

# EXHIBIT D

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

CALIFORNIA TRIBAL FAMILIES COALITION,  
 YUOK TRIBE, CHEROKEE NATION, FACING  
 FOSTER CARE IN ALASKA, ARK OF  
 FREEDOM ALLIANCE, RUTH ELLIS CENTER,  
 and TRUE COLORS, INC.,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity as  
 Secretary of Health and Human Services,  
 JOOYEUN CHANG, in her official capacity as  
 Acting Assistant Secretary for the Administration  
 for Children and Families, U.S. DEPARTMENT  
 OF HEALTH AND HUMAN SERVICES, and  
 ADMINISTRATION FOR CHILDREN AND  
 FAMILIES,

Defendants.

Case No. 20-cv-6018 (MMC)

**DECLARATION OF  
 AMANDA METIVIER  
 IN SUPPORT OF  
 PLAINTIFFS' MOTION  
 FOR SUMMARY JUDGMENT**

DECLARATION OF AMANDA METIVIER ISO  
 PLS.' MOT. FOR SUMM. J.  
 CASE NO. 20-cv-6018 (MMC)

1 I, Amanda Metivier, hereby state as follows:

2 1. I am the co-founder and a board member of Facing Foster Care in Alaska (“FFCA”) and  
3 I am currently acting as Executive Director.

4 2. I am submitting this Declaration in support of Plaintiffs’ Motion for Summary  
5 Judgement to prevent defendant agencies from implementing the May 12, 2020 rule titled “Adoption  
6 and Foster Care Analysis and Reporting System” (the “2020 Final Rule”).

7 3. **FFCA And Its Members.** FFCA is a 501(c)(3) nonprofit membership organization  
8 comprised of current and former foster youth. FFCA is dedicated to improving the foster care system  
9 in Alaska, developing leadership skills among current and former foster youth, and creating a  
10 network of peer support that is a lifeline for many foster youth and alumni. FFCA’s mission is to  
11 improve the foster care system through sharing members’ experiences, supporting and educating  
12 youth and social services, and implementing positive change in society as a whole.

13 4. FFCA members include youth currently in foster care and alumni who are willing to  
14 participate in FFCA and are dedicated to improving the foster care system for themselves and others.  
15 Membership represents a wide range of ages, including: Youth ages 15 and older who are currently  
16 in foster care; Foster care alumni ages 15 and older; and Alumni/Elders ages 21 and older. FFCA  
17 currently has around 300 active members.

18 5. As part of FFCA membership, foster youth and alumni gain working knowledge of  
19 Alaska’s child welfare system apart from that of their own experience, develop skills in public  
20 speaking and systemic reform-focused advocacy, and have a unique opportunity to connect with  
21 their peers throughout the state. Members connect with peers at FFCA annual retreats and FFCA  
22 has offered virtual opportunities for youth to gather and support each other during the pandemic.

23 6. FFCA members are expected to: advocate to better the foster care system; positively  
24 engage in a network of peer support; and educate and empower foster youth and society to make  
25

1 change. In addition, several FFCA members serve on FFCA's Statewide Youth Leadership Board,  
2 which includes representatives from various communities and regions of Alaska, a statewide  
3 representative, and a community relations liaison.

4 7. FFCA has two full-time staff, and we are in the process of hiring a third. We also hire  
5 foster youth and alumni as contractors and consultants to facilitate training and share their expertise.  
6 I currently serve as Executive Director (a voluntary position) and Sarah Redmon is Project  
7 Coordinator and Deputy Treasurer. Our new staff person will assist, as part of their duties, with  
8 disbursing money from HHS to youth who are eligible to receive independent living funds. As staff  
9 members, we also develop and facilitate trainings and retreats for FFCA members, coordinate  
10 requests for youth to speak at events (such as trainings), and manage training and other contracts.  
11

12 8. **FFCA's Mission-Driven Activities.** To advance its mission, FFCA staff and its  
13 members conduct various activities.

14 9. *First*, we regularly advocate at the state level for legislation, regulations, policies, and  
15 practices that will improve the safety, permanency, and well-being of youth in the foster care system,  
16 including LGBTQ youth and Native American / Alaska Native ("AI/AN") youth. As part of that  
17 work, FFCA mentors its members to improve their ability to advocate for themselves and for policy  
18 changes that will improve the experiences of foster youth. For example, FFCA members have  
19 successfully advocated for millions of dollars to be included in the state operating budget for youth  
20 who are older teenagers or young adults and are leaving (or transitioning out of) foster care.  
21

22 10. To bolster their advocacy efforts, FFCA provides foster youth and alumni opportunities  
23 to share their lived expertise about life in foster care with child welfare staff, government officials,  
24 and the broader community. Among other topics, efforts cover the foster youth's experiences and  
25 the systemic challenges they face, as well as how to positively engage and collaborate with such  
26 youth. For example, for many years FFCA members have shared their experiences in care at judicial  
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1 and magistrate conferences to educate judges about systemic issues for youth and to encourage  
2 judges to allow youth to participate in court hearings that directly impact their lives. Likewise, we  
3 have helped our members share their experiences with policy makers, including the State of Alaska  
4 Office of Children's Services ("OCS") (Alaska's state child welfare agency)<sup>1</sup> leadership, state  
5 legislators, and other community stakeholders as part of our efforts to improve the foster care  
6 system. Similarly, FFCA recently participated in a campaign to share information with the  
7 community about how youth's social security benefits are kept by the state and utilized to offset  
8 foster care costs, even though youth are placed into care involuntarily and through no fault of their  
9 own.  
10

11       11. *Second*, FFCA provides direct services and support to current and former foster youth  
12 through (i) education, (ii) peer support, and (iii) individual assistance navigating the foster care  
13 system and the transition to adulthood. As to education, we conduct various trainings and prepare  
14 educational materials that cover foster youths' rights and the resources available to them. For  
15 example, FFCA is actively engaging in efforts to educate foster youth and alumni about federal  
16 funds recently allocated by Congress for youth, like many FFCA members, whose health and  
17 income have been negatively impacted by the Covid-19 pandemic. As part of this effort, we have  
18 been informing youth about eligibility criteria for these funds and assisting them with access.  
19 Similarly, we contract with OCS to host quarterly retreats through OCS's Independent Living  
20 Program designed to help foster youth develop the skills and resiliency that are key to their  
21 transitions to adulthood. Through interactive sessions and presentations, FFCA's retreats focus on  
22 a variety of topics, such as the legal rights that youth have while in the foster care system,  
23 reproductive health, healthy relationships, cooking, career and job skills, and higher education.  
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28 <sup>1</sup> The Office of Children's Services is Alaska's state child welfare agency. Its mission is to ensure "the safety, permanency, and well-being of children by strengthening families, engaging communities, and partnering with tribes." See <http://dhss.alaska.gov/ocs/Documents/MissionVisionPrinciplesValues.pdf>.

1           12. As to direct individual assistance, we work to ensure that our members have access to  
2 services and that their needs are met. To that end, we field calls from FFCA members who are  
3 having problems while in foster care or who have exited care, but are in need of assistance related  
4 to homelessness, justice system involvement, lack of income to meet their basic needs, and other  
5 challenges. To assist them through those challenges, we help our members locate and navigate  
6 available resources, including by helping them find housing, assisting them with applications for  
7 government benefits (such as Medicaid), helping them navigate juvenile and criminal justice  
8 systems, and referring them to other support services (such as counseling or medical care). We also  
9 advocate for youth vis-à-vis their case workers, guardians ad litem, attorneys, and other  
10 professionals in the system to ensure that professionals understand and are responsive to the youth's  
11 needs.  
12

13           13. *Third*, FFCA provides community education and training to ensure that individuals  
14 involved in the child welfare system—such as child welfare staff, judges, child advocates, tribal  
15 advocates, service providers, educators, and foster parents—have the tools to support foster youth  
16 throughout their experience in the foster care system. In the past, this has included trainings on the  
17 ways in which caregivers can provide safe and supportive environments for LGBTQ youth and  
18 reduce the disproportionately high representation and poor outcomes of LGBTQ youth in care,  
19 including by increasing the number of safe and supportive foster homes. FFCA trainings have also  
20 addressed the ways in which caregivers can allow youth—especially Alaska Native youth—to  
21 practice their cultural traditions.  
22

23           14. **FFCA's Need for Sexual Orientation and ICWA Data.** As part of our advocacy and  
24 training efforts, we regularly rely on data produced by OCS to the Adoption and Foster Care  
25 Analysis and Reporting System ("AFCARS").<sup>2</sup> OCS also utilizes the information collected via  
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28 <sup>2</sup> Consistent with its obligations under federal law, OCS collects demographic information on youth in foster care (in

1 AFCARS in annual reports it issues about its performance and the outcomes of children in its care.<sup>3</sup>  
2 FFCA uses these reports and statewide data in our advocacy with legislators and other policy  
3 makers, as part of the trainings we provide, and in work groups and committees we participate in,  
4 such as the Alaska Court Improvement Project and the Child in Need of Aid Rules Committee.

5 15. Currently, however, OCS does not collect sexual orientation or gender identity  
6 information for youth in care. Nor does it collect information related to many important  
7 requirements of the Indian Child Welfare Act (“ICWA”). And, while the 2020 Rule mentioned the  
8 Child and Family Services Review (“CFSR”) as one way to measure the quality of services and  
9 experiences for LGBTQ+ youth in care as a substitute for AFCARS data collection, OCS’s most  
10 recent CFSR report contains no mention of LGBTQ+ youth or the terms sexual orientation or gender  
11 identity.<sup>4</sup> Accordingly, FFCA does not have access to such information.  
12

13 16. Obtaining this information is critical to FFCA’s ability to understand and address the  
14 challenges faced by its members. Through a series of surveys and through our work on behalf of  
15 individual members, FFCA has observed that LGBTQ+ and Alaska Native youth are  
16 overrepresented in Alaska’s foster care system and experience disproportionately negative  
17 outcomes.  
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19 17. For example, in a 2020 survey we conducted of our members, approximately twenty-  
20 five percent of those who responded identified as LGBTQ+. In the same survey, around forty percent  
21 of respondents identified as Alaska Native and, of those, the majority were enrolled in a tribe in  
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26 Alaska, young adults up to age 21 may remain in care voluntarily), which it reports to the Administration for Children  
27 and Families (“ACF”)—a division of the U.S. Department of Health and Human Services (“HHS”)—for inclusion in  
28 the AFCARS dataset.

<sup>3</sup> See Office of Children’s Services Annual Progress and Services Report Fiscal Year 2020, available at  
[http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2020\\_APSR.pdf](http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2020_APSR.pdf).

<sup>4</sup> Child and Family Services Review, 2017 Statewide Assessment, available at  
<http://dhss.alaska.gov/ocs/Documents/CFSR.pdf>.

1 Alaska.<sup>5</sup> A smaller subset of FFCA members who responded to the survey identified as Alaska  
 2 Native and LGBTQ+.

3 18. In a second survey of FFCA members about their experiences in care, those members  
 4 who identified as LGBTQ+, including some who are Alaska Native, reported experiencing  
 5 discrimination related to their identity and expression while in OCS's custody and placed out of  
 6 home. The discrimination they experienced ranged from being denied access to affirming services  
 7 (such as gender-affirming medical care) and community supports (such as attending local LGBTQ+  
 8 Pride celebrations), to requirements to attend "sex offender" treatment solely because of their sexual  
 9 orientation, to being sent to so-called "conversion" therapy to change their sexual orientation or  
 10 gender identity. In addition, LGBTQ+ members reported not having foster home placements  
 11 available to them on account of their identity, resulting in placement in a group home or other  
 12 congregate care settings. Some members had experienced homelessness due to lack of placements  
 13 that were supportive of their identities. A few LGBTQ+ members who responded to the survey  
 14 experienced multiple forms of discrimination related to their identity or expression while in care.  
 15

16 19. These survey results are consistent with the many requests for assistance and advocacy  
 17 that FFCA staff have received from our LGBTQ+ members on a regular basis since our founding  
 18 eighteen years ago regarding the discrimination, mistreatment, and harm they have experienced  
 19 related to their identity and expression while in care.  
 20

21 20. As an example, OCS recently placed a sixteen-year-old girl in its care, who is a FFCA  
 22 member, Alaska Native, and transgender, in a homeless shelter in Anchorage because there were no  
 23 foster homes available for her. Although OCS pays for beds in the shelter for youth in its care, they  
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 26 <sup>5</sup> FFCA can compare data about race from our own survey of FFCA members with data gathered by OCS because  
 27 AFCARS requires OCS to collect data about the race of children in care. For example, we know that our membership  
 28 is slightly less than the 63.6% of American Indian/Alaska Native children in care reported by OCS, but that our  
 membership does reflect the over-representation of AI/AN children in care, who represent only 27.9% of the general  
 population. See <http://dhss.alaska.gov/ocs/Documents/icwa/pdf/TSCG-Statewide.pdf>.



1 were all occupied and so our member was not allowed to remain in the shelter during the day and  
2 had no place to store her belongings. She had no ability to participate in virtual school and had to  
3 remain out in the community until 10 pm each night. I spent time contacting members of her team  
4 to encourage that they find a suitable placement and assisted her with navigating challenges she  
5 faced during the day due to lack of supervision and lack of educational programming. Before this  
6 recent placement, she had shared with me that placement in a homeless shelter was her biggest fear  
7 due to the high levels of violence and victimization faced by transgender women in those settings.  
8

9 21. FFCA staff have also been asked by Alaska Native FFCA members to advocate on their  
10 behalf when they experienced discrimination related to their identity while in foster care. For  
11 example, some foster homes have not been supportive of our members' cultural traditions, such as  
12 offering traditional food and engaging in religious practices. Other homes have declined to facilitate  
13 a connection with our members' parents, relatives, or other tribal members. And still others have  
14 failed to provide assistance with maintaining connections to our members' Alaska Native heritage  
15 and cultural practices. FFCA members who are LGBTQ+ and Alaska Native have also reached out  
16 for assistance related to harm and discrimination related to both their race and their sexual  
17 orientation, gender identity, or gender expression. These calls result in FFCA staff members  
18 devoting time and resources to addressing the immediate harm (such as by contacting OCS staff)  
19 and to advocacy related to the systemic issues, such as the lack of foster family homes that are  
20 consistent with ICWA preferences.  
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23 22. **The 2020 Final Rule's Harms to FFCA.** The 2020 Final Rule eliminated data elements  
24 from the 2016 AFCARS Rule that would have required OCS to ask all FFCA members in foster  
25 care age fourteen and older about their sexual orientation, allowing them to voluntarily disclose or  
26 not.<sup>6</sup> For those FFCA members in care who are Alaska Native, the 2020 Final Rule eliminated data  
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28 <sup>6</sup> The 2020 Rule also eliminated the requirement that agencies collect information about the sexual orientation of guardians, foster parents, and adoptive parents.

1 elements that would have required OCS to collect information in their cases related to ICWA, such  
2 as the tribe they are a member of<sup>7</sup> and whether their placement while in care is with relatives or  
3 tribal members (the preferred options under ICWA).

4         23. The 2020 Final Rule's removal of ICWA and sexual orientation data elements frustrates  
5 FFCA's mission by impeding its ability to advocate for an improved foster care system, obtain  
6 funding for its activities, and provide services to foster youth and young adults involved in the child  
7 welfare system, including FFCA's members. As a result, these activities are more time-consuming  
8 and less effective, diverting resources away from other services FFCA provides.

9         24. *First*, the removal of both types of data impairs FFCA's ability to effectively advocate  
10 for legislation, regulations, and policies that would improve outcomes and services for AI/AN youth  
11 and LGBTQ+ youth in the foster care system.

12         25. To begin, the removed data elements would help FFCA identify policies that would  
13 improve the foster care system by improving FFCA's understanding of the problems faced by  
14 AI/AN and LGBTQ+ youth. With respect to tribal youth, the ICWA implementation data would  
15 shed light on the precise ICWA protections that tribal youth in Alaska are not receiving. For  
16 example, having data that tracks the tribes to which youth belong would allow FFCA—through its  
17 role on committees that are pursuing the wellbeing of Alaska Native youth in care, such as the Tribal  
18 State Coalition—to understand and address regional differences in placements and outcomes.  
19 Likewise, data that tracks whether Alaska Native youth are placed with relatives or tribal members  
20 would allow FFCA to target its advocacy efforts to address particular issues around OCS's family-  
21 finding process and identifying placements that promote the wellbeing of Alaska Native youth.  
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28 <sup>7</sup> There are 229 federally recognized Tribes in Alaska, out of the "Alaska Native" demographic. There are many more Tribes that are not federally recognized. *See* <http://dhss.alaska.gov/ocs/Pages/icwa/default.aspx>.

1           26. For both types of youth, the ICWA and sexual orientation data would, when compared  
2 against data tracking other outcomes (e.g., homelessness and abuse), indicate the extent to which  
3 those youth disproportionately experience negative outcomes. If FFCA had access to such data, it  
4 would be able to shape its policy agenda to better address the needs of both tribal and LGBTQ+  
5 youth (and LGBTQ+ AI/AN youth) in the foster care system, including efforts to reduce the over-  
6 representation of both populations in care.  
7

8           27. In addition, the removed ICWA and sexual orientation data would improve FFCA's  
9 ability to effectively advocate for reform by providing forceful and persuasive evidence that such  
10 reform is necessary. For example, in a recent debate about whether services provide by OCS should  
11 be divided into two separate agencies, data related to the experiences and outcomes for LGBTQ+  
12 youth and Alaska Native youth would have helped FFCA articulate the harm to these youth caused  
13 by OCS having a less unified system.  
14

15           28. For LGBTQ+ youth in particular, the sexual orientation data would indicate how many  
16 LGBTQ+ youth are in Alaska's foster care system, which would provide an evidentiary basis to  
17 rebut assertions that policy reform is unnecessary due to a supposed low number of LGBTQ+ youth.  
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19           29. Indeed, we have historically faced resistance when trying to pursue reforms because of  
20 a lack of data on LGBTQ+ youth. Further, for the past three years, FFCA has developed legislation  
21 that would establish a statutory bill of rights for youth in care, including protection against  
22 discrimination on the basis of race, religion, sexual orientation, and gender identity, among other  
23 protected classes. We also are working on court rules, as part of a committee consisting of child  
24 welfare stakeholders, regarding when children in care are entitled to appointment of an attorney. As  
25 part of that effort, we are encouraging LGBTQ+ identity for older youth to be a criteria due to the  
26 challenges our LGBTQ+ members and other LGBTQ+ youth face in care. As we have worked on  
27 each of these reform initiatives, we have been asked how many LGBTQ+ youth are in the State of  
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1 Alaska's care and faced resistance related to the importance of these initiatives because we could  
2 not demonstrate the need with data.

3 30. Despite FFCA having shared the challenges LGBTQ+ youth face in care for over  
4 eighteen years with OCS, OCS does not include any mention of LGBTQ+ youth or the terms sexual  
5 orientation and gender identity in its Child Protective Services Manual,<sup>8</sup> its Resource Family  
6 Handbook,<sup>9</sup> its "Transforming Child Welfare Outcomes for Alaska Native Children" strategic  
7 plan,<sup>10</sup> or its most recent Child and Family Services Review Report, or its Annual Progress and  
8 Services Report for 2019<sup>11</sup> or 2020.<sup>12</sup> OCS's Annual Progress and Services Reports for 2019 and  
9 2020 cite to AFCARS data when describing the demographics of youth in their care and the  
10 outcomes of youth in their care. Without a requirement to collect data related to sexual orientation,  
11 we will continue to have to devote resources to convince OCS to focus its efforts on reducing  
12 overrepresentation, preventing disproportionately harmful experiences and outcomes, and including  
13 LGBTQ+ information in manuals and handbooks.

14 31. Likewise, the ICWA data that was removed by the 2020 Final Rule would improve  
15 FFCA's ability to advocate because it would provide persuasive evidence of the need to improve  
16 the state's implementation of ICWA. For example, in its work to improve Alaska's judicial  
17 processes for foster care through the Court Improvement Program, FFCA could cite to the removed  
18 ICWA data to advocate for reforms that would improve the state courts' implementation of ICWA,  
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23 <sup>8</sup> Alaska Child Protective Services Manual, available at  
<http://dhss.alaska.gov/ocs/Documents/Publications/CPSManual/cps-manual.pdf>.

24 <sup>9</sup> Alaska Resource Family Handbook, available at  
<http://dhss.alaska.gov/ocs/Documents/Publications/pdf/ResourceFamilyHandbook.pdf>.

25 <sup>10</sup> "Transforming Child Welfare Outcomes for Alaska Native Children, Strategic Plan 2016 – 2020, Report and  
26 Recommendations, April 2016, available at [http://dhss.alaska.gov/ocs/Documents/Publications/pdf/AK-Transforming-Child-Welfare-Outcomes\\_StrategicPlan.pdf](http://dhss.alaska.gov/ocs/Documents/Publications/pdf/AK-Transforming-Child-Welfare-Outcomes_StrategicPlan.pdf).

27 <sup>11</sup> See 2019 Annual Progress & Services Report, State of Alaska, Department of Health and Human Services, Office  
of Children Services, available at  
[http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2019\\_APSR.pdf](http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2019_APSR.pdf).

28 <sup>12</sup> Office of Children's Services Annual Progress and Services Report Fiscal Year 2020, available at  
[http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2020\\_APSR.pdf](http://dhss.alaska.gov/ocs/Documents/Publications/pdf/2020_APSR.pdf).

1 such as by providing training on the evidentiary findings that courts must make before removing a  
2 Native Alaskan child from their home.

3 32. Finally, the removed data would provide a useful benchmark that would allow FFCA to  
4 determine whether more advocacy in a particular area is warranted. If OCS collected and reported  
5 sexual orientation and ICWA data, FFCA could measure OCS's performance for LGBTQ+ youth  
6 and Alaska Native youth. Likewise, FFCA could compare outcomes for such youth with outcomes  
7 for their peers who are White or who do not identify as LGBTQ+.

9 33. In each of the advocacy efforts referenced above, by removing the ICWA and sexual  
10 orientation data elements from AFCARS, the 2020 Final Rule renders FFCA's advocacy efforts less  
11 effective and more time-consuming than they otherwise would be, forcing FFCA to divert resources  
12 away from its other activities (such as providing peer-to-peer support for youth or training for  
13 professionals).

14 34. *Second*, the removal of the ICWA and sexual orientation data impedes FFCA's ability  
15 to improve its direct services to youth, including the trainings it conducts for youth. If FFCA had  
16 access to the abandoned data, it would better understand the needs of, and problems faced by, both  
17 tribal and LGBTQ+ youth. This would allow FFCA to shape the content of its trainings to address  
18 those needs. For example, if the removed sexual orientation data, when compared against other  
19 AFCARS data elements, indicated that LGBTQ+ youth disproportionately experience negative  
20 outcomes, such as homelessness, FFCA might adapt its training to include content to address such  
21 issues. By removing the ICWA and sexual orientation data elements from AFCARS, the 2020 Final  
22 Rule renders FFCA's direct services less effective than they otherwise would be.

23 35. *Third*, the removal of the ICWA and sexual orientation data impedes FFCA's ability to  
24 improve trainings for adults involved in the child welfare system, including child welfare staff and  
25 foster parents. But for the 2020 Final Rule, FFCA would use the eliminated data to improve its  
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1 trainings on the unique challenges faced by AI/AN children and the ways in which caregivers can  
2 provide safe and supportive environments for LGBTQ+ youth. Specifically, FFCA would rely on  
3 the data to convey the significance of challenges faced by tribal and LGBTQ+ youth, would update  
4 the trainings, such as the one we recently had at the Alaska Magistrates Conference, to fully capture  
5 the nature of those challenges as reflected in the removed data, and would modify its  
6 recommendations regarding how to support youths accordingly. For example, at a recent training  
7 provided to new caseworkers through FFCA's contract with the state, trainees were asked to  
8 introduce themselves and the pronouns they use. Some resisted and asked for the justification for  
9 sharing their pronouns. When informed that sharing pronouns with youth clients would help some  
10 LGBTQ+ youth feel seen and affirmed, workers asked why such practice was necessary. If FFCA  
11 had access to the sexual orientation data, FFCA could have responded definitively about the  
12 numbers of LGBTQ+ youth in care—and their negative outcomes—to provide an important  
13 justification. By removing the ICWA and sexual orientation data elements from AFCARS, the 2020  
14 Final Rule renders FFCA's training efforts less effective than they otherwise would be.

17 36. The 2020 Final Rule also harms FFCA by impairing its ability to obtain funding.  
18 Currently, FFCA is unable to apply for certain LGBTQ+-related grants that require applicants to  
19 submit information on the number of LGBTQ+ youth that would be served by the applicant. For  
20 example, FFCA would have applied for the Pride Foundation Grant (intended to support  
21 organizations serving LGBTQ+ populations) in past years in order to fund mental health services  
22 for LGBTQ+ youth, but was unable to do so because the grant application required information on  
23 the number of LGBTQ+ youth that FFCA would be able to serve in Alaska's foster care system.  
24 But for the 2020 Final Rule, FFCA would be able to apply for such grants going forward.

26 37. Similarly, FFCA is currently working on an application for a grant from the Andrus Fund  
27 to prioritize Alaska Native communities. With data from the 2016 Rule, FFCA would be better able  
28

1 to articulate the outcomes of its Alaska Native members as compared to their non-Native peers. This  
2 would help to demonstrate FFCA's need for funding for additional advocacy. Further, with data  
3 regarding sexual orientation and comparing it to race and ethnicity we would be able to include  
4 specific information about the experiences of Alaska Native LGBTQ+ members in the Andrus Fund  
5 grant application. Without such data, it is difficult for FFCA to fully articulate the need and how its  
6 activities and advocacy would address disparities.  
7

8 38. I declare under penalty of perjury under the laws of the United States that the foregoing  
9 is true and correct to the best of my knowledge.

10 Dated: May 14, 2021

Respectfully submitted,

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Amanda Metivier