



FOR IMMEDIATE RELEASE

Thursday, August 27, 2020

Coalition of Indian Tribes, Foster Youth Group, and LGBTQ+ Youth Orgs File Suit to Fight Trump Administration's Failure to Count Children in Foster Care

For more on the suit, click [here](#).

The coalition issued the following statements upon filing:

“Once again, the Trump administration’s contempt for lawful, evidence-based policymaking has hurt vulnerable populations. We’ve filed suit to help prevent the Trump administration from keeping American Indian and Alaska Native and LGBTQ+ foster youth in the shadows.”

Democracy Forward

Anne Harkavy, Executive Director

“We’ve reached the tragic point where youth in foster care have to sue the agency tasked to protect them or fear erasure of their identities by the Trump Administration. Stripping away data for LGBTQ+ and American Indian and Alaska Native youth (“AI/AN”) impacts two populations who are over-represented in foster care and face some of the worst outcomes, including high rates of homelessness and trafficking. If the government does not collect sexual orientation and gender identity data, it can’t improve outcomes for LGBTQ+ youth, including tracking and eliminating disparities by race and ethnicity. Instead of embracing an opportunity for positive change, HHS turned its back on children and families.”

Lambda Legal

M. Currey Cook, Counsel &
Youth in Out-of-Home Care Project Director

“I’ve worked on issues involving the Indian Child Welfare Act for 15 years, and I’ve learned first hand the incredible need for actual data about American Indian and Alaska Native children and families in the child welfare system. The 2016 rule would have given us that information for the first time since 1974 — an unconscionable oversight in our child welfare system. We need to keep systems accountable and finally address the overrepresentation of American Indian and Alaska Native children in a system that does them no favors.”

Michigan State University College of Law’s Indian Law Clinic

Prof. Kathryn E. Fort, Director

“As a member of the California Tribal Families Coalition Board of Directors and an elected official of my Tribe, it is my responsibility to protect our citizens and future leaders. CTFC, as the lead plaintiff in this case, continues its place at the forefront of the fight for accurate foster care data. The Administration of Children and Families, the federal agency responsible for the social welfare of children and families claims that counting Indian children and LGBTQ youth can’t be done. We know this to be false. The State of California has been steadfast and unequivocal in supporting complete data collection through the AFCARS for these populations. Data-informed policies positively impact the safety and well-being of children. CTFC and the other plaintiffs will continue this fight on behalf of foster children, as we all know our children deserve to be counted.”

California Tribal Family Coalition

Sunni Dominguez, CTFC Board Member

“As an Indian Child Welfare Advocate, I work with native children, families and tribes on a daily basis. It is my job to make sure every child and their needs are accounted for. Current and specific data collection brings these children out of the dark, so they are not invisible.

We must hold ourselves to the highest standard for these children who have so little, so that their gifts, from Creator, are honored and protected.

The very least the federal government can do, to advance our work, is count them, not make them invisible.”

California Tribal Family Coalition

Liz Elgin DeRouen, Executive Director
Indian Child and Family Preservation Program

“The Yurok Tribe and Tribes across the country are working to improve outcomes for our children in the foster care system. The collection and analysis of detailed data is critical to the success of this undertaking, which seeks to serve some of the most vulnerable citizens in the United States. Instead of rolling back protections for Native and LGBTQ children in foster care, the federal government should actively support this effort to ensure that these acutely at-risk adolescents have a positive future.”

Yurok Tribe

Abby Abinanti, Chief Judge of the Yurok Tribal Court

“Cherokee Nation is the largest tribe in the country with Cherokee children involved in foster care cases in every state. Requiring states to report their ICWA compliance ensures that our Cherokee children are protected by ICWA in state court systems. We were disappointed when the ICWA reporting elements were removed from the regulation and are hopeful that they will be restored through this case. The Cherokee Nation will continue to lead the way when it comes to defending ICWA in order to protect our children.”

Cherokee Nation

Chuck Hoskin Jr., Principal Chief of the Cherokee Nation

“As current and former foster youth, we know all too well the hardships of being parented by government systems that often struggle to meet children’s most basic needs. Alaska Native, American Indian, and LGBTQ+ youth are overrepresented in child welfare systems across the country. Our brothers and sisters of foster care deserve to be counted so that the data can drive solutions and end the pipeline to homelessness, incarceration, and intergenerational trauma.”

Facing Foster Care in Alaska

Angel Gonzales, Board President

“Ark of Freedom Alliance increases the capacities of child-serving agencies and community service providers across the United States to prevent and intervene in the trafficking of historically underserved male and LGBTQ youth by providing evidence-based training and education, advocacy and survivor-care. Data is critical to understanding the nexus between sexual orientation and gender identity and the commercial sexual exploitation of children, or child trafficking. This ruling directly impedes the development of targeted interventions that prevent the exploitation of LGBTQ and Native children who are both disproportionately represented in foster care and higher-risk for child trafficking. We can and must do better by our youth in care.”

Ark of Freedom Alliance

Nathan Earl, Chief Executive Officer of Ark of Freedom Alliance

“Ruth Ellis Center envisions a world where LGBTQ+ children and youth are safe and supported no matter where they go. This will only become reality when the people, organizations, and systems serving them acknowledge the fullness of their complex identities. By eliminating the AFCARS data collection elements from mandated federal reporting, LGBTQ+ youth who are overrepresented in the child welfare system will remain invisible, marginalized, and harmed substantially. This constitutes unacceptable maltreatment in care for children who rely on the government to promote their safety and wellbeing.”

The Ruth Ellis Center

Jerry Peterson, Executive Director

“True Colors, Inc. works with LGBTQ+ children and youth navigating the foster system, and we see first-hand their experience with bullying, harassment, and a lack of adequate resources from those entrusted with their care. LGBTQ+ youth are overrepresented in the system and are often navigating structures that are ill-equipped to respond to them in culturally competent ways. AFCARS data collection is vital in making sure these young people are not invisible and is a critical part of making sure they have a system that can meet their specific needs.”

True Colors, Inc.

Patrick Comerford, Executive Director

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