



2833 Smith Ave. Ste. 225
Baltimore, MD 21209

301-727-2700

November 27, 2023

Mr. Jeff Hild
Acting Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, S.W., Washington, D.C. 20201
Submitted electronically

**Re: Safe and Appropriate Foster Care Placement Requirements for Titles IV-E and IV-B
RIN 0970-AD03
Docket ID ACF-2023-0007**

Dear Mr. Hild,

The Coalition for Jewish Values (CJV), representing over 2,500 traditional, Orthodox rabbis in matters of public policy, strongly opposes the proposed requirements for Title IV-E/IV-B agencies.

The proposed rules will effectively disenfranchise observant Jewish families from providing foster care, due to their unwillingness to accord with modern redefinitions of gender and identity that contradict the moral values to which Judaism has adhered for millennia. The proposed rule characterizes opposition to disruption of natural biological development as “hostility” and “mistreatment,” and leaves unresolved questions regarding when immature children should be able to override decisions of their biological parents or current caregivers.

Nowhere in Jewish tradition or Biblical texts is credence given to the notion that a person’s sexual orientation or gender classification constitutes their *identity*. This refers both to the desires of a person to partner with another of the same sex, as well as the idea that a person with gender dysphoria is truly of the opposite sex.

In discussing the creation of human beings, the Torah states, “G-d created man in His image...male and female He created them.”¹ In the Medrash, the rabbis explain that G-d initially

¹ Genesis 1:27

created Adam as one androgynous being, and then split them into male and female,² intended to reunite into one flesh.³ This reunion happens through having children.⁴ The only relationship sanctioned by Torah is that which, ideally, results in children conceived in a matrimonial relationship and raised in a two-parent home. All aspects of LGBTQIA+ reject these Biblical norms.

The Torah also states that “G-d saw all that He had made, and behold it was very good.”⁵ From this, the rabbis teach us that G-d created the world and all that was in it with wisdom and perfection, including our bodies. The Torah prohibits Jews from even receiving permanent tattoos,⁶ much less castration.⁷ This is why Jewish law does not recognize any form of gender-altering surgery, cross-dressing, or gender identification that is contrary to biological sex. Even cross-dressing is Biblically prohibited.⁸ And same-sex relationships, of course, have an explicit Torah prohibition of their own.⁹

Under the proposed changes, foster parents would be mandated to connect their foster children to LGBTQI+ supportive resources and events, regardless of their identity, orientation, or interest. This conflicts with the aforementioned traditional Jewish requirements and values, and would prevent religious parents from fostering children. Startlingly, the changes propose that caseworkers and supervisors be reeducated in contradicting biological sex determinations and facilitation of services for those desiring same-sex relationships. Traditional Judaism, of course, frowns on any form of sexual relationship during the formative years, or outside matrimony.

No such protection, of course, is offered for children from traditional homes. They may be sent to foster homes that teach values in direct conflict with those of their families, especially in this area. Under the proposed law, children could undergo gender-transitioning surgery, and be prescribed puberty blockers and cross-sex hormones without their biological parents’ consent.

For these reasons, we ask that this proposed resolution be rejected, both in order to protect the religious liberty of both the biological and foster parents, and to prevent harm to children

² Bereishis Rabbah 8:1

³ Genesis 2:24

⁴ Commentary of Rabbi Shlomo Yitzchaki

⁵ Genesis 1:31

⁶ Leviticus 19:28

⁷ Leviticus 22:24

⁸ Deuteronomy 22:5

⁹ Leviticus 18:22; regarding women see Sifra, Acharei Mot 13:10 and Mishneh Torah, Issurei Biah 21:8.

themselves. Given the current shortage of safe and affectionate foster homes, it is imperative that religious couples have the opportunity to provide a warm environment for children in need, and that children be able to enter and go through the foster system, without having to surrender their religious values.

Yours sincerely,

A handwritten signature in black ink that reads "Yaakov Menken". The signature is written in a cursive style with a large initial "Y" and "M".

Rabbi Yaakov Menken
Managing Director