

May 5, 2018

The Office of Governor Mary Fallin
Oklahoma State Capitol
2300 N. Lincoln Blvd., Room 212
Oklahoma City, OK 73105

RE: SB 1140

Dear Governor Fallin:

We are organizations dedicated to the well-being of children in our nation's child welfare system. We urge you to veto SB 1140, a bill that would harm children by reducing the number of potential temporary and permanent homes available to them, shifting the system's priority from the child's needs to the provider's, and sending a government-endorsed message to children and families that lesbian, gay, bisexual and transgender ("LGBT") people are not suitable to be parents.

More homes, not fewer

The purpose of Oklahoma's child welfare system is to improve the safety, permanence and well-being of children and families involved in system through collaboration with the families and their community. When children cannot safely remain at home the state, Oklahoma recruits homes for temporary or, if necessary, permanent placement both directly and through taxpayer funded contractors. Oklahoma has a strong tradition of faith-based contract agencies providing assistance, including loving homes, to children in foster care. In contrast, for a variety of reasons, including legal barriers and prejudice, LGBT people and same-sex couples, as well as people of minority faith communities have not been actively recruited or have not felt welcome. They do, however, represent an enormous under-utilized placement resource.

By allowing taxpayer-funded agencies to turn away loving families, SB 1140 sends a message that some people need not apply to help children in need. It is a huge decision for individuals to step up to be foster and adoptive parents. Any government action that telegraphs "you are not welcome" because of who you are would reduce the number of loving homes for children. As states move away from costly and harmful congregate care, Oklahoma should signal that it wants and needs families from all communities. Oklahoma's Institute for Child Advocacy succinctly summed up our concern when it said, "We cannot support any legislation that limits placement for foster youth."

Best interests of the child should remain paramount

Under existing federal and state law, the primary concern of child welfare agencies must be the best interests of the children themselves. Yet, instead of focusing on what is best for the children, SB 1140 places the interests of the child welfare provider first. SB 1140 allows child-placing

agencies that receive taxpayer funds to refuse to work with parents interested in providing loving home, not based on Oklahoma Department of Human Service's own objective criteria^[1] but an agency's religious litmus test. Thus, an agency can turn away prospective parents because of its institutional interests and without regard to the best interest of the child needing love, permanency, and stability. And the broad language of the bill allows this discrimination to manifest in a variety of circumstances--for example, prospective parents could be turned away because they are of a different faith than the agency, because they do not regularly attend church, because they are single or divorced, because of their sexual orientation or gender identity, or even because they don't agree with the agency's religious beliefs regarding child discipline.

Children who have entered the foster care system have already endured too much. They have been separated from their families, often because of abuse, neglect, parental substance abuse, or rejection. The heart of the child welfare system and the sole consideration in placing children must be what is in the best interest of the child, not what is in the child welfare provider's interest. Children in state care have the right for the state to use its resources to place them in homes as quickly as possible and in accordance with their needs—above all else.

A system welcome to all

In Oklahoma, there are more than 10,000 children in the child welfare system. These children come from all backgrounds -- every race, ethnicity, religion, sexual orientation, and gender identity. Oklahoma has a legal responsibility to fairly and competently serve all children and all families. If SB 1140 becomes law it would send a message to children and families in Oklahoma, and, most importantly, to those within its child welfare system, that the state endorses the notion that LGBT people and families are second class citizens and not suitable as parents and that a person's faith is relevant to their parenting ability. Professional standards established by the Child Welfare League of America and others clearly prohibit discrimination against children and families because discrimination is harmful to them and because a person's sexual orientation, gender identity, or religion are not appropriate criteria for refusing service or denying licenses.

For the reasons outlined above, we ask that you veto SB 1140.

Respectfully,

Oklahoma Child Welfare Organizations

American Academy of Pediatrics - Oklahoma State Chapter

National Child Welfare Organizations

Child Welfare League of America

Children's Advocacy Institute

Children's Rights

FosterClub

Juvenile Law Center

National Association of Counsel for Children

National Center on Adoption and Permanency

National Juvenile Defender Center

North American Council on Adoptable Children

Parents Anonymous Inc.

Voice for Adoption

[1] <http://www.okdhs.org/services/foster/pages/require.aspx>