

Section by Section Analysis

Section 1. Short Title Provides the short title for the legislation – The Every Child Deserves a Family Act.

Section 2. Congressional Findings and Purposes

- (a) **Findings** – Outlines the challenges faced by youth in foster care and provides background information on the need for federal legislation addressing the shortage of eligible foster and adoptive parents.
- (b) **Purpose** – Defines the goal of promoting permanency and case-by-case best interest determinations by eliminating categorical exclusions in adoption and foster care placements based on sexual orientation, gender identity or marital status.

Section 3. Every Child Deserves A Family

(a) **Activities**

- (1) **Prohibition** – Prohibits any entity that receives federal funding or contracts with an entity receiving federal funding and is involved in adoption or foster care placements from excluding a prospective foster or adoptive parent, delaying or denying placement of a child, or requiring different or additional screenings because of the sexual orientation, gender identity or marital status of the prospective parent or child.
- (2) **Definition** – Defines “placement decision” as any decision regarding placement, delay of placement, or action taken to facilitate the placement process.

(b) **Equitable Relief** – Establishes a private right of action for any person who has been harmed by a violation of the provisions of this Act.

(c) **Federal Guidance** – Requires Health and Human Services to publish implementing guidance within 6 months of passage of this Act to guide covered entities in complying with this Act.

(d) **Technical Assistance** – Directs 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 placement decisions.

(e) **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 Health and Human Services the discretion to grant additional time for compliance to states that need to repeal a statute in order to comply with this Act.

(f) **GAO Study**

- (1) Requires GAO to conduct a study on compliance within 5 years of enactment, examining removal of statutes, policies, practices, and procedures that deny, delay, or create disparate burdens based on the sexual orientation, gender identity or marital status of the prospective parent or child.
- (2) Requires GAO to issue a report on its findings within 1 year of completion of this study.

For more information contact:

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