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BY FACSIMILE and EMAIL
Aradhana (Bela) Sood, M.D.
Chair of the Board of Social Services
Commonwealth of Virginia
801 East Main Street
Richmond, VA 23219-2901

Dear Dr. Sood:

I am writing on behalf of Equality Virginia to urge you to publish in final form and regardless of any objection that might be interposed by the Governor or the legislature, the proposed new standards for licensed private child-placing agencies (22 VAC 40-131) that have been under review for the past year without controversy or concern. These proposed rules have been under development for a year and were published in proposed form with the approval of the Attorney General, the current Secretary of Health and Human Resources and the current Governor's Office. After a public hearing of twenty-two minutes on February 17 at which no significant objections to the proposals were raised, a massive email campaign by organizations that have opposed every regulatory and legislative effort to afford gay, lesbian, bi-sexual and transgender Virginians the basic human right to live, work and raise their children in the Commonwealth free from discrimination resulted in a flurry of comments on the final day of the comment period opposing the non-discrimination provision included in the proposed rules.

The proposed non-discrimination provision doesn't change the Commonwealth's current policy that allows any single person or married couple to adopt or foster a child in Virginia. Nor does it change the standards or criteria applied in determining whether any person or married couple should be allowed to adopt or if a particular placement is in the best interests of the child.

The non-discrimination provision included in the proposed rule, Section 22VAC40-131-170 B., says that a child placing agency licensed by the state shall "prohibit acts of discrimination based on race, color, gender, national origin, age, religion, political beliefs, sexual orientation, disability, or family status to: 1. Delay or deny a child's placement; or 2. Deny an individual the opportunity to apply to become a foster or adoptive parent."

This provision does nothing more than ensure that a person who seeks to adopt or foster a child is not denied the opportunity to do so simply and solely because of who he or she is or what he or she believes.

The right to be treated without discrimination based on your religion or your orientation is not something that should be subject to popular vote or majority rule. As the Governor said in the text of Executive Directive Number 1, "the Equal Protection Clause of the United States Constitution prohibits discrimination without a rational basis against any class of persons." Neither employment decisions nor adoption decisions should be made based on irrational classifications and without compelling evidence.

In this case, the evidence is clear. Study after peer-reviewed study has confirmed that children raised by GLBT parents are not disadvantaged in any way and that such home environments are just as likely to be good for children, Lesbian and Gay Parents and their Children: Summary of Research Findings by Dr. Charlotte Patterson, American Psychological Association, <http://www.apa.org/pi/lgbt/resources/parenting.aspx#>:

In summary, there is no evidence to suggest that lesbian women or gay men are unfit to be parents or that psychosocial development among children of lesbian women or gay men is compromised relative to that among offspring of heterosexual parents. Not a single study has found children of lesbian or gay parents to be disadvantaged in any significant respect relative to children of heterosexual parents. Indeed, the evidence to date suggests that home environments provided by lesbian and gay parents are as likely as those provided by heterosexual parents to support and enable children's psychosocial growth.

Given the evidence, to deny GLBT Virginians the right to adopt on the same terms and under the same criteria as all other Virginians is discriminatory and wrong.

While Equality Virginia respects the right of individuals to practice faith beliefs without government interference, in this case the child placing agencies licensed to facilitate adoptions and foster care are functioning as agencies of the state. As agents of the state, when placing children, they are not engaged in private acts (as would be the case with respect to employment decisions). Therefore, the comments by many last minute objectors to the proposed rules are inapposite. Just as the state cannot deny GLBT citizens the equal protection of the laws, neither can the agents of the state, i.e., the licensed child placing agencies.

In conclusion, Equality Virginia respectfully requests that the Board approve for publication as final rules without delay the proposed changes to the child placing standards that include the non-discrimination provision.

Very truly yours,



James Parrish
Executive Director

cc: The Honorable Bob McDonnell, Governor of Virginia
Members of the Board of Social Services (by email)