



PROTECTING KIDS. PROVIDING HOPE.

**The Maryland Youth & Families Protection Act, SB0768/HB1088
Testimony of Christina Wilson Remlin, Lead Counsel, Children's Rights**

My name is Christina Wilson Remlin and I am a lead counsel at Children's Rights, a national advocacy organization. Since 1995, Children's Rights has been advocating for children in broken child welfare, juvenile justice, education, and healthcare systems. We have won landmark legal victories across the United States that hold governments accountable for keeping kids safe and healthy. Our LGBTQ+ Project uses litigation and policy to advocate on behalf of LGBTQ+ young people in child welfare, juvenile justice, healthcare, and immigration systems. LGBTQ+ youth are disproportionately represented among our clients—recent studies have shown that a third of children in foster care aged 13 to 17 identify as LGBTQ+, and among them, Black and brown children are also overrepresented.¹

For so many reasons, Children's Rights supports this bill in its entirety. Because of the work we do, we will focus in our testimony on the importance of the Youth & Families Protection Act SB0768/HB1088, for children in care, foster and adoptive parents, and the role of the Families First Prevention Act. Our fellow allies and advocates will cover other aspects of the bill.

We commend the sponsors for introducing groundbreaking legislation to prohibit discrimination on the basis of sexual orientation or gender identity in all of Maryland's systems of care, including child welfare services, juvenile justice, and human services, and to mandate appropriate training for all government-funded service providers to ensure affirming and inclusive service delivery to LGBTQ+ Marylanders.

Despite making up only 5 to 7% of the general population nationwide, LGBTQ+ youth comprise as much as 30% of youth in foster care² and 20% of youth in juvenile justice systems.³ This legislation will make protection of LGBTQ+ youth explicit and complete by expanding current nondiscrimination law to include sexual orientation, gender identity, and gender expression throughout the Maryland code. Explicit protection from discrimination increases safety for LGBTQ+ youth by requiring equitable

¹ Theo G. M. Sandfort, *Experiences of Well-Being of Sexual and Gender Diverse Youth in Foster Care in New York City* (2020), <https://www1.nyc.gov/assets/acs/pdf/about/2020/WellBeingStudyLGBTQ.pdf>.

² Laura Baams, Bianca D.M. Wilson, & Stephen T. Russell, *LGBTQ Youth in Unstable Housing and Foster Care*, 143 *PEDIATRICS* 1 (2019), <https://pediatrics.aappublications.org/content/pediatrics/143/3/e20174211.full.pdf>.

³ LAMBDA LEGAL, CHILDREN'S RIGHTS & CTR. FOR THE STUDY OF SOC. POLICY, *Safe Havens: Closing the Gap Between Recommended Practice and Reality for Transgender and Gender Expansive Youth in Out-of-Home Care* 2 (Apr. 2017), <https://www.lambdalegal.org/publications/safe-havens>; Angela Irvine & Aisha Canfield, *The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming, and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population*, 24 *J. ON GENDER, SOC. POL'Y & THE L.* 243, 247 (2016), <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1679&context=jgspl>.

treatment from the professionals who serve them. It is an essential component of policy, training, and appropriate care for youth in the child welfare system.

Regarding foster and adoptive parents, the Youth & Families Protection Act puts children first by opening the state's doors to recruiting all safe and loving homes, including LGBTQ+ families. This should be the priority for the more than 4,000 children in foster care in Maryland,⁴ especially considering that according to 2018 research by the Williams Institute, same-sex couples are seven times more likely than different-sex couples to be raising an adopted or foster child.⁵ This legislation means Maryland can serve as a beacon for other states, illustrating how to recruit and retain all safe and loving homes, and, in so doing, prioritize the needs of our most vulnerable children.

Finally, the bill before you will ensure that as the state implements the federal Families First Prevention Act, which will end the unnecessary institutionalization of children in child welfare systems, it will fully protect LGBTQ+ children in these systems. The federal legislation calls for children to be placed in group homes, residential treatment facilities, shelters, and other "congregate care" settings in only limited circumstances. This is critical because one of the most important factors for healthy development is a young person's ability to form a meaningful relationship with a trusted adult. Otherwise, youth are at a much greater risk of negative outcomes across a wide range of issues: health, housing, education and employment, involvement with the criminal justice system, and more. Our recent report, *Fostering Inequity*, shows that all of these issues have been exacerbated due to the pandemic.⁶

Pursuant to federal requirements, as Maryland moves toward reducing its reliance on congregate care, it will be vital to have a sufficient number of foster family homes to serve its children. This legislation will ensure that all safe and loving homes will be recruited, and that LGBTQ+ children will be protected from discrimination in all placements.

Thank you for providing Children's Rights the opportunity to support this bill wholeheartedly. We urge its passage and signing into law as quickly as possible.

Sincerely,

Christina Wilson Remlin
Lead Counsel
Children's Rights
88 Pine Street, Ste 800
New York, NY 10005

⁴ *Family Foster Care in Maryland*, KIDS COUNT DATA CTR., <https://datacenter.kidscount.org/data/tables/7082-family-foster-care?loc=22&loct=2#detailed/2/any/false/2048,574,1729,37,871,870,573,869,36,868/any/14100> (last visited Mar. 5, 2021) (showing 4,553 youth in family foster care in Maryland in 2020).

⁵ SHOSHANA K. GOLDBERG & KEITH J. CONRON, WILLIAMS INST., HOW MANY SAME-SEX COUPLES IN THE U.S. ARE RAISING CHILDREN (July 2018), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Same-Sex-Parents-Jul-2018.pdf>. It is worth noting that there are approximately 12,540 same-sex couples in Maryland. *Same-Sex Couple Data & Demographics in Maryland*, WILLIAMS INST., <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=SS&area=24#density> (last visited Mar. 5, 2021).

⁶ Christina Wilson Remlin et al., *Fostering Inequity: How COVID-19 Amplifies Dangers for LGBTQ+ Youth in Care* (2020), <https://www.childrensrights.org/wp-content/uploads/2020/06/Fostering-Inequity-2020-Web-Mid-Res.pdf>.