

119TH CONGRESS
1ST SESSION

S. 3279

To prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2025

Mrs. GILLIBRAND (for herself, Mr. SCHATZ, Mr. BOOKER, Ms. SMITH, Mr. HICKENLOOPER, Mr. SCHIFF, Mr. MERKLEY, Mr. COONS, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. MARKEY, Mr. WYDEN, Ms. DUCKWORTH, Ms. ROSEN, Mr. SANDERS, Mr. MURPHY, Mr. KAINE, Mr. BLUMENTHAL, Mr. FETTERMAN, Ms. KLOBUCHAR, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “John Lewis Every
3 Child Deserves a Family Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Every child or youth unable to live with
7 their family of origin is entitled to a supportive and
8 affirming foster care placement. Federal law re-
9 quires, and child welfare experts recommend, that
10 children and youth be placed with a family or in the
11 most family-like setting available.

12 (2) Thousands of children and youth lack a sta-
13 ble, safe, and loving temporary or permanent home
14 and have been placed in a congregate care setting,
15 which is associated with more placements, poorer
16 educational outcomes, and greater risk of further
17 trauma. More homes are needed to accommodate the
18 close to 400,000 children and youth who are in fos-
19 ter care nationwide, as of the date of enactment of
20 this Act.

21 (3) Title VI of the Civil Rights Act of 1964 (42
22 U.S.C. 2000d et seq.) protects people from discrimi-
23 nation based on race, color, or national origin in
24 programs, activities, and services administered or
25 performed by child welfare agencies. Eliminating dis-
26 crimination in child welfare based on religion, sex

1 (including sexual orientation and gender identity),
2 and marital status would increase the number and
3 diversity of foster and adoptive homes able to meet
4 the individual needs of children and youth removed
5 from their homes.

6 (4) Lesbian, gay, bisexual, transgender, and
7 queer or questioning (referred to in this Act as
8 “LGBTQ”) youth are overrepresented in the foster
9 care system by at least a factor of 2, comprising at
10 least 30 percent of children and youth in foster care.
11 These numbers are higher for transgender and non-
12 binary youth compared to their cisgender LGBQ
13 counterparts.

14 (A) While some LGBTQ youth enter foster
15 care for similar reasons as non-LGBTQ youth,
16 the 2 most common reasons for LGBTQ youth
17 are high rates of physical abuse and conflict
18 with parents.

19 (B) LGBTQ foster youth report twice the
20 rate of poor treatment while in care experienced
21 by foster youth who do not identify as LGBTQ
22 and are more likely to experience discrimina-
23 tion, harassment, and violence in the child wel-
24 fare system than their LGBTQ peers not in the
25 child welfare system.

1 (C) Because of high levels of bias, LGBTQ
2 foster youth have a higher average number of
3 placements and higher likelihood of living in a
4 group home than their non-LGBTQ peers, neg-
5 atively affecting mental health outcomes and
6 long-term prospects.

7 (D) Approximately 28 percent of homeless
8 youth with histories of time in foster care iden-
9 tified as LGBTQ and were significantly more
10 likely to experience 7 of 8 adverse events, such
11 as being physically harmed, or being stig-
12 matized or discriminated against, compared to
13 their peers with no foster care history.

14 (E) LGBTQ youth in foster care had near-
15 ly 3 times greater odds of reporting a past-year
16 suicide attempt compared to LGBTQ youth
17 who were never in foster care (35 percent for
18 those youth in foster care as compared to 13
19 percent for those youth who were never in fos-
20 ter care). These numbers were even higher for
21 LGBTQ foster youth of color (38 percent) and
22 highest for transgender and nonbinary foster
23 youth (45 percent).

24 (F) LGBTQ youth who had been in foster
25 care had over 3 times greater odds of being

kicked out, abandoned, or running away due to treatment based on their LGBTQ identity compared to those who were never in foster care (27 percent for those youth who had been in foster care as compared to 8 percent for those youth who had never been in foster care). These numbers were higher for LGBTQ foster youth of color (30 percent) and transgender and non-binary foster youth (40 percent).

(5) “Conversion therapy” is a form of discrimination that harms LGBTQ people. It undermines an individual’s sense of self-worth, increases suicide ideation and substance abuse, exacerbates family conflict, and contributes to second-class status. No scientifically valid evidence supports this discredited practice, which is prohibited by many States and foreign nations. Approximately 350,000 LGBTQ adults were subjected to so-called “conversion therapy” as adolescents, and an estimated 16,000 LGBTQ youth ages 13 to 17 will be subjected to it by a licensed health care professional before age 18.

(6) Many youth, especially LGBTQ youth, involved with child welfare services identify with a cross-section of marginalized communities. Youth of color are overrepresented in the foster care system,

1 and the majority of LGBTQ foster youth are youth
2 of color. Children and youth with multiple margina-
3 lized identities often experience more stress and
4 trauma than other youth, compounding the negative
5 effects of discrimination and increasing the likeli-
6 hood of negative outcomes.

7 (7) Prospective parents who experience the
8 heartbreak and dignitary harm of discrimination
9 based on religion, sex (including sexual orientation
10 and gender identity), or marital status may not be
11 able or willing to apply at another agency, resulting
12 in fewer available homes, and knowing that discrimi-
13 nation exists may deter them from even attempting
14 to foster or adopt.

15 (8) Professional organizations that serve chil-
16 dren in the fields of medicine, psychology, law, and
17 child welfare oppose discrimination against prospec-
18 tive parents in adoption and foster care.

19 (9) Religious organizations play a critical role
20 in providing child welfare services. Most welcome all
21 children, youth, and families and affirm a diversity
22 of religions and faiths. State assessments, planning,
23 and counseling should connect children and youth
24 for whom spirituality and religion are important

1 with affirming, faith-based resources consistent with
2 the faith of the child or youth.

3 (10) Child welfare agencies that refuse to serve
4 same-sex couples and LGBTQ individuals reduce the
5 pool of qualified and available homes for children
6 and youth who need placement on a temporary or
7 permanent basis.

8 (A) Same-sex couples are 7 times more
9 likely to foster and adopt than their different-
10 sex counterparts.

11 (B) Same-sex couples raising adopted chil-
12 dren tend to be older than, just as educated as,
13 and have access to the same economic resources
14 as other adoptive parents.

15 (C) Research shows that sexual orientation
16 is a nondeterminative factor in parental success
17 and that children with same-sex parents have
18 the same advantages and expectations for
19 health, social, and psychological development as
20 children whose parents are different-sex.

21 (D) Discrimination against qualified pro-
22 spective foster and adoptive parents for non-
23 merit related reasons denies religious minority,
24 LGBTQ, and unmarried relatives the oppor-
25 tunity to become foster and adoptive parents

1 for their own kin in care, including grand-
2 children.

3 (11) LGBTQ families of origin are at risk for
4 discrimination in child welfare referrals, investiga-
5 tions, removals, reunification, kinship placements,
6 and other case management services. A study of low-
7 income African-American mothers showed that those
8 who identified as lesbian or bisexual were 4 times
9 more likely than their non-LGBTQ counterparts to
10 lose custody of their children in child welfare pro-
11 ceedings. LGBTQ-positive services are necessary to
12 shield families and protect parents' rights to reunifi-
13 cation.

14 (12) Single people are more likely than couples
15 to experience challenges in adopting due to biases
16 that persist against single-parent adoption. During
17 fiscal year 2022, 29 percent of adoptions from foster
18 care were completed by unmarried single people, in-
19 cluding adoptions by some 2000 single men and
20 more than 13,000 single women. Studies show that
21 the outcomes for children adopted and raised by sin-
22 gle parents are just as good as, if not better than,
23 outcomes for children adopted by couples.

24 (13) More nationwide data about the experi-
25 ences of LGBTQ children and youth involved with

1 child welfare services is needed to understand fully
2 the extent and impact of discrimination and ensure
3 accountability. States must report and researchers
4 must collect this sensitive data in an ethical, affirm-
5 ing, and non-intrusive manner, with appropriate
6 safeguards to protect respondents.

7 (b) PURPOSE.—The purposes of this Act are—

8 (1) to prohibit discrimination on the basis of re-
9 ligion, sex (including sexual orientation and gender
10 identity), and marital status in the administration
11 and provision of child welfare services that receive
12 Federal funds; and

13 (2) to improve safety, well-being, and perma-
14 nency for LGBTQ children and youth involved with
15 child welfare services.

16 **SEC. 3. EVERY CHILD DESERVES A FAMILY.**

17 (a) PROHIBITION.—No child or youth involved with
18 child welfare services, family, or individual shall, on the
19 grounds of religion, sex (including sexual orientation and
20 gender identity), or marital status, be excluded from par-
21 ticipation in, denied the benefits of, or be subjected to dis-
22 crimination in the administration or provision of child wel-
23 fare programs and services by a covered entity.

24 (b) PRIVATE RIGHT OF ACTION.—Any individual who
25 is aggrieved by a violation of this Act may bring a civil

1 action seeking relief in an appropriate United States dis-
2 trict court. The court shall award a plaintiff prevailing in
3 such an action all appropriate relief, including injunctive,
4 declaratory, and other equitable relief necessary to carry
5 out this Act, attorneys' fees, and such other relief as the
6 court determines appropriate.

7 (c) FEDERAL GUIDANCE.—Not later than 6 months
8 after the date of the enactment of this Act, the Secretary
9 shall publish and disseminate guidance with respect to
10 compliance with this Act.

11 (d) TECHNICAL ASSISTANCE.—In order to ensure
12 compliance with and understanding of the legal, practice,
13 and cultural changes required by this Act, the Secretary
14 shall provide technical assistance to all covered entities,
15 including—

16 (1) identifying State laws and regulations in-
17 consistent with this Act, and providing guidance and
18 training to ensure the State laws and regulations are
19 brought into compliance with this Act by the appli-
20 cable compliance deadline in effect under subsection
21 (h);

22 (2) identifying casework practices and proce-
23 dures inconsistent with this Act and providing guid-
24 ance and training to ensure the practices and proce-

dures are brought into compliance with this Act by the applicable compliance deadline;

(3) providing guidance in expansion of recruitment efforts to ensure consideration of all prospective adoptive and foster parents regardless of the religion, sex (including sexual orientation and gender identity), or marital status of the prospective parent;

(4) creating comprehensive cultural competency training for covered entities and prospective adoptive and foster parents; and

(5) training judges and attorneys involved in foster care, guardianship, and adoption cases on the findings and purposes of this Act.

(e) SERVICE DELIVERY AND TRAINING.—

(1) IN GENERAL.—A covered entity shall provide service delivery to children and youth involved with child welfare services, families, and adults, and staff training, that—

(A) comprehensively addresses the individual strengths and needs of children and youth involved with child welfare services; and

(B) is language appropriate, gender appropriate, and culturally sensitive and respectful of the complex social identities of the children and youth, families, and adults currently or prospec-

1 tively participating in or receiving child welfare
2 services.

3 (2) SOCIAL IDENTITY.—In this subsection, the
4 term “social identity” includes an individual’s race,
5 ethnicity, nationality, age, religion (including spiritu-
6 ality), sex (including gender identity and sexual ori-
7 entation), socioeconomic status, physical or cognitive
8 ability, language, beliefs, values, behavior patterns,
9 and customs.

10 (f) DATA COLLECTION.—Using developmentally ap-
11 propriate best practices, the Secretary shall collect data
12 through the Adoption and Foster Care Analysis and Re-
13 porting System on—

14 (1) the sexual orientation and gender identity of
15 children and youth involved with child welfare serv-
16 ices and foster and adoptive parents; and

17 (2) whether family conflict related to the sexual
18 orientation or gender identity of a child or youth
19 was a factor in the removal of the child or youth
20 from the family.

21 (g) NATIONAL RESOURCE CENTER ON SAFETY,
22 WELL-BEING, PLACEMENT STABILITY, AND PERMA-
23 NENCY FOR LGBTQ CHILDREN AND YOUTH INVOLVED
24 WITH CHILD WELFARE SERVICES.—

1 (1) IN GENERAL.—The Secretary shall establish
2 and maintain the National Resource Center on Safe-
3 ty, Well-Being, Placement Stability, and Perma-
4 nency for LGBTQ Children and Youth Involved with
5 Child Welfare Services (referred to in this Act as the
6 “National Resource Center”) that will promote well-
7 being, safety, permanency, stability, and family
8 placement for LGBTQ children and youth involved
9 with child welfare services, through training, tech-
10 nical assistance, actions, and guidance that—

11 (A) increase LGBTQ cultural competency
12 among the staff of covered entities, and foster,
13 adoptive, and relative parents, guardians, and
14 caregivers;

15 (B) promote the provision of child welfare
16 services that address the specific needs of
17 LGBTQ children and youth involved with child
18 welfare services and their families;

19 (C) promote effective and responsible col-
20 lection and management of data on the sexual
21 orientation and gender identity of children and
22 youth in the child welfare system, with appro-
23 priate safeguards to protect the data;

24 (D) identify and promote promising prac-
25 tices and evidence-based models of engagement

and appropriate collective and individual services and interventions that can be linked to improved outcomes for LGBTQ children and youth in the child welfare system;

(E) endorse best practices for human resource activities of covered entities, including in hiring, staff development, and implementing a system of accountability to carry out those best practices; and

(F) initiate other actions that improve safety, well-being, placement stability, and permanency outcomes for LGBTQ children and youth involved with child welfare services at the State and local level.

(2) ACTIVITIES.—The Secretary shall carry out the collection and analysis of data and the dissemination of research to carry out this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to establish and maintain the National Resource Center and carry out the activities described in this subsection.

(h) DEADLINE FOR COMPLIANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity shall comply with this

1 section not later than 6 months after publication of
2 the guidance referred to in subsection (c), or 1 year
3 after the date of the enactment of this Act, which-
4 ever occurs first.

5 (2) AUTHORITY TO EXTEND DEADLINE.—If a
6 State demonstrates to the satisfaction of the Sec-
7 retary that it is necessary to amend State law in
8 order to change a particular practice that is incon-
9 sistent with this Act, the Secretary may extend the
10 compliance date for the State and any covered enti-
11 ties in the State a reasonable number of days after
12 the close of the first State legislative session begin-
13 ning after the date the guidance referred to in sub-
14 section (c) is published.

15 (3) AUTHORITY TO WITHHOLD FUNDS.—If the
16 Secretary finds that a covered entity has failed to
17 comply with this Act, the Secretary may withhold
18 payment to the State of amounts otherwise payable
19 to the State under part B or E of title IV of the
20 Social Security Act (42 U.S.C. 621 et seq.; 42
21 U.S.C. 670 et seq.), to the extent determined by the
22 Secretary.

23 (i) GAO STUDY.—

24 (1) IN GENERAL.—Not later than 3 years after
25 the date of enactment of this Act, the Comptroller

1 General of the United States shall conduct a study
2 to determine whether the States have substantially
3 complied with this Act, including specifically whether
4 the States have—

5 (A) eliminated all policies, practices, or
6 laws that permit a covered entity to violate sub-
7 section (a);

8 (B) provided necessary training and tech-
9 nical support to covered entities to ensure all
10 services to children and youth involved with
11 child welfare services are carried out in a non-
12 discriminatory, affirming, safe, and culturally
13 competent manner;

14 (C) collected data necessary to accom-
15 plishing the purposes of this Act, and ensured
16 that the data is appropriately safeguarded, in-
17 cluding data related to—

18 (i) the sexual orientation and gender
19 identity of children and youth involved
20 with child welfare services;

21 (ii) the permanency and placement
22 outcomes and rates for those children and
23 youth, as compared to their non-LGBTQ
24 peers;

1 (iii) the rates at which those children
2 and youth are placed in family homes as
3 compared to congregate or group homes;
4 and

5 (iv) the sexual orientation, gender
6 identity, and marital status of foster and
7 adoptive parents, as well as the placement
8 rates and wait periods for those foster and
9 adoptive parents; and

10 (D) ensured that covered entities—

11 (i) are in compliance with this Act;
12 and

13 (ii) have implemented procedures for
14 children and youth involved with child wel-
15 fare services, or individuals or families par-
16 ticipating in, or seeking to participate in,
17 child welfare services, to report violations
18 of this Act.

19 (2) REPORT TO THE CONGRESS.—Not later
20 than 6 months after completing the study required
21 by paragraph (1), the Comptroller General shall sub-
22 mit to the Committee on Ways and Means of the
23 House of Representatives and the Committee on Fi-
24 nance of the Senate a written report that contains
25 the results of the study.

1 (j) RELATION TO OTHER LAWS.—

2 (1) RULE OF CONSTRUCTION.—Nothing in this
3 Act shall be construed to invalidate or limit rights,
4 remedies, or legal standards under title VI of the
5 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

6 (2) CERTAIN CLAIMS.—The Religious Freedom
7 Restoration Act of 1993 (42 U.S.C. 2000bb et seq.)
8 shall not provide a claim concerning, or a defense to
9 a claim under, this Act, or provide a basis for chal-
10 lenging the application or enforcement of this Act.

11 (k) DEFINITIONS.—In this section:

12 (1) CHILD OR YOUTH INVOLVED WITH CHILD
13 WELFARE SERVICES.—The term “child or youth in-
14 volved with child welfare services” means an indi-
15 vidual, aged 23 or younger, who participates in child
16 welfare programs or services that receive Federal fi-
17 nancial assistance under part A, B, or E of title IV
18 of the Social Security Act (42 U.S.C. 601 et seq.;
19 42 U.S.C. 621 et seq.; 42 U.S.C. 670 et seq.), title
20 XIX of the Social Security Act (42 U.S.C. 1396 et
21 seq.), or title XX of the Social Security Act (42
22 U.S.C. 1397 et seq.).

23 (2) CONVERSION THERAPY.—

24 (A) IN GENERAL.—The term “conversion
25 therapy” means a form of discrimination that

1 includes any practice or treatment which seeks
2 to change the sexual orientation or gender iden-
3 tity of an individual, including efforts to change
4 behaviors or gender expressions or to eliminate
5 or reduce sexual or romantic attractions or feel-
6 ings toward individuals of the same gender.

7 (B) EXCLUSIONS.—The term “conversion
8 therapy” does not include counseling that pro-
9 vides assistance to an individual undergoing
10 gender transition, or counseling that provides
11 acceptance, support, and understanding of an
12 individual or facilitates an individual with cop-
13 ing, social support, and identity exploration and
14 development, including sexual orientation-neu-
15 tral interventions to prevent or address unlaw-
16 ful conduct or unsafe sexual practices.

17 (3) COVERED ENTITY.—The term “covered en-
18 tity” means an entity that—

19 (A) receives Federal financial assistance
20 under part A, B, or E of title IV of the Social
21 Security Act (42 U.S.C. 601 et seq.; 42 U.S.C.
22 621 et seq.; 42 U.S.C. 670 et seq.), title XIX
23 of the Social Security Act (42 U.S.C. 1396 et
24 seq.), or title XX of the Social Security Act (42
25 U.S.C. 1397 et seq.); and

1 (B) is involved in the administration or
2 provision of child welfare programs or services.

3 (4) GENDER IDENTITY.—The term “gender
4 identity” means the gender-related identity, appear-
5 ance, mannerisms, or other gender-related character-
6 istics of an individual, regardless of the designated
7 sex of the individual at birth.

8 (5) RELIGION; SEX (INCLUDING SEXUAL ORI-
9 ENTATION AND GENDER IDENTITY), OR MARITAL
10 STATUS.—The term “religion, sex (including sexual
11 orientation and gender identity), or marital status”,
12 used with respect to an individual, includes—

13 (A) the religion, sex (including sexual ori-
14 entation and gender identity), or marital status,
15 respectively, of another person with whom the
16 individual is or has been associated; and

17 (B) a perception or belief, even if inac-
18 curate, concerning the religion, sex (including
19 sexual orientation and gender identity), or mar-
20 ital status, respectively, of the individual.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of Health and Human Services.

23 (7) SEX.—The term “sex” includes—

24 (A) a sex stereotype;

1 (B) pregnancy, childbirth, or a related
2 medical condition;

3 (C) sexual orientation or gender identity;
4 and

5 (D) sex characteristics, including intersex
6 traits.

7 (8) SEXUAL ORIENTATION.—The term “sexual
8 orientation” means homosexuality, heterosexuality,
9 or bisexuality.

10 (9) STATE.—The term “State” means each of
11 the 50 States of the United States, the District of
12 Columbia, the Commonwealth of Puerto Rico, the
13 United States Virgin Islands, Guam, the Common-
14 wealth of the Northern Mariana Islands, and Amer-
15 ican Samoa.

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