

March 16, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-31

The purpose of this All County Letter is to inform county placing agencies of amendments to the Health and Safety code and Welfare and Institutions code regarding discrimination against resource family parent's based on actual or perceived sexual orientation, gender identity, or gender expression; as well as removal of the phrase "hard-to-place children."



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

March 16, 2023

ALL COUNTY LETTER NO. 23-31

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER FAMILY AGENCIES
ALL ADOPTION AGENCIES
ALL FOSTER CARE MANAGERS
ALL FEDERALLY RECOGNIZED TRIBES
ALL COUNTY PLACING AGENCIES
ALL COUNTY CHILD WELFARE DEPARTMENTS

SUBJECT: **PLACEMENT EQUITY FOR RESOURCE PARENTS**

REFERENCE: [ASSEMBLY BILL 2466](#) AND [175](#); [HEALTH AND SAFETY CODE 1521.6](#); [WELFARE AND INSTITUTIONS CODE SECTION 16518, 16518.5, AND 15200](#); [ALL COUNTY LETTER 19-92, 21-149](#); [ALL COUNTY INFORMATION NOTICE I-81-10](#)

PURPOSE

The purpose of this All County Letter (ACL) is to inform county placing agencies of amendments to the Health and Safety code (HSC) and Welfare and Institutions code (WIC) as the result of [Assembly Bill \(AB\) 2466](#).

[Assembly Bill 2466](#) reinforces protections against discrimination based on sexual orientation and gender identity by prohibiting county placing agencies, when placing foster children, from declining to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression (SOGIE). This bill also made non-substantive changes to [WIC sections 15200](#) and [16518](#) and [HSC section 1521.6](#), removing the phrase "hard-to-place children" and clarifying where sections are applicable to all "children" or "children who are eligible for financial assistance under the Adoption Assistance Program", where appropriate.

BACKGROUND

Everyone, including people who do not identify as Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+), or other orientation not otherwise described (such as “two spirit”, as used among some communities and with some Tribes), has a sexual orientation and gender identity (SOGIE). Refer to [ACL 19-92](#) for more information about SOGIE.

To ensure all children and youth in foster care are safe and achieve permanency, all families, and tribal families in the case of an Indian child, including LGBTQ+ families, need to be identified, involved, and recruited in order to provide all children a broader range of culturally inclusive family options. Abundant research indicates that expanding the pool of LGBTQ+ prospective foster and adoptive parents would be of value in significantly reducing the number of children waiting for permanence and decreasing the number of placement disruptions for youth who identify as LGBTQ+. The Human Rights Campaign All Families Initiative has published "[Promising Practices in Adoption and Foster Care, 4th Edition](#)," a policy and practice paper available that supports LGBTQ+ parenting.

PLACEMENT EQUITY AND ANTI-DISCRIMINATION

Discrimination may occur in a direct or indirect manner and can occur when personal beliefs or stereotypes (e.g. cultural, environmental, social, and/or personal) cause an individual to be treated unjustly, differently or less than favorably from another person based upon characteristics such as race, religion, age, disability, or SOGIE.

[Assembly Bill 2466](#) reinforces protections against discrimination based on sexual orientation and gender identity by prohibiting placing agencies, when placing foster children, from declining to place a child with a resource family because of a resource family parent’s actual or perceived SOGIE. As stated in in the newly added WIC section 16518.5:

“When placing foster children, the placing agency shall not decline to place a child with a resource family because of a resource family parent’s actual or perceived sexual orientation, gender identity, or gender expression.”

Youth in foster care have the right to live in a safe, healthy, and comfortable home where they are treated with respect. Placements should meet the youth’s needs and abide by and protect their personal rights as described in the [Foster Youth Bill of Rights](#).

COUNTY ENGAGEMENT TECHNIQUES

Below is a list of best practices agencies can use to ensure a safe, inclusive, and respectful foster family recruitment. These best practice recommendations were

derived from the [Welcoming All Families](#) report, published by the Center for American Progress.

1. Revise forms and application procedures to make them more inclusive of LGBTQ+ families. (e.g., Inclusion of SOGIE options, pronouns, gender neutral language)
2. Adopt non-discrimination policies that include family status, sexual orientation, and gender identity.
3. Provide cultural responsiveness training to staff, with emphasis on best practices in placement with diverse families.
4. Conduct outreach to prospective and existing LGBTQ+ adoptive and foster parents.
5. Create opportunities for LGBTQ+ families to participate in social, advocacy, and support groups.
6. Work with organizations of color to support multiracial LGBTQ+ families and LGBTQ+ families of color.
7. Ensure that images of families reflect the diversity of all families, including LGBTQ+ families.
8. Expand research and data collection of SOGIE and LGBTQ+ family health disparities and needs.
9. Seek subject matter experts to consult how your organization can incorporate including and working with LGBTQ+ into your work.

Further information about best serving LGBTQ+ youth and caregivers can be found in [All County Information Notice I-81-10](#). For more information on documenting and asking SOGIE questions, refer to [ACL 19-92](#) and [ACL 21-149](#). Agencies are encouraged to visit the California Department of Social Services [SOGIE](#) webpage for further information and resources regarding current policy and ways to support LGBTQ+ families and children.

If you have any questions or need additional guidance regarding the information in this letter, please contact the Permanency Services and Support Unit at (916) 657-1858 or by emailing SOGIE@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division