

# AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY

W W W . A A C A P . O R G

## *Council*

President  
Gabrielle A. Carlson, MD

President-Elect  
Warren Y.K. Ng, MD

Secretary  
Cathryn A. Galanter, MD

Treasurer  
Bennet L. Leventhal, MD

Chair, Assembly of Regional  
Organizations of Child and  
Adolescent Psychiatry  
Melvin D. Oatis, MD

Past President  
Karen Dineen Wagner, MD, PhD

Adrienne L. Adams, MD  
Mary S. Ahn, MD  
Boris Birmaher, MD  
Mary-Margaret Gleason, MD  
Pamela E. Hoffman, MD  
Anita Kishore, MD  
Scott M. Palyo, MD  
Marian A. Swope, MD  
John T. Walkup, MD  
Sala Webb, MD

Jerry M. Wiener, MD,  
Resident Council Member  
Cordelia Ross, MD

John E. Schowalter, MD,  
Resident Council Member  
Amanda Downey, MD

Executive Director/CEO  
Heidi B. Fordi, CAE

*JAACAP* Editor-in-Chief  
Douglas K. Novins

*AACAP* News Editor  
Uma Rao, MD

Program Committee Chair  
James J. McGough, MD

December 17, 2019

Jennifer Moughalian  
Acting Assistant Secretary  
Office of the Assistant Secretary for Financial Resources  
Division of Grants, Office of Policy, Oversight, and Evaluation  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

## **RIN 0991-AC16 – Notification of Nonenforcement of Health and Human Services Grants Regulations**

Dear Acting Assistant Secretary Moughalian:

On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), a national medical specialty society representing more than 9,500 members, I am writing in response to the Proposed Rule, “Notification of Nonenforcement of Health and Human Services Grants Regulations,” as published in the Federal Register on November 19, 2019, with only a 30-day comment period.

AACAP is the leading national professional medical organization dedicated to treating and improving the quality of life for children, adolescents, and families affected by emotional, behavioral, developmental, and mental disorders.

Under the Proposed Rule, the Department of Health and Human Services is stating its intent not to enforce existing non-discrimination provisions relating to its wide range of program grants and services. As stated, the proposed rule has implications for services across a wide range of areas, including adoption and foster care, health care at community health centers, supportive services for homeless youth, Head Start programs, and many others. The magnitude of the change applicable to all HHS grants deserves thorough consideration, longer than 30 days. Indeed, the reference alone to Supreme Court decisions interjects tremendous added uncertainty into the Proposed Rule and course of potential Administration conduct, as legal precedent continues to evolve, be interpreted and applied, or further clarified.

In the Rule you have invited comments on the potential impact of the Proposed Rule, as compared to the previous Final Rule, and AACAP believes that tolerating any invidious discrimination against children, youth, or families, specifically based on who they are or what they believe, has no place in government grant contracting.

AACAP has long held that variations in gender identity and sexual orientation represent normal and expectable dimensions of human development. LGBTQ+ children who are supported in their identities have better mental health outcomes than those who are not.

Despite representing at least 5-10% of the population, LGBTQ+ youth continue to experience significant stigma, bias, and discrimination because of their identities. Experiences of stigma and discrimination lead to negative mental health outcomes among these youth, including elevated rates of depression, trauma, and suicide. LGBTQ+ youth have a suicide attempt rate at least 4 times higher than the general population. Given that suicide is the third leading cause of death in children aged 10-14 and the second leading cause of death in children aged 15-24, access to evidenced-based treatments, programs, and supports, many of which are funded by HHS, is vital for reducing an entirely preventable cause of death.

Furthermore, 78% of LGBTQ+ youth in foster care lose their placements as a result of hostility towards their sexual orientation and/or gender identity. These vulnerable youth frequently end up homeless, often feeling safer living on the street than in their group or foster home.<sup>1</sup> The non-enforcement of non-discrimination policies for group homes receiving federal funding could likely further increase the number of homeless youth and lead to worse outcomes for LGBTQ+ youth in child welfare systems.

In addition, we have grave concerns about the impact of this proposed change on the availability of loving and supportive homes for children in need of adoption. Data from several decades of research have repeatedly demonstrated that LGBTQ+ foster and adoptive parents are as fit to parent as non-LGBTQ+ parents. Children raised by LGBTQ+ parents have the same outcomes as those raised by non-LGBTQ+ parents.<sup>2,3</sup> Thus, if nondiscrimination provisions are not enforced against foster and adoption agencies, this proposed rule change could prevent vulnerable children from finding loving, supportive homes among LGBTQ+ families.

Thank you for the opportunity to comment on these far-reaching proposed changes, particularly their potential adverse impact on America's children and youth. If you have any questions, please direct them to Ronald Szabat, JD, LLM, Director, Government Affairs and Clinical Practice, [rszabat@aacap.org](mailto:rszabat@aacap.org) or 202.587.9666.

Sincerely,

A handwritten signature in black ink that reads "Gabrielle A. Carlson". The signature is written in a cursive, flowing style.

Gabrielle A. Carlson, MD

President

---

<sup>1</sup> Feinstein, R., Greenblatt, A., Hass, L., Kohn, S., & Rana, J. (2001). Justice for All? A Report on Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System. New York, NY: Urban Justice Center.

<sup>2</sup> American Academy of Child and Adolescent Psychiatry. (2019). Facts for Families: Lesbian, Gay, Bisexual, and Transgender Parents. Retrieved from:  
[https://www.aacap.org/AACAP/Families\\_and\\_Youth/Facts\\_for\\_Families/FFF-Guide/Children-with-Lesbian-Gay-Bisexual-and-Transgender-Parents-092.aspx](https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Children-with-Lesbian-Gay-Bisexual-and-Transgender-Parents-092.aspx).

<sup>3</sup> American Academy of Pediatrics. (2013). Promoting the Well-being of Children Whose Parents are Gay or Lesbian. *Pediatrics*, 131(4), 827-830. <https://doi.org/10.1542/peds.2013-0376>