



March 15, 2021

HB 1088 – SUPPORT
Nondiscrimination and LGBTQ+ Individuals
Health and Government Operations Committee
House of Delegates, Maryland General Assembly
Hearing Date: March 17, 2021

Dear Chair Pendergrass and Members of the Health and Government Operations Committee:

We write to express our strong support for HB 1088. Family Equality is an organization devoted to advancing legal and lived equality for lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) families and those who wish to form them, and we support many families in Maryland. We are keenly aware of the critical importance of nondiscrimination protections and are grateful that Maryland historically has taken initiative to ensure these protections for LGBTQ people. Nonetheless, there are existing gaps in Maryland law where explicit nondiscrimination protections for LGBTQ individuals, family, and youth are absent, particularly in accessing the juvenile justice, child welfare, housing, and human services systems of care within the state. HB 1088 fills in these gaps to ensure that LGBTQ individuals, families, and youth have equal access to and benefits from these government services.

Family Equality spearheads the Every Child Deserves a Family Campaign – a coalition of over 700 individual, state, and national partners in the child welfare and faith communities who join with LGBTQ+ and civil rights advocacy organizations to further our common goal of promoting the best interests of all children in the foster care system by increasing their access to loving and stable placements in homes and ensuring affirming care for LGBTQ+ youth. We support HB 1088 in its entirety¹ and write to emphasize the bill’s importance for LGBTQ-headed families, prospective parents, and kin who participate in or receive services from Maryland’s child welfare system. Child welfare policies impact a considerable number of LGBTQ individuals and families. LGBTQ-headed families are a significant resource for home placements for children and youth in care. Indeed, same-sex couples are seven times more likely to foster and adopt than different-sex couples.² Home placements are essential for children. Child welfare experts agree – and studies confirm – that outcomes improve for children placed in homes (particularly kinship placements) over congregate care.³ Further, children in care have unique needs, and the interests

¹ We join the statements in support of HB 1088 submitted by several of our sister organizations, including FreeState Justice, Lambda Legal, Children’s Rights, TrueColors United, and the Movement Advancement Project.

² Shoshana K. Goldberg & Kerith J. Conron, *How Many Same-Sex Couples in the U.S. Are Raising Children?*, The Williams Institute: UCLA School of Law (July 2018), available at <https://williamsinstitute.law.ucla.edu/publications/same-sex-parents-us/>.

³ E.g., National Conference of State Legislatures, *The Child Welfare Placement Continuum: What’s Best for Children?* (Nov. 3, 2019), available at <https://www.ncsl.org/research/human-services/the-child-welfare-placement-continuum-what-s-best-for-children.aspx>; Casey Family Programs, *What are the outcomes for youth placed in congregate care settings?* (Jan 2017), available at https://caseyfamilypro-wpengine.netdna-ssl.com/media/SF_CC-Outcomes-Resource.pdf.

of all children are best served when the pool of foster parents reflects the diversity of children in care. Nonetheless, the reality is that discrimination against prospective foster parents and kin who are LGBTQ delays, deters, and prevents children from being placed in qualified and loving homes.⁴

Moreover, LGBTQ parents, particularly parents of color, are at greater risk of involvement with the child welfare system. One study found that Black lesbian and bisexual mothers are four times more likely to be separated from their children than their non-LGB counterparts.⁵ The 2018 Family First Prevention Services Act redirects federal funds to provide services that keep children safely with their families and out of foster care. Ensuring that families of origin do not face discriminatory treatment when receiving these expanded services goes hand-in-hand with successful implementation of these requirements.

As the child welfare crisis worsens across the country due to the epidemics of COVID-19 and opioid addiction, it is essential that discrimination does not stand in the way of family-based care and does not prevent children who are removed from their family of origin from finding temporary and permanent in-home placements. HB 1088 ensures that children are not unnecessarily removed from LGBTQ homes due to discrimination and that no one is turned away from providing a child with a home because of who they are or what they believe. Children benefit when the state ensures that child welfare services are free from discrimination against LGBTQ-headed families, prospective parents, and kin. For these reasons, and those laid out by our sister organizations in their respective statements, we urge this Committee to vote in favor of HB 1088.

Respectfully,



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⁴ *E.g. Fulton v. City of Philadelphia*, S.Ct. No. 19-123, Brief of *Amici Curiae* Family Equality and PFLAG National in Support of Respondents, (filed Aug. 20, 2020), available at https://www.supremecourt.gov/DocketPDF/19/19-123/150745/20200820123207185_Family%20Equality%20PFLAG%20Amicus%20Brief.pdf.

⁵ Kathi L.H Harp & Carrie B. Oser, *Factors associated with two types of child custody loss among a sample of African American mothers: A novel approach*, 60 *Social Science Research* 283-296 (2016).