



May 15, 2013

The Honorable Robert F. McDonnell
Governor of Virginia
Office of the Governor
Patrick Henry Building, Third Floor
1111 East Broad Street
Richmond, VA 23219

Dear Governor McDonnell:

AMERICAN CIVIL
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FOUNDATION OF
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Equality Virginia and the American Civil Liberties Union of Virginia congratulate you on your new initiative to increase awareness of adoption and foster care options in Virginia and to help reduce the number of foster care children who currently age out of care without being placed in a forever home. We agree with you that every child deserves the security and love that a family provides, and we applaud your initiative to ensure that 1,000 children find permanent homes this year.

At the same time, however, we believe that you and other policy makers need to accept responsibility for policy decisions informed by prejudice that are contributing to Virginia's dismal placement record by limiting the ability of loving families to adopt or foster and preventing many children from finding the homes they deserve.

We know that, currently, Virginia does not allow two people to adopt the same child unless they are a man and a woman who are legally married to each other. Single people can adopt or foster legally, but it appears that, despite your campaign, the state is actively discouraging these qualified unmarried adults (regardless of sexual orientation) from offering a child a forever home.

Add to this that, in 2012, you signed into law a bill that authorizes private adoption and foster care agencies that are funded with taxpayer dollars to screen and reject potential foster or adoptive parents and children in need of such services based on the agency's religious beliefs and/or moral principles. This allows state-sanctioned and state-funded discrimination against potential LGBT parents and others based on factors such as age, disability, or religion, and further limits the loving families available to adopt or foster a child.

Virginia's children in foster care deserve better than they are now getting from the Commonwealth. While Virginia's foster care rate (2.6 children per 1,000) currently is the lowest in the nation, this still means that Virginia has more than 5,000 children in foster care. More disturbingly, once a child is placed in foster care in Virginia, they are less likely than children in other states to gain placement in a forever home. According to the Virginia Department of Social Services' own website, Virginia leads the nation in the percentage of children who age out of foster care (32%), and the average time that children spend in foster care before they gain a loving home (18.1 months) is the second longest in the nation. If you are serious about changing these statistics and finding forever homes for the more than 1,600 children now in foster care who will age out of the system at 18, it's time to put

an end to policies and practices that discourage any qualified parents (single or married, gay or straight, young or old) from offering loving homes.

We urge you to take action, as Governor, to open the way to adoption and foster care for more prospective parents by ensuring that the only factor that ultimately determines the placement of children in foster care or adoptive homes is the best interests of the child.

We ask you to instruct your Department of Social Services that single people should not be discouraged from becoming loving parents. We urge you to ask why the Commonwealth has a policy, unsupported by evidence, that precludes two people (whether siblings or a loving LGBT couple) from adopting a child unless they are a legally married man and wife. The evidence is that children do equally well in LGBT families, and every child would be advantaged (financially and emotionally) by having two people accept legal and personal responsibility for their welfare.

This is the time of year when many people celebrate "family," recognizing Mother's and Father's Day, in turn. Please consider those who long to celebrate these days with purpose, as a mother or father to a child in need. Think about those children who wish to have an understanding family with which to celebrate.

You can help make sure that no child is homeless due to discrimination, and no devoted prospective parent is turned away because of prejudice or biased assumptions. We urge you to lead the effort to make this the future policy of the Commonwealth.

Very truly yours,



Claire Guthrie Gastanaga
Executive Director, ACLU of Virginia



James Parrish
Executive Director, Equality Virginia

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