

## FINANCE COMMITTEE QUESTIONS FOR THE RECORD

### CHAIRMAN WYDEN

#### Hearing on the nominations of:

**Robert Gordon**, *for HHS Assistant Secretary for Financial Resources*  
**January Contreras**, *for HHS Assistant Secretary for Children & Families*  
**Rebecca Jones Gaston**, *for HHS Commissioner for Children, Youth & Families*

**February 9, 2022**

*For Ms. Contreras and Ms. Jones Gaston:*

#### **Question 1: Mental Health**

One cross-cutting issue the Finance Committee is looking into is mental health. This week, we hosted the Surgeon General to hear specifically about his recent advisory on youth mental health. This is going to be a major priority for the Committee moving forward, both in terms of continuing to implement the Family First Prevention Services Act and looking forward to the reauthorization of Title IV-B child welfare programs by the end of this Congress.

**Can you both address how you will prioritize youth mental health needs in your work implementing Family First, and within the Title IV-B programs?**

**Are there other initiatives focused on youth mental health you plan to implement?**

*Answer from Ms. Contreras:* I believe ACF is uniquely positioned to play a key role in addressing the youth mental health crisis in this country. If confirmed, I would work to break down silos among various ACF programs, including child welfare, runaway and homeless youth, Community Service Block Grants, and early childhood to comprehensively address youth mental health and support whole family approaches to wellness. I would also support ACF's leadership role on the HHS Behavioral Health Coordinating Committee Subcommittee on Youth and Children, including its focus on identifying opportunities to support resilience in children and youth affected by trauma and disasters, including the COVID-19 pandemic. The upcoming reauthorization of IV-B and the continued implementation of the Family First Prevention Services Act provide important opportunities to focus on prevention and family well-being. In addition, if confirmed, I would work with SAMHSA, CDC, and others to target our resources and address mental health and the impacts of adverse childhood experiences and trauma, in particular, more effectively. I look forward to partnering with you on this issue.

**United States Senate Committee on Finance**  
**Subcommittee on Fiscal Responsibility and Economic Growth**  
**Hearing to “Consider the Nominations of Robert Michael Gordon, of the District of Columbia, to be an Assistant Secretary of Health and Human Services, January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services, and Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services”**  
**February 09, 2022**

**Question for the Record for Ms. January Contreras**

**Senator Cantwell**

**Question 1**

One of the harsh realities that the COVID-19 pandemic exposed is the lack of affordable child care options in the United States. During the pandemic, parents, mostly women, were forced to balance online learning, their own jobs, taking care of their children, and many other tasks.

This has led to women quitting the workforce in unprecedented numbers during the pandemic so that they can take care of the needs of their families. According to the National Women’s Law Center, women in the United States have lost more than 5.4 million net jobs since February, 2020.

In Washington state and many other parts of the country, child care was already difficult to find even before COVID-19. Some parents end up having to place their children on waitlists while others can’t find any affordable or available options.

It is estimated that the average cost of licensed infant care can consume about 20 percent of an average Washington family’s income. The child care industry in my home state is also facing high staff turnover caused by low wages and other concerns.

The lack of child care does not just take a toll on women and families, but also on the economy. I have supported legislation to provide tax credits for working families who may need help paying the cost of child care. I was also pleased to see that the House-passed Build Back Better Act included a \$100 billion investment to support high quality child care.

We must explore more options to improve child care access in the United States to make families’ lives easier, and also to help with the social and economic recovery from the COVID-19 pandemic.

***In your opinion, what are the main causes of the child care shortage today? How has COVID-19 made the situation worse?***

***Answer:*** If confirmed, I want to partner with you to bring affordable, high-quality child care within reach for all families. The COVID-19 pandemic has placed a severe strain on our child

care system, which relied on razor thin margins to stay open. Providers are faced with increased costs to pay for PPE, cleaning supplies, and ventilation, as well as staff shortages and turn-over. These challenges mean it can be hard for families to find and afford the care they need.

*If confirmed, how would you work to improve affordable child care access through your respective roles? What approach would you take to fix this issue?*

**Answer:** A stable child care sector is essential for both the healthy development of children and the ability of parents to fully participate in the workforce. If confirmed, I would listen to providers to understand their needs, and work across ACF programs and with Congress to strengthen support for child care providers and families to address this issue.

## Senator Casey Questions for the Record

Senate Finance Committee Nominations Hearing, February 9, 2022

*Question for January Contreras re: domestic violence programs:*

Family and domestic violence programs provide essential support to help people leave unsafe relationships and reestablish their lives. With Senator Murkowski, I am working to reauthorize the Family Violence Prevention and Services Act, the main federal funding stream for emergency shelter and assistance for victims of family violence, including children of victims of domestic violence. Our legislation includes improvements to allow these programs to address the large unmet demand for services.

- **Based on your prior experience, how will you work in this role to ensure that we are reaching victims of family violence and strengthening the services we provide to them?**

*Answer:* Thank you for co-leading reauthorization of the Family Violence Prevention and Services Act. During my career, I have represented many victims of intimate partner violence and worked to provide the services victims and survivors need to increase safety and to rebuild their lives. ACF's family violence work is a critical part of the agency's mission and, if confirmed, I would look forward to enhancing the delivery of services to victims of domestic violence, including through ensuring that services are accessible to all victims and that they are delivered in a culturally competent manner.

**Questions for the Record of Senator Sheldon Whitehouse**  
Nomination of Robert Gordon, January Contreras, and Rebecca Jones Gaston  
Senate Committee on Finance  
February 9, 2022

**Questions for January Contreras and Rebecca Gaston**

**How can the Administration for Children and Families work to improve housing stability for families and young adults living in unstable or unsafe housing or who are homeless?**

*Answer from Ms. Contreras:* All families and young people deserve the security of having a safe place to call home. ACF plays a significant role in providing services to children and families experiencing homelessness. If confirmed, I commit to working within ACF, and with partner agencies such as the Department of Housing and Urban Development and other partners, to ensure our most vulnerable children, youth, and families, including those experiencing homelessness, are supported.

**Do you agree it is important to embed a focus on diversity, cultural competency, and equity in the programs administered by ACF? How will you incorporate these metrics into your evaluations of programs administered by ACF?**

*Answer from Ms. Contreras:* The Biden-Harris Administration and Secretary Becerra are committed to advancing equity and support for underserved communities, as reflected in the Executive Order the President signed on his first day in office, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” I agree this focus is important, and, if confirmed, I will strive to advance this goal in all ACF work so that we can deliver services and programming in the ways that best make a positive difference in the lives of the children and families we serve. I would also work to advance ACF’s recent Information Memorandum, Equity in Action: Prioritizing and Advancing Racial Equity and Support for Underserved Communities, which outlines ACF’s unequivocal commitment to address disparities.

**What is your position on increasing flexibility for States to provide benefits youth and young adults under the Chafee Foster Care for Successful Transition to Adulthood Program? What is your position on extending benefits to young adults exiting foster care as was provided through the Division X of the Consolidated Appropriations Act of 2021? Do you see this initiative as requiring additional funding?**

*Answer from Ms. Contreras:* The supports offered by the Chafee program for older foster youth and those transitioning out of care can be the difference between former foster youth going to college or getting a job and youth ending up without a roof over their heads. No youth should exit foster care to homelessness. The increased resources and flexibilities Congress provided have been critical and, if confirmed, I would work to examine what worked among those flexibilities and hear from those young people about their experiences.

**If confirmed how will you expand the list of evidence based programs that qualify for reimbursement under the Family First Prevention Act (Title IV E) program?**

*Answer from Ms. Contreras:* If confirmed, I will work to ensure that the Title IV-E Prevention Services Clearinghouse has adequate resources to be able to review and rate programs that support child and family well-being in a timely manner. I believe this must include programs that are focused specifically on serving historically underserved communities. I will also support the continued development of evidence-based practices through support of quality evaluation.

**Are there any additional wraparound services that the federal government should provide to support families where a parent has a SUD?**

*Answer from Ms. Contreras:* If confirmed, I will work across ACF programs and with other entities within HHS, including SAMHSA, to support families impacted by substance use disorder. In addition, I am committed to fully implementing the Family First Prevention Services Act to deliver evidence-based supports to more parents struggling with substance use disorder.

**If confirmed, what steps would you take to provide parents with the tools to protect their children from counterfeit pills and other narcotics?**

*Answer from Ms. Contreras:* If confirmed, I will work with other Operating Divisions within the Department, including FDA, SAMHSA, and the CDC, to counteract the impacts of illicit drug use on the children and families ACF serves.

## QUESTIONS FOR THE RECORD

Senator Cortez Masto

Hearing to Consider the Nominations of Robert Michael Gordon, of the District of Columbia, to be an Assistant Secretary of Health and Human Services, January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services, and Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services

February 9, 2022

Senate Finance Committee

### Questions for January Contreras and Rebecca Jones Gaston

Local jurisdictions are working hard to get Families First programs off the ground. So many of the challenges they face don't need a statutory change, but rather willing agency partners. **Will you commit to working with those states and counties to ensure that the Administration is doing everything possible to support a smooth implementation process?**

*Answer from Ms. Contreras:* If confirmed, successful implementation of the Family First Prevention Services Act will be a top priority. This law represents a unique opportunity to re-orient our child welfare system toward prevention and family well-being. I am committed to working with states, counties, tribes, and other partners to provide the guidance and technical assistance needed for all communities to benefit from this law.

Recently, the Finance Committee heard from Dr. Vivek Murthy, the US Surgeon General, about the children's mental health crisis. **What do you see as your role in addressing kids' mental health needs? Based on your previous experience, where can we do better in breaking down silos between federal programs and arming you with the resources you'll need?**

*Answer from Ms. Contreras:* If confirmed, I would work across ACF programs and with other Operating Divisions within the Department, including SAMHSA and the CDC, to integrate support for youth mental health and addressing childhood trauma into all of our work. ACF is uniquely positioned to reach families and young people where they are and connect them with the supports they need to address mental health needs. I look forward to partnering with you on this important issue.

**Questions for the Record - Senator Warren**  
**Hearing to Consider the Nominations of Robert Michael Gordon, of the District of Columbia, to be an Assistant Secretary of Health and Human Services, January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services, and Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services**  
**February 9, 2022**

**For Ms. January Contreras**

Having founded the Arizona Legal Women and Youth Services, which provides legal representation to unaccompanied children and other vulnerable young people, you undoubtedly understand the importance of legal representation for unaccompanied children. Unfortunately, many unaccompanied children in immigration proceedings lack attorneys.

In an oversight hearing in the House of Representatives last year, Acting Assistant Secretary of ACF JooYeun Chang affirmed the importance of legal representation for unaccompanied children and committed to working with Congress to ensure legal representation for all unaccompanied children.

- 1. If confirmed as Assistant Secretary of ACF, do you similarly commit to working to ensure legal representation for all unaccompanied children, and to requesting robust funding from Congress for this purpose?**

*Answer:* Ensuring equitable access to justice is the heart of my career. If confirmed, the safety and well-being of unaccompanied children referred to ACF's Office of Refugee Resettlement (ORR) will be a top priority, and that includes doing everything possible to provide access to legal representation for children referred to ORR. If confirmed, I will work with Congress as well as the non-profit sector to increase access to legal representation for unaccompanied children and be transparent with Congress about the resources required to do so.

Following their release from ORR custody to the care of family members, unaccompanied children must prepare their legal cases and attend immigration proceedings, often while coping with significant trauma and a range of transitions. Post-release case management services, including social services supports, medical and mental health services, and family reunification support, can provide children with much-needed assistance.

- 2. If confirmed as Assistant Secretary of ACF, what steps will you take to ensure that all children have access to vital post-release services?**

*Answer:* Children referred to ORR have often experienced significant trauma in their lives. Many children are fleeing unimaginable violence in their home countries and have endured a long journey to the United States by themselves. If confirmed, I am committed to protecting the safety and well-being of all children referred to ORR. The provision of post-release services is a critical part of the work that ORR does for care to unaccompanied children, and if confirmed, I



will work with you and other partners to enhance the scope of those services, expand the provision of services to reach more children and families, and be transparent with Congress about the resources required to do so.

- 3. To date, some unaccompanied children are leaving ORR care following placements in temporary facilities or emergency intake sites that lack comprehensive services. If confirmed, what steps will you take to ensure that these children are quickly connected to post-release services upon reunification with a sponsor to ensure that they can obtain legal orientation, representation, and other social services supports?**

*Answer:* If confirmed, I will work to protect the safety and well-being of all children referred to ORR, and that includes ensuring that all types of placements adhere to the law, are appropriate places for children, and follow child welfare best practices. Under my leadership, I would endeavor to expand ORR's traditional licensed bed capacity, including focusing on family-based foster care, in order to reduce ORR's reliance on emergency intake sites. So long as emergency intake sites are required, I will work to ensure they can provide comprehensive services to care for unaccompanied children. ACF has a legal and moral obligation to provide care to the children referred to ORR, and I take those obligations very seriously.

**Ranking Member Mike Crapo**  
**Questions for the Record**  
**February 11, 2022**

**January Contreras**

According to the Adoption Foster Care Analysis Reporting system, the foster care system has served over 600,000 children each year for the past ten years. For many states, faith based organizations provide the majority of child welfare services to these foster children. In order to best prioritize the well-being and safety of this vulnerable population, the federal government must continue to collaborate and support a wide variety organizations dedicated to providing these services.

- **Can you please speak to the important role that faith-based providers play in the child welfare system?**

*Answer:* Faith-based providers are critical to the child welfare system. Throughout my career, I've worked closely with the faith community and understand how essential they are to our safety net. Our nation's vulnerable children and families are best served with a robust network of providers ready to support them. If confirmed, I look forward to listening to and working closely with faith-based providers.

- **If confirmed, how will you communicate and collaborate with faith-based organizations and providers, so they can continue to help serve this vulnerable community?**

*Answer:* Faith-based providers are critical to the child welfare system. Throughout my career, I've worked closely with the faith community and understand how essential they are to our safety net. If confirmed, I look forward to listening to and working closely with faith-based providers.

**Senator John Cornyn**  
**Senate Finance Committee**  
**Nominations Hearing – Gordon/Contreras/Jones Gaston**

**UACs/ORR**

- **Ms. Contreras**, as Assistant Secretary for Children and Families at HHS, you would oversee the Office of Refugee Resettlement.
- ORR is charged with the care and placement of unaccompanied migrant children apprehended along the southwest border.
- In 2015, the HSGAC Permanent Subcommittee on Investigations published a report that identified a number of incidents in which children were placed with abusive sponsors.
- In one incident, HHS placed a number of children into the hands of a ring of human traffickers who then forced them to work on egg farms in Ohio.
- In another incident, a Guatemalan boy was placed with the *partner* of his maternal uncle. The uncle and his partner forced the boy to work without pay for four months, and threatened to accuse him of viewing child pornography if he did not continue working. No background check was run on the uncle.
- Last year, the Administration terminated a Memorandum of Agreement (MOA) between HHS and the Department of Homeland Security.
- Under that MOA, ORR had been required to request information from ICE about all potential sponsors and adult members of potential sponsor's households before making a placement.
- While I understand that undocumented members of potential sponsors' households may be nervous about submitting to a background check, we really need to prioritize the safety of the children here.
- **As Assistant Secretary, what actions would you take to ensure that potential sponsors and all adult members of their households are properly vetted?**

**Answer:** The core of my career has focused on protecting the most vulnerable people in our society, including immigrant children. If confirmed, the safety and well-being of all unaccompanied children referred to ORR will be a top priority. Ensuring these children's safety and well-being is both the legal duty and moral obligation of ACF. ACF is required to release children to an appropriate and vetted sponsor without unnecessary delay and in a manner consistent with the law. When a child enters care, I will focus on placing the child safely with their parents, relatives, or other sponsors as expeditiously as possible and require all necessary background checks and other safeguards in the sponsor assessment process to protect the child's safety and ensure the appropriateness of the placement.

**Foster Youth**

**To Jones Gaston and Contreras**

**Ms. Contreras and Jones Gaston** – you both will be charged with carrying out policies impacting foster youth. These individuals are among the most vulnerable Americans, and we need to make sure the foster care system works for them, not the other way around.

Sadly, we have thousands of children in the foster care system who go missing each year. In 2019, there were a total of 423,997 children in foster care. Of that population, about 1 percent or 4,115 children were designated as “runaway.” Some foster care advocacy groups do not think these data on runaways are accurate as some cases are preemptively closed out, even though many of those children are likely to return. However, the data is not conclusive and remains incomplete.

Fortunately, the Adoption and Foster Care Analysis and Reporting System (AFCARS) will soon be updated to more accurately reflect where a child stands in the foster care system. I plan on sending the administration a letter regarding this change and how we can get this up and running as soon as possible. I am also working on draft legislation to create a feedback loop from states to ACF, which will provide technical assistance at the Children’s Bureau to update best practices on preventing and mitigating runaway episodes as well as caring for missing and runaway foster youth.

- **How do you plan to address the issue of missing and runaway foster youth?**

*Answer from Ms. Contreras:* I strongly believe in the importance of data and evidence in driving decisions in the child welfare system and doing what is in the best interests of children. If confirmed, I will work with you to continue to ensure that AFCARS is collecting and reporting data that will help us to keep children safe and move us toward a system of child and family well-being. It is critical that we both account for children who have left their placements and understand why they have left so we can provide the support they need to stay safe. You have my commitment to work on this issue with you.

- **If confirmed, will you prioritize accelerating the update to AFCARS and provide Congress with periodical progress reports?**

*Answer from Ms. Contreras:* If confirmed, I commit to keeping you and the committee up to date about all programs within ACF. I understand the critical importance of AFCARS and would look forward to working closely with you on all needed updates to the system.

## UNITED STATES SENATE COMMITTEE ON FINANCE

**Hearing to Consider the Nominations of Robert Michael Gordon, of the District of Columbia, to be an Assistant Secretary of Health and Human Services, January Contreras, of Arizona, to be Assistant Secretary for Family Support, Department of Health and Human Services, and Rebecca E. Jones Gaston, of Oregon, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services**

**Senator Richard Burr, Questions for the Record**

**Question for January Contreras, nominee to be Assistant Secretary for Family Support, Department of Health and Human Services**

1. If you are confirmed you will play a key role in the development of federal policy related to youth in the child welfare system.

Senator Feinstein and I have introduced a bill to ensure that foster children placed in qualified residential treatment programs, or QRTPs, with more than sixteen beds would not lose eligibility for Medicaid because of an antiquated law often called the ‘IMD exclusion.’

QRTPs are required by law to have a trauma-informed treatment model designed to address the clinical needs of foster children with serious emotional or behavioral issues. In other words, these programs are legally required to provide a clinically-appropriate level of care for vulnerable foster children who are in serious need of such care.

**Do you believe that children receiving treatment in QRTPs should lose their Medicaid coverage if that QRTP has more than 16 beds?**

*Answer:* If confirmed, I am committed to listening to states, counties, and providers about challenges and opportunities related to the implementation of the Family First Prevention Services Act, including the Qualified Residential Treatment Program provisions. Given the complex interactions with Medicaid, I am committed to working with CMS and other parts of the Department to provide clear and responsive guidance to the field. My top priority will be ensuring that children receive the type of care they need in a setting that is most appropriate to the delivery of that care. If confirmed, I look forward to working with you on this issue.

**January Contreras**

The recommended child care provisions in President Biden's "Build Back Better" agenda changes the law to mandate that faith-based providers comply with federal laws, which will force providers to choose between their religious mission and federal dollars.

1. **Ms. Contreras – If confirmed, will you commit to ensuring that faith-based providers are able to fully participate in the child care system without having to compromise their religious missions in your capacity as Assistant Secretary for Family Support?**

*Answer:* Faith-based providers are critical to the child welfare system. Throughout my career, I've worked closely with the faith community and understand how essential they are to our safety net. Our network of providers must be as robust as possible to meet the needs of kids and families. If confirmed, I look forward to listening to and working closely with faith-based providers.

Additionally, President Biden's proposal will undermine the parent-driven mixed delivery system that is already in place by favoring grants and contracts to Head Start centers and public schools over certificates that allow parents to choose for themselves where to send their child. Parents, not government, know their children best and should have access to high-quality, affordable child care options which include community based centers, family child care homes, private providers, or faith-based providers.

2. **Ms. Contreras – If confirmed, will you commit to working on behalf of parents to ensure affordable access to child care options and opposing any proposals that would limit such options?**

*Answer:* If confirmed, I look forward to working to increase access to high-quality, affordable child care options for all families.

*Senator James Lankford*  
*Questions for the Record*  
*HHS Nominations Hearing; Robert Gordon, January Contreras, and Rebecca Jones Gaston*  
*February 5, 2022*

**For January Contreras**

*Unaccompanied Minors:*

1. The Biden Administration walked back certain vetting requirements for sponsors of unaccompanied minors. **Can you walk me through your understanding of these requirements and whether you agree with the Biden Administration's decisions?**

*Answer:* If confirmed, the safety and well-being of unaccompanied children referred to ORR will be a top priority. Ensuring these children's safety and well-being is both the legal duty and moral obligation of ACF. ACF is required to release children to an appropriate and vetted sponsor without unnecessary delay and in a manner consistent with law. When a child enters care, I will focus on placing the child safely with their parents, relatives, or other vetted sponsors, as expeditiously as possible and require all necessary background checks and other safeguards in the sponsor assessment process to protect the child's safety and ensure the appropriateness of the placement.

2. A record number of unaccompanied minors crossed the border last year, and we've begun seeing reports that some of these minors after they are released from ORR custody are being placed in labor trafficking situations. *Reuters* had an in-depth investigation earlier this week about minors being trafficked to work on poultry farms. **If confirmed, what will your plan be to address this situation?**

*Answer:* I have spent a good part of my career representing victims of trafficking and, if confirmed, I will work to protect all the children served by ACF from the horrors of trafficking. I will work with experts within ACF as well as within other Departments to ensure we are implementing best practices to prevent and respond to trafficking and that we are leaving no stone unturned when it comes to protecting children in our care.

3. ORR and DHS (ICE and CBP) have historically had a bad working relationship when it comes to the care and custody of unaccompanied minors. **Do you believe ICE plays an important role in caring for unaccompanied minors? If confirmed, what steps will you take to fix this relationship?**

*Answer:* Yes, I agree that inter-departmental relationships are critical when unaccompanied children are referred to ORR, including their timely transfer to ORR care and custody. If confirmed, I would work to establish strong channels of communication with the Department of Homeland Security to ensure that children referred to ACF can be quickly and safely moved to a

setting that adopts child welfare best practices. As a former senior leader within DHS, I would bring that experience to bear.

4. ORR often faces issues with “age-outs” and young adults who lie about their age to be placed in ORR custody. **If confirmed, what steps will you take to ensure that *only* minors receive care under ORR’s custody?**

**Answer:** If confirmed, I am committed to following the law while managing the unaccompanied children’s program and that includes ensuring we are only serving individuals eligible for the unaccompanied children’s program and following Trafficking Victims Protection Reauthorization Act requirements when making prompt age determinations.

5. I am still waiting on a data request that my office placed in September for the number of children ORR was unable to locate after they were released. The latest data we saw indicated that ORR lost track of 1 out of every 3 kids released from sponsors. Again, that data is over 6 months old. **Do you think the Biden Administration’s policies at ORR are to blame for this situation? What efforts will you take to improve this situation moving forward?**

**Answer:** I am committed to being responsive to Congressional inquiries and believe in the critical oversight role that Congress plays within our system of checks and balances. If confirmed, I will be responsive to Congressional requests.

6. During his time in the Obama Administration, then-Deputy DHS Secretary Alejandro Mayorkas called on Congress to reform the *Flores* settlement agreement to better address the flow of unaccompanied minors to the Southwest border. **If confirmed, do you commit to working with Congress to fix the *Flores* settlement agreement?**

**Answer:** If confirmed, I will follow the law and am committed to partnering with Congress to ensure our ability to safely care for all unaccompanied children referred to ACF.

#### *Human Trafficking:*

7. Human trafficking and child exploitation have continued to be issues that families and children in our nation face, particularly vulnerable children in foster care or who are experiencing. **If confirmed, what will you do to prevent and combat child sexual exploitation and human trafficking?**
8. **What can we do on the front end to decrease the demand for human trafficking?**

**Answer to Questions 7 and 8:** A focus of my career has been combatting human trafficking, and I will always carry with me the experiences of clients who have been victims of trafficking. If



confirmed, I will work closely with each component of ACF to incorporate anti-trafficking efforts into our programs, particularly in child welfare. In addition, I would listen to survivors about what would have made a difference in their situation, and I would bring those lessons to ACF programs. Responding to human trafficking is essential, but we must also prioritize preventing this crime and the conditions that make survivors vulnerable in the first place. I look forward to working closely with you on this issue.

**For both January Contreras and Rebecca Jones Gaston:**

*Faith-based Child Welfare:*

Faith-based child welfare providers perform vital services for hundreds of thousands of foster children nationwide and are often the best at finding forever homes for children in need. According to HHS' AFCARS report, 407,493 children are in foster care, 117,470 of whom are waiting to be adopted.

Unfortunately, one day before the 2021 AFCARS report came out, HHS announced the rescission of waivers that were previously granted to faith-based adoption and foster care agencies in Michigan, Texas, and South Carolina, which put providers in these states in the untenable position of choosing between serving children or operating in accordance with the tenets of their faith.

Earlier this year, the Supreme Court unanimously validated the principle that religious adoption agencies have a right to be free from discriminatory exclusion from adoption and foster care programs because of their beliefs in *Fulton v. Philadelphia*. The Supreme Court found that "the refusal of Philadelphia to contract with Catholic Social Services for the provision of foster care services unless it agrees to certify same-sex couples as foster parents cannot survive strict scrutiny, and violates the First Amendment." However, HHS and the Biden administration appear to be ignoring the Court's clear direction that religious foster care agencies cannot be shut down because of their religious beliefs.

A number of my colleagues and I wrote to Secretary Becerra on this issue last year, but we have yet to receive a response

- 1. Do you agree that our primary goal should be safe, loving, and permanent placements for all children?**

*Answer from Ms. Contreras:* Yes.

- 2. Do you agree that faith-based adoption and foster care agencies should be able to continue to partner with the government to serve children and families without sacrificing their sincerely held religious beliefs?**

*Answer from Ms. Contreras:* Faith-based providers are critical to the child welfare system. Throughout my career, I've work closely with the faith community and understand how essential

they are to our safety net. If confirmed, I look forward to listening to and working closely with faith-based providers.

**3. Do you agree that without faith-based providers, our nation would be unable to properly care for the number of children in need of homes and families?**

*Answer from Ms. Contreras:* Faith-based providers are absolutely essential to our child welfare system.

**4. If confirmed, will you commit to maintaining the notice of non-enforcement for the 2016 grants rule and disavow its enforcement moving forward?**

*Answer from Ms. Contreras:* It is my understanding that this is an issue that spans across the Department. If confirmed, I will look into how the Department is addressing this issue and report back to Congress. I also commit to doing everything in my power, if confirmed, to ensure that grantees and their beneficiaries are not unfairly discriminated against.

**5. If confirmed, will HHS exclude from the Title-IV E program religious adoption and foster care providers that cannot assist in the placement of children in same-sex households without violating their religious exercise when those households have alternative providers available to assist them in the state?**

*Answer from Ms. Contreras:* If confirmed, I will follow the law. I will also work closely with faith-based providers so that children and families have a strong network of support.

Senator Barrasso Questions for the Record  
January Contreras  
Nomination Hearing  
Wednesday, February 9, 2022  
10:00 a.m

Question 1: Faith based organizations play an important role in the child welfare system. The actions of the Biden Administration are making it more difficult for these groups to participate in the process. This continues a troubling pattern of the Department of Health and Human Services discriminating against people and organizations of faith.

- **On November 18, 2021, Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) and Office for Civil Rights (OCR), announced it was withdrawing waivers previously granted under the Trump Administration. Please explain your position on this decision.**
- **Please describe how you will help faith-based groups participate in the child welfare process and identify previous professional experiences where you have specifically worked with faith-based groups.**
- **Please describe how you will ensure faith-based organizations will not have to violate their own religious beliefs to participate in federal programs.**

*Answer:* Faith-based providers are critical to the child welfare system. Throughout my career, I've worked closely with the faith community and understand how essential they are to our safety net. If confirmed, I look forward to listening to and working closely with faith-based providers.

Question 2: Rural states and communities face unique challenges when delivering governmental services.

- **Please describe specific instances and experiences where you have improved the delivery of social services in rural communities?**
- **Explain how, if confirmed, you will ensure the policies of the Administration for Children and Families (ACF) will take into account the unique needs of rural states and people.**

*Answer:* Ensuring equitable access to ACF programs for rural communities is critical. If confirmed, I would partner with rural communities to identify barriers to accessing ACF programs and would be committed to thinking creatively to solve those problems and meet the needs of children and families in rural communities. During my career I have worked with rural communities and have seen firsthand the issues caused by long distances to service providers, lack of reliable internet, and staffing challenges for many providers. In Arizona, I worked within and outside of government to increase support for access to health care providers such as family physicians and health care centers in rural counties. I would bring that experience to ACF if I am fortunate enough to be confirmed.

Questions 3:

As the former Chairman of the Senate Indian Affairs Committee, ensuring American Indian and Alaska Native children receive the help and support they need is an important personal priority of mine.

- **Can you please identify previous professional experiences and actions where you worked with tribal communities?**
- **Can you please identify specific policies and ways you plan on working with tribal communities if confirmed?**

*Answer:* Thank you for raising the importance of working with tribal communities. If confirmed as the Assistant Secretary for the Administration for Children and Families, I will prioritize working with tribal communities to advance the well-being of Native American children and families. As an Assistant Director of Arizona's Medicaid agency, an advisor to Governor Janet Napolitano, and as the leader of the Arizona Department of Health Services, I consistently developed relationships with tribal leaders centered in meaningful consultation and government-to-government relationships. If confirmed, I will work with tribal communities to reduce concerning disparities and support the delivery of ACF services and programs that can make a difference in tribal communities of every size. I will work closely with the ACF Administration for Native Americans to coordinate and personally participate in consultation sessions and roundtables with tribal leaders, visit tribal communities, and ensure that ACF is a responsive partner in supporting Native American children and families throughout the country.

Question 4:

The Department of Health and Human Services, Administration for Children and Families (ACF) previously issued a rule entitled "Vaccine and Mask Requirements To Mitigate the Spread of COVID-19 in Head Start Programs."

- **Do you believe the scientific data supports the masking of young children to participate in Head Start?**
- **If you believe the masking of young children is justified, please provide specific medical or scientific studies to support this position.**

*Answer:* Head Start is a vital resource to many underserved communities around the country. If confirmed, keeping Head Start Centers open and safe will be a top priority. I would prioritize listening to the needs and concerns of Head Start providers and families to ensure ACF is providing the guidance and support they need to keep students safe and in classrooms, while also following Centers for Disease Control (CDC) guidance for masking.

Question 5:

The COVID-19 pandemic has been particularly difficult on children who lost the ability to attend in-person school. Teachers are classified as mandatory reporters of child abuse and neglect under state law, since they are in such frequent and close contact with children.

- **From a child welfare perspective, can you explain your position on the importance of in-person learning?**

*Answer:* Schools and the supports that students receive in schools are an important part of the safety net for children and families. Children do best when they can safely access a full range of supports, including those provided by in-person learning.

Question 6:

Human trafficking is a tragedy and must be stopped. The actions of the Biden Administration are only making the situation worse, especially along our southern border. With that being said, the Administration for Children and Families plays an important role combating human trafficking.

- **Can you please identify specific policies you believe Congress should consider that would improve the ability of ACF to combat and provide assistance to victims of human trafficking?**

*Answer:* A focus of my career has been combatting human trafficking, and I will always carry with me the experiences of clients who have been victims of trafficking. If confirmed, I will work closely with each component of ACF to incorporate anti-trafficking efforts into our programs, particularly in child welfare. A central way to combat trafficking is to address the housing and economic instability that make many survivors targets for trafficking predators. In providing assistance to survivors, housing and shelter, legal services, and mental health support are all services that I have seen help survivors move forward to build stability for themselves, and their families. Survivor-led services can be key in addressing trauma. In addition, I would listen to survivors about what would have made a difference in their situation, and I would bring those lessons to ACF programs. I look forward to working closely with you on this issue.