

# AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY

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January 15, 2021

The Honorable Alex Azar

Secretary

U.S. Department of Health and Human Services

200 Independence Avenue, SW

Washington, DC 20201

*Re: Health and Human Services Grants Regulation, Final Rule (RIN 0991-AC16))*

Dear Secretary Azar:

On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I am writing today to express extreme concern about the January 12, 2021 final rule cited above. This final rule removes nonstatutory nondiscrimination practices that currently apply to several essential Health and Human Services (HHS) programs and would create fertile ground for institutional discrimination against vulnerable populations. Of particular concern to AACAP, the final rule removes the regulatory protections against discrimination for people who are LGBTQ seeking to foster or to adopt children through the Title IV-E Foster Care and Adoption Programs throughout the nation, effectively legalizing discrimination against them. Additional HHS grant programs currently prevented from discriminatory practices through nonstatutory nondiscrimination regulations would also be permitted to discriminate against some of the very people they are meant to serve.

AACAP is the professional home to 9,800 child and adolescent psychiatrists, some of whom also treat adults and transitional age youth (age 18 and above) and is the leading organization for child and adolescent psychiatrists worldwide. Our mission includes promoting the healthy development of all children, adolescents, and families. As such, we are committed to supporting the preservation of civil rights for all individuals, particularly at-risk youth, including those in the foster care system, and their families.

There is no place for invidious discrimination in our society, and especially not in federal programs whose mission it is to serve the human services needs of our citizens. AACAP therefore calls for the **immediate rescission** of this harmful final rule that would disadvantage those who seek to provide stability and love to a child, whether through foster parenting or adoption.

As AACAP has publicly commented previously, any attempt to isolate specific segments of the population spills over to all children, youth, and their families, putting them at greater risk for long-term mental and physical health conditions. Targeting minority populations, which this final rule appears to do, affects all youth and families, as it promotes the concept of marginalizing and othering those who are different. Our laws and regulations should be creating a culture of non-discrimination and inclusivity in all settings and protect all citizens.

Should you have questions about the contents of this letter, or would like to discuss it further with AACAP members who have expertise in these issues, please do not hesitate to reach out to Karen Ferguson, Deputy Director of Clinical Practice, at [kferguson@aacap.org](mailto:kferguson@aacap.org).

Sincerely,

A handwritten signature in black ink that reads "Gabrielle A. Carlson". The signature is written in a cursive style and is followed by a long, sweeping horizontal line that extends to the right.

Gabrielle A. Carlson, MD  
President