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State Senator Adam Gomez
Room 413-B
Massachusetts State House
Boston, MA 02133

State Representative Michael J. Finn
Room 274
Massachusetts State House
Boston, MA 02133

June 15, 2021

Testimony in Support of H.212/S.87 (An Act establishing a Foster Parents' Bill of Rights) and H.239/S.32 (An Act relative to accountability for vulnerable children and families) and Opposition to H.191 (An Act prohibiting undocumented person from fostering children)

Dear Chairs Gomez and Finn, and distinguished members of the Joint Committee on Children, Families and Persons with Disabilities:

As an organization dedicated to advancing the cause of LGBTQ equality, MassEquality is in full support of H.212/S.87 and H.239/S.32, as well as opposition to H.191. These measures all represent much-needed interventions in our state's foster care system that will substantively improve the lives of the LGBTQ community, which is disproportionately involved with the system. H.212/S.87 and H.239/S.32 are both on MassEquality's priority agenda this legislative session, and we thank you for the opportunity to testify about the impact these bills will have on our community. On behalf of our members and the lesbian, gay, bisexual and transgender, and queer (LGBTQ) community throughout the Commonwealth, we respectfully ask you to report these bills out favorably.

Both as parents and as youth, the LGBTQ community has a unique relationship with the state's foster care programs, coordinated through the Department of Children and Families (DCF). LGBTQ couples are seven times more likely to foster children than their cis, straight counterparts and are also disproportionately likely to adopt the children they foster.[1] MA has one of the largest proportional populations of LGBTQ families of any US state, and over one in every five LGBTQ adults in MA is currently raising children.[2] Our community is also unusually likely to adopt foster children: over the last decade, between 15% and 28% of adoptions of foster children in MA each year involved same-sex parents.[3] And social science research has consistently shown what our community has known for years: that LGBTQ couples are just as fit

[1] Shoshana K. Goldberg and Kerith J. Conron, *How Many Same-Sex Couples in the U.S. are Raising Children?* (Los Angeles: The Williams Institute, 2018). Retrieved from https://williamsinstitute.law.ucla.edu/wp-content/uploads/Same-Sex-Parents-Jul-2018.pdf. Also Gary J. Gates, *LGBT Parenting in the United States* (Los Angeles: The Williams Institute, 2013). Retrieved from https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Parenting-US-Feb-2013.pdf.

[2] Movement Advancement Project, *Massachusetts Equality Profile* (Colorado: Movement Advancement Project, 2021). Retrieved from https://www.lgbtmap.org/equality-map-profiles/MA.pdf

[3] *Fulton v. City of Philadelphia*. Brief amicus curiae of Massachusetts, California, Connecticut, et al. in support of Philidelphia. 10 Oct. 2018. Retrieved from https://www.aclu.org/sites/default/files/field_document/fulton_v_city_of_philadelphia_-_states_amicus_brief.pdf.

parents as heterosexual, cisgender couples, raising children whose long-term outcomes are just as healthy and well-adjusted as those of their peers.[4]

Not only are LGBTQ foster families a strong, stable resource for the state DCF, they are also more needed than ever during our state's ongoing foster care housing crisis. Right now, Massachusetts is facing what the Boston Globe has characterized as a "persistent and severe shortage of safe places," with 8,414 children in placement but only 2,423 licensed non-kin homes.[5] Our state's DCF has had to authorize record numbers of foster homes to house more children than their official limit, with the number of overcapacity waivers issued by the state ballooning from 130 in 2014 to 228 in 2018.[6] We also have one of the highest rates nationally of unstable placements, with roughly one quarter of children in the system moving three or more times in their first year alone.[7]

Under these circumstances, turning to LGBTQ foster families would seem like the ideal solution for our state's challenges. But once again, our community's right to form families free from discrimination is under threat. On the national stage, LGBTQ foster parents' rights are currently under attack, with the Supreme Court hearing arguments in *Fulton v. Philadelphia* just last fall on whether foster agencies should be allowed to disqualify same sex couples simply for not being straight. Now is the time to affirm and defend their rights here in Massachusetts. H.212/S.87 both protect foster parents from discrimination on the basis of sexual orientation and gender identity. Without this clear enumeration of their rights, LGBTQ foster couples will consistently face experiences like that of one recent transgender pre-adoptive parent in MA, who reported, "During my home study, … I was asked questions about what kind of surgery I had had … My social worker was asking a lot of questions just to satisfy her own curiosity and it caused us a lot of stress. Later, during our disclosure meeting, someone else asked if we would force our child to be transgender."[8]

While the Foster Parent Bill of Rights will help address LGBTQ parents' concerns, more work needs to be done to address the challenges facing LGBTQ youth. Sadly, due to high rates of familial non-acceptance, LGBTQ youth are disproportionately likely be unsafe at home with their biological families. As a result, national research suggests that LGBTQ youth are between 2-3x more likely to end up in foster care than their cis, straight peers.[9] They are

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[4] For one recent review of the literature, see Wendy D. Manning, Marshal Neal Fettro and Esther Lamidi, "Child Well-Being in Same-Sex Parent Families: Review of Research Prepared for American Sociological Association Amicus Brief," *Population Research and Policy Review* 33, no. 4 (2014): 485-502.

[5] Massachusetts Department of Children and Families, *Annual Report FY2020* (Boston: MA DCF, 2020). Retrieved from https://www.mass.gov/doc/dcf-annual-reportfy2020/download. Kay Lazar, "In a broken foster system, some kids can't find a bed for the night," *The Boston Globe*, April 6, 2019. Retrieved from https://www2.bostonglobe.com/metro/2019/04/06/state-broken-foster-system-some-kids-can-find-bed-for-night/40xAjxIIT0errJZVjSiY5H/story.html

[6] Ibid.

[7] MA DCF, *Annual Report FY2020*

[8] Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth, *2020 Report and Recommendations* (Boston: MA CLGBTQY 2019). Retrieved from https://www.mass.gov/doc/ma-commission-on-lgbtq-youth-2020-report-and-recommendations/download.

[9] Laura Baams, Bianca D.M. Wilson, Stephen T. Russell, "LGBTQ Youth in Unstable Housing and Foster Care," *Pediatrics* 143, no. 3 (2019): 1-9. Bianca D.M. Wilson, Khush Cooper, Angeliki Kastanis, and Sheila Nezhad, *Sexual and Gender Minorities in Foster Care: Assessing Disproportionality and Disparities in Los Angeles* (Los

disproportionately likely to enter the system with trauma from physical abuse and parental rejection.[10]

Once within the system, they encounter further challenges. LGBTQ youth experience significant barriers to permanency and spend more time on average in the system than their peers. They are more likely to move between placements, with half of LGBTQ youth reporting being moved from a foster home due to issues related to their identity.[11] Additionally, they are over 2.5x more likely to live in group homes, rather than family settings – a situation no doubt exacerbated by a dearth of LGBTQ foster parents who could provide culturally competent care to these youth.[12] LGBTQ youth in foster care are 3x as likely as their peers to be hospitalized for emotional reasons and over twice as likely to report that they were treated "not very well" while in care.[13] Even after they reach adulthood, these disadvantages continue to have an impact: LGBTQ youth are far more likely to exit care without a plan for permanence, with between 12% and 36% of LGBTQ youth who have aged out of care experiencing at least one episode of homelessness.[14] Preliminary research also suggests that these inequities are exacerbated for youth who exist at the intersection of multiple identities. For instance, one California study found that LGBTQ African American students in foster care were significantly more likely to skip school, be physically attacked at school, and experience substance abuse.[15]

However, almost the data cited here comes from national or regional surveys – and none of this research has been done in our state. Unfortunately, here in Massachusetts, we lack reliable numbers to quantify the status of LGBTQ youth served by DCF. While anecdotal evidence suggests LGBTQ youth in foster care MA are experiencing the same inequalities as their peers across the nation, we need clear data to tell us where our efforts to address these problems are best targeted – and we need to gather this data intersectionally, so that we can combat the challenges faced by those most vulnerable. Passing H.239/S.32 is a crucial step to beginning to reform the way our foster system treats LGBTQ youth, and we urge you to move these bills out of committee.

We would also urge the committee to keep H.191 from moving forward. We simply do not have enough homes in Massachusetts to prohibit anyone who is willing to provide a good home for these children. Massachusetts currently only allows relatives of the minor children to allow to avoid the immigration status licensing standard that is currently in place. DCF involved

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Angeles: The Williams Institute at UCLA Law with True Colors Fund, 2014). Retrieved from https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf.

[10] Angela Irvine and Aisha Canfield, "The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population," *Journal of Gender, Social Policy & the Law* 24, no. 2 (2016): 243-261.

[11] Massachusetts Commission on LGBTQ Youth, *2020 Report and Recommendation*s. Compare also Amy Dworsky, *The economic well-being of lesbian, gay, and bisexual youth transitioning out of foster care* (Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services, 2013). Retrieved from https://www.acf.hhs.gov/sites/default/files/opre/opre_lgbt_brief_01_04_2013.pdf.

[12] Wilson, Cooper, Kastanis, and Nezhad, *Sexual and Gender Minorities in Foster Care*.

[13] Ibid.

[14] National Alliance to End Youth Homelessness, *LGBTQ Homeless Youth Fact Sheet* (NAEH: Washington, DC, n.d.). Retrieved from http://www.safeschoolscoalition.org/LGBTQhomelessFactSheetbyNAEH.pdf

[15] SGM minority outcomes paper.

children are already subjected to the trauma of being separated from their parents, to remove the option of providing them with the placement of an undocumented family member only serves to further traumatize these youth, risk sibling separation, and separation from those closest to them, in their most vulnerable time.

Thank you for your consideration of these bills.

Sincerely,

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MassEquality

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