this substantial public input, are not overly burdensome, and include statutorily required data on marginalized youth.²⁸ These data elements will provide nationwide information regarding children and families whose existence and experiences have remained officially invisible. Any potential burden involved in implementing new data elements will be outweighed by the benefit of more informed state and federal policy and program decisions, which will serve to improve outcomes for some of the most marginalized children in the child welfare system, and to reduce the costs needed to protect and care for them.

In particular, in order to ensure that data on LGBT foster youth and parents is adequately collected, we recommend the following:

- 1) **The Children’s Bureau should retain the data element on the reason for removal of a child from a family home due to “family conflict related to child’s sexual orientation, gender identity, or gender expression”:** Family preservation is a current priority of the ACF. Data on the impact of family conflicts in removal can help focus much-needed resources on helping children remain with their family of origin through targeted supportive services, potentially resulting in enormous cost savings for states and tribes. This data element will be crucial to successfully implement Family First prevention funding to keep the estimated 19% of foster children who are LGBT with their families of origin, rather than entering foster care. Research shows that reducing the severity of family rejection of LGBT youth leads to reductions in suicidal ideation and self-harm, depression, substance use and sexually transmitted infections.²⁹ All of these negative public health outcomes are costly not only to children personally, but to the child welfare system and our communities as a whole. Continuing to gather this data will help drive effective case planning and services, resulting in better outcomes for youth and families and cost savings to states and tribes. Removing this data element would make it harder for states and tribes to reduce the over-representation of LGBT youth in care, and LGBT youth of color in particular.
- 2) **The Children’s Bureau should retain the voluntary sexual orientation question for foster youth over the age of 14:** All of the poor conditions and outcomes that disproportionately affect LGBT foster youth carry substantial costs to state and tribal child welfare systems. Identifying LGB foster youth through the voluntary sexual orientation question and implementing effective interventions to reduce

²⁶ 80 FR 7132

²⁷ 81 FR 20283

²⁸ Because AFCARS has not been updated since 1993, data elements added in the Final Rule reflect significant advances in child welfare policy and practice and include statutorily required data from the Preventing Sex Trafficking and Strengthening Families Act (P.L. 110-351) and changes in foster care services and oversight in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), and the Child and Family Services Improvement and Innovation Act (P.L. 112-34). Critically, the Final Rule will also provide data to ensure implementation and oversight of the Indian Child Welfare Act (P.L. 95-608), improving outcomes for tribal youth. The burden on states of implementing new data element collection will be reduced with the current development of the new Comprehensive Child Welfare Information System (CCWIS), and many of the data elements will assist states in implementing the recently passed Family First Prevention Services Act (“Family First,” P.L. 115-123).

²⁹ See, for example: Cornell University, What We Know, What does the scholarly research say about the link between family acceptance and LGBT youth well-being?, <https://whatwewknow.inequality.cornell.edu/topics/lgbt-equality/what-does-the-scholarly-research-say-about-the-acceptancerejection-of-lgbt-youth-2/>

instability, minimize costly stays in group homes and hospitals, and improve permanency in family home settings would provide cost savings. The many benefits resulting from information from the data elements on sexual orientation for youth over 14 outweigh any labor and cost associated with implementation.

- 3) **The Children’s Bureau should retain the voluntary sexual orientation question for adoptive and foster parents and guardians:** Same-sex couples are raising an estimated 3,400 foster children in the United States, and are six times more likely to be serving as foster parents than their different-sex counterparts.³⁰ Studies estimate that nearly 2 million lesbian, gay and bisexual adults are interested in adopting children.³¹ Data resulting from the voluntary sexual orientation question for adoptive and foster parents and guardians will help states and tribes recruit and support LGB caregivers, increasing the pool of available homes for foster children, and help identify states and agencies which can do better in recruitment of LGB families. In its April 2011 guidance, ACF affirmed that “LGBT parents should be considered among the available options for states and jurisdictions to provide timely and safe placement of children in need of foster or adoptive homes.”³² Almost forty years of research has overwhelmingly concluded that children raised by same-sex couples are just as healthy, socially adjusted, and psychologically fit as children with heterosexual parents.³³ Recruitment of LGB families could provide affirming, supportive homes for youth, including LGBT foster youth, reducing the costs detailed associated with placement instability and overrepresentation in group homes that these youth experience.
- 4) **The Children’s Bureau should add voluntary gender identity questions for foster youth over the age of 14 and foster and adoptive parents and guardians:** Transgender foster youth face high levels of discrimination, mistreatment, and homelessness. In the foster care system, LGBT youth are often targeted and policed by providers, caretakers and peers for their behaviors associated with gender and for how their gender identity is perceived.³⁴ Because of the particular, compounded challenges faced by transgender foster youth, adding gender identity questions for both foster youth and foster and adoptive parents and guardians will help states and tribes identify affirming placements and reduce placement instability, resulting in better outcomes and cost savings. Other federal agencies already collect data on gender identity amongst teenagers using well-tested methods.³⁵ Collecting gender identity data in conjunction with sexual orientation data will also help states and tribes develop streamlined comprehensive services. Collecting gender identity data will be especially useful and efficient as new programs are developed with Family First funding, and Title IV-E agencies will benefit from and save money by adding these data elements in conjunction with the new Comprehensive Child Welfare Information System (CCWIS).

³⁰ Gary Gates, LGBT Parenting in the United States, The Williams Institute, UCLA School of Law, February 2013, <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-parenting-in-the-united-states/>

³¹ The Williams Institute & The Urban Institute, Foster and Adoptive Parenting by Gay and Lesbian Parents in the United States, (2007). <https://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/lgbt-parenting-in-the-united-states/>

³² Same as 2 above.

³³ *ECDF Act Facts*, Family Equality Council (2017), https://www.familyequality.org/get_informed/advocacy/ecdf/ecdf-facts/

³⁴ Robinson, Brandon Andrew. “Child Welfare Systems and LGBTQ Youth Homelessness: Gender Segregation, Instability, and Intersectionality.” *Child Welfare*. Child Welfare Journal Vol. 96, No. 2 Special Issue: LGBTQ. Robinson further states that “mental health treatments and other behavior modifications may be used against youth who are transgender and gender-expansive as a way to try to modify their gender expression (Mallon & DeCrescenzo, 2006; Marksamer, 2011). Youth of color who are transgender and gender expansive face compounding stressors and experiences of discrimination within child welfare systems, whereby racism and racial profiling can shape how some youth’s behaviors, including their gender behaviors, are monitored and disciplined (Mallon & DeCrescenzo, 2006).”

³⁵ See: Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys, *Current Measures of Sexual Orientation and Gender Identity in Federal Surveys* (2016), at 13.

- 5) **Children’s Bureau should provide adequate training and resources to agency staff, states and tribes involved with administering sexual orientation and gender identity and expression data elements for foster youth:** The child welfare profession has acknowledged the importance of collecting sexual orientation and gender identity data about children, along with other critical information about the child’s circumstances, in order to tailor an individualized case plan. In 2013, the Center for the Study of Social Policy, Legal Services for Children, the National Center for Lesbian Rights, and Family Builders by Adoption issued a set of professional guidelines addressing all aspects of managing this information in child welfare systems to develop case plans and track outcomes in individual cases, and to engage in agency planning and assessment.³⁶ In the Final Rule, the Children’s Bureau summarized its well-supported rationale for collecting information regarding the sexual orientation of youth 14 years old and older, finding that “[i]nformation on sexual orientation should be obtained and maintained in a manner that reflects respectful treatment, sensitivity, and confidentiality.”³⁷ Additionally, the rule directed agencies to guidance and recommended practices developed by “state and county agencies, advocacy organizations and human rights organizations.”³⁸ The Children’s Bureau should provide adequate training and resources to states and tribes who are involved in collecting this data, in line with its 2016 Final Rule.

A. Conclusion

For the reasons outlined above, we strongly urge HHS, ACYF, ACF, Children’s Bureau to retain all of the data elements in the 2016 AFCARS Final Rule, including the data elements related to sexual orientation and gender identity and expression. We also urge the Children’s Bureau to include a gender identity measure in the instances where it already collects data on sexual orientation. Retaining this type of data collection will not increase burdens and will improve cost savings. Federal data collection LGBT foster youth is essential to combat the widespread levels of discrimination, and the disparate outcomes faced by these populations, which are disproportionately represented in the foster care system. Collecting data on sexual orientation and gender identity of foster youth allows government agencies, states and tribes to develop policies and services to best address the needs of this vulnerable population. This type of data is also essential to adequately fund programming to improve outcomes, replicate best practices and reduce costs and disparities for LGBT youth, including LGBT-identified American Indian and Alaska Native youth.

Thank you for your consideration.

³⁶ Shannan Wilber, *Guidelines for Managing Information Related to the Sexual Orientation and Gender Identity and Expression of Children in Child Welfare Systems*, FAMILY BUILDERS BY ADOPTION (2013), <http://cssr.berkeley.edu/cwscmsreports/documents/Information%20Guidelines%20P4.pdf>

³⁷ 81 FR 90524

³⁸ 81 FR 90524