



## Section by Section Analysis

### John Lewis Every Child Deserves a Family Act

**Section 1. Short Title** Provides the short title for the legislation – John Lewis Every Child Deserves a Family Act- [H.R.3488](#)/ [S.1848](#)

#### Section 2. Congressional Findings and Purposes

- (a) **Findings** – Outlines the challenges faced by children and youth involved with child welfare services, particularly the disproportionate number who are lesbian, gay, bisexual, transgender and queer/questioning (LGBTQI+), and provides background information on the need for federal legislation addressing the shortage of eligible foster and adoptive parents.
- (b) **Purposes** – Defines the goal of prohibiting discrimination based on religion, sex (including sexual orientation, gender identity, and sex characteristics), and marital status in the administration or provision of child welfare services and of promoting safety, well-being, and permanency for LGBTQI+ children and youth involved with child welfare services.

#### Section 3. Every Child Deserves a Family

- (a) **Prohibition** – Protects every child and youth involved with child welfare services, family, or individual from discrimination on the basis of religion, sex (including sexual orientation, gender identity, and sex characteristics), or marital status in the administration or provision of child welfare programs and services receiving federal funds.
- (b) **Private Right of Action** – Establishes a private right of action for any person who has been harmed by a violation of the provisions of this Act to obtain equitable or other appropriate relief.
- (c) **Federal Guidance** – Requires the Secretary of Health and Human Services to publish and disseminate implementing guidance within 6 months of passage of this Act to guide covered entities in complying with this Act.
- (d) **Technical Assistance** – Directs the Secretary of Health and Human Services to assist covered entities and ensure they have the information and tools necessary to comply with the provisions of this Act, including identifying laws, regulations, policies, practices and procedures that are not in compliance with this Act and providing training to agencies, caseworkers, judges and attorneys involved in child welfare services and programs.
- (e) **Service Delivery and Training** – Requires training and service delivery to comprehensively address the individual needs of children and youth involved with child welfare services in addition to cultural competence with respect to the complex social identities of children and youth involved with child welfare services and adults currently or prospectively participating with covered entities.
- (f) **Data Collection** – Codifies the collection of AFCARS data regarding sexual orientation and gender identity of children and youth in foster care and foster and adoptive parents, and whether family conflict related to a youth's sexual orientation or gender identity was a factor at removal.



every child  
deserves a  
**FAMILY**

# JOHN LEWIS EVERY CHILD DESERVES A FAMILY ACT

## (g) **National Resource Center on Safety, Well-Being, Placement Stability, and Permanency for LGBTQ Children and Youth Involved with Child Welfare Services**

- (1) Creates a National Resource Center to promote well-being, safety, permanency, stability, and family placement for LGBTQI+ children and youth involved with child welfare services by providing training, technical assistance, actions, and guidance that promotes best practices for improving outcomes for LGBTQI+ children and youth involved with child welfare services.
- (2) Directs the Secretary of Health and Human Services to conduct, analyze, and disseminate research in support of these purposes.
- (3) Allows the use of discretionary funds to maintain the resource center.

## (h) **Deadline for Compliance**

- (1) Requires covered entities to comply with the provisions of this Act within 6 months of the publication of Health and Human Service's implementation guidance, or 1 year after this legislation is enacted – whichever comes first.
- (2) Affords the Secretary of Health and Human Services the discretion to grant additional time for compliance to states that need to repeal a statute to comply with this Act.
- (3) Grants the Secretary of Health and Human Services the discretion to withhold payment of federal funds to a State that fails to comply with this Act.

## (i) **GAO Study**

- (1) Requires GAO to conduct a study on compliance within 3 years of enactment, examining removal of statutes, policies, practices, and procedures that deny, delay, or create disparate burdens to an individual's participation in child welfare programs or services based on the individual's religion, sex (including sexual orientation, gender identity, and sex characteristics), or marital status.
- (2) Requires GAO to issue a report on its findings within 6 months of completion of this study.

## (j) **Relation to Other Laws**

- (1) Provides that this Act does not invalidate or limit the rights, remedies, or legal standards under Title VI of the Civil Rights Act of 1964.
- (2) Exempts this bill from application of the Religious Freedom Restoration Act of 1993.

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