



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

March 3, 2026

Dear Colleague,

As the administrator of federal funding for services under Titles IV-B and E of the Social Security Act and the Child Abuse Prevention and Treatment Act (CAPTA), and certain block grants that States can use to support their state child welfare systems, the Administration for Children and Families (ACF) has a vested interest and duty in ensuring funds are used appropriately. States have a duty to protect children from abuse and neglect while safeguarding parental rights and federal resources. Recently, ACF has received reports of certain states removing children from their homes because the parent disagreed with the rejection of the child's sex, including sex-rejecting interventions. In one shocking incident, a child committed suicide after being removed from her home and isolated from her mother. ACF is writing to remind states of their duties to parents and children. States receiving federal child welfare funding are obligated to ensure that investigations and removals are grounded in objective evidence of harm or imminent risk, and that parents are afforded their full procedural and substantive rights.

ACF encourages states to adopt a definition of "abuse and neglect" that clearly defines what the term does and does not mean. For example, a state's definition should provide that treating a child in a manner consistent with his or her sex and refusing to condone sex-rejecting interventions does not constitute "abuse." CAPTA defines child abuse and neglect as "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation . . . or an act or failure to act which presents an imminent risk of serious harm . . ." 42 U.S.C. § 5101 Note, Sec. 3(2). The plain language of the statute (i.e. "at a minimum") provides that Congress intended for states to view this definition as a floor. In removing a child over parents' refusal to condone sex-rejecting interventions or otherwise affirm a child in an identity that does not correspond with his or her sex, states may be usurping parental rights and potentially misinterpreting the CAPTA. As the agency that oversees the CAPTA, it is ACF's position that removing a child solely because a parent declines to affirm a child in an identity that does not correspond with his or her sex, refuses to condone sex-rejecting interventions for the child, or otherwise seeks to exercise reasonable parental judgment regarding their child's upbringing does not constitute abuse or neglect under CAPTA and a state's refusal to adhere to this position could result in a reduction of CAPTA state funding.

Lastly, parents have free exercise rights under the First Amendment, and religious non-discrimination rights under certain federal laws, which protect individuals from government interference in the practice of their religion. States may not violate these rights by removing a child from their parents' custody based solely on the parents' religious beliefs and objection to sex-rejecting ideology. This alone does not constitute child abuse or neglect. States may not

violate parents' First Amendment rights or other legal rights in an effort to advance the states' own sex-rejecting gender identity agenda.

ACF remains committed to protecting children from abuse and neglect while respecting family integrity, parental rights, and the rule of law. States should conduct a thorough review of their child welfare policies consistent with this letter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Adams". The signature is written in a cursive, flowing style with a large initial "A" and "J".

Alex J. Adams
Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services