

# **Written Testmony SB 768 March 9 2021.pdf**

Uploaded by: Clapsaddle, Joseph

Position: FAV



# THE EPISCOPAL DIOCESE OF MARYLAND

SUPPORT

SB 768

Nondiscrimination and LGBTQ+ Individuals

Judicial Proceedings Committee

3/09/2021

Good afternoon Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceeding Committee. My Name is Joseph M. Clapsaddle. I am a Commissioner on the Anne Arundel County Human Relations Commission. Today, I am representing the Maryland Episcopal Diocese. The Diocese represents 108 parishes and over 45,000 parishioners. stretching from Western Maryland to Calvert County. The Maryland Episcopal Diocese supports SB 768.

Maryland is recognized as one of leading states recognizing the value of supporting its substantial LGBTQ+ residents. This Bill would make it the State policy to provide equal access to courts, agencies, programs, departments, and services for LGBTQ+ individuals; improve safety, well-being, and stability for LGBTQ+ individuals; ensure LGBTQ+ individuals are protected from discrimination on the basis of certain nonmerit factors; and provide appropriate training to employees and contractors of various State agencies and departments.

We strongly believe that each person is a child of God and is deserving of equal dignity and respect. This Bill is a step toward ensuring that everyone in the State of Maryland is treated equally and fairly.

Please vote for inclusiveness and equality.

We urge your support of SB 768.

# **Anne Arundel County\_FAV\_SB 768.docx.pdf**

Uploaded by: Baron, Peter

Position: FAV



March 9, 2021

**Senate Bill 768**  
**Nondiscrimination and LGBTQ+ Individuals**  
**Senate Judicial Proceedings Committee**

**Position: FAVORABLE**

The Anne Arundel County Administration **SUPPORTS** Senate Bill 768 - Nondiscrimination and LGBTQ+ Individuals. This bill would ensure that it is the policy of the State of Maryland to provide equal access to its services to LGBTQ+ individuals, and ensure they are protected from discrimination on the basis of their gender identity or sexual orientation.

Anne Arundel County is committed to fighting hate and discrimination in all forms. SB 768 would help ensure that our LGBTQ+ residents are able to access critical, essential government services, including housing, food, and healthcare, without fear of being discriminated against and turned away because of their identity. Ensuring all our residents can access these services is critical, especially so for LGBTQ+ residents, who often experience increased rates of harassment, violence, and homelessness.

This bill would also ensure appropriate training is provided to employees and contractors of various State agencies and departments, ensuring that our LGBTQ+ residents are not only able to access these critical services, but are able to do so in a welcoming environment free from the fear of judgement. We believe that this legislation is critical to help eliminate hate and discrimination in our communities, a key step in helping us make Anne Arundel County The Best Place - For All.

**For those reasons, we urge a FAVORABLE report on Senate Bill 768.**

# **SB0768\_FAV\_Movement Advancement Project.pdf**

Uploaded by: Casey, Logan

Position: FAV

**SB0768 / HB1088 – SUPPORT**  
**“Nondiscrimination and LGBTQ+ Individuals”**  
Maryland Senate Judicial Proceedings Committee  
Hearing: March 9, 2021

Dear Chair and Members of the Maryland Senate Judicial Proceedings Committee:

This letter from the Movement Advancement Project (MAP) is to support SB0768/HB1088, “Nondiscrimination and LGBTQ+ Individuals.” MAP is an independent, nonprofit think tank that provides rigorous research, insight, and communications that help speed equality and opportunity for all, including for LGBTQ people.

As part of our work, we evaluate states based on nearly 40 different LGBTQ-related laws and policies affecting many areas of life, from nondiscrimination to healthcare to protections for LGBTQ youth. Based on this research, we create maps and state profiles that rank and categorize states according to how comprehensive their protections are and whether they are inclusive of sexual orientation and gender identity.<sup>i</sup> MAP and other national organizations, as well as state and local community groups, researchers, media, policymakers, and more regularly use this research to understand the state policy landscape for LGBTQ people and what gaps in protections remain to be addressed through policy.

We support passage of SB0768/HB1088, “Nondiscrimination and LGBTQ+ Individuals,” because of the significant expansions in vital protections it would provide for LGBTQ Marylanders, including LGBTQ youth and families in the child welfare system. There are many new and needed protections in this bill, including:

- **Adding explicit LGBTQ protections to all Marylanders receiving services or participating in programs through contracts, grants, or any other entity receiving public funding.** Currently, existing policies may only apply inconsistently. For example, existing foster care regulations only cover residential care programs, and the state’s policy for LGBTQ youth in the child welfare system only applies to youth in out of home care. This bill would extend foster care regulations to all programs and the policy for LGBTQ youth to those receiving services in home while in preventative services.
- **Adding explicit gender identity protections to families, kin, and foster and adoptive parents.** Currently, CMR 07.01.03.03 only provides explicit protections based on sexual orientation.
- **Requiring that employees and contractors receiving training on how to affirm and support LGBTQ youth and adults they serve.** This is critical to ensure that these protections are fully realized for all Marylanders. Optional training too often results in inconsistent experiences across a state, with disproportionate harm to those in already under-resourced areas, such as rural communities.
- **Adding explicit protections for Marylanders accessing the court system and for those receiving various forms of social services.** Equal and explicit protections are especially important to improve equitable outcomes and access to needed resources.



movement advancement project ►

SB0768 / HB1088 – SUPPORT

Logan S. Casey, PhD

Movement Advancement Project

[logan@lgbtmap.org](mailto:logan@lgbtmap.org) | 303-578-4600 x116

Maryland is already a national leader in LGBTQ-inclusive nondiscrimination law, such as in employment, housing, and public places. If passed, SB0768/HB1088 would significantly strengthen and expand protections for LGBTQ youth and families throughout the state, including those with less access to such services such as those in rural communities. This would significantly improve Maryland’s leadership in terms of fully protecting not only LGBTQ adults, but also LGBTQ youth and families.

We urge a favorable report on SB0768/HB1088, or “Nondiscrimination and LGBTQ+ Individuals.” Thank you for your time and consideration.

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<sup>i</sup> [www.lgbtmap.org/equality-maps](http://www.lgbtmap.org/equality-maps)

## **SB 768 - Nondiscrimination and LGTBQ+ Indiv - FAV**

Uploaded by: Dove, Tina

Position: FAV



Testimony in Support of Senate Bill 768  
Nondiscrimination and LGBTQ+ Individuals

Judicial Proceeding Committee

March 9, 2021

1:00 pm

Tina N. Dove, M.Ed.  
Government Relations

The Maryland State Education Association supports Senate Bill 768, legislation that would clearly state that it is the policy of Maryland to provide equal access to courts, agencies, programs, departments, and services for members of the LGBTQ+ community and would ensure that members of this community are protected from discrimination on the basis of their sexual orientation, gender identity, or gender expression.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

The "equal protection clause" found in the 14<sup>th</sup> Amendment to the U.S. Constitution delineates legal rights for protected classes of people, including (but not limited to) those whose class is based on their race, religion, national origin and gender. Article 36 of the Maryland Constitution protects against the requirement of believing in, relying upon or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place. Article 46 of the Maryland constitution assures equality of rights under the law and that said rights cannot be "abridged or denied because of sex". According to the Maryland Commission on Civil Rights, "Pursuant to State Government Article, §20-602, Annotated Code of Maryland, every Marylander is guaranteed equal opportunity in receiving employment and in all labor management-union relations regardless of **race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.**" Between the U.S. Constitution, the state constitution and provisions of state employment law, there is established law prohibiting discrimination by government entities and agents.



MSEA believes wholeheartedly that every state agency funding by Maryland taxpayers' dollars should be expected to affirm and protect the constitutional, civil, and human rights of all Marylanders, including those who are members of the LGBTQ+ community. We believe there should be no room for discriminatory practices at institutions who are the recipients of any public funding. This bill makes clear that our state stands in unequivocal support of all Marylanders and that our state agencies charged with serving the people of our state will do so in a way that does not infringe upon the rights of any member of a Constitutionally protected class.

Every Marylander must be protected from all forms of discrimination and stereotyping based on race, religion, ethnicity, immigration status, age, occupation, disabilities, gender, gender identification, and sexual orientation. MSEA members have long fought to recognize, protect, and defend the rights of all citizens. We have advocated for the dignity and inclusion of all members of our human family and have sought to ensure that everyone has a voice to both tell their stories and to advocate for their needs and those of their respective communities. The educators who make up MSEA and the children and communities we serve reflect the wide diversity of our state. This diversity makes our union stronger. By codifying into law an explicit state policy providing members of the LGBTQ+ community equal access to services, agencies, programs, and courts and prohibiting discriminatory treatment, policies, or practices aimed specifically at the LGBTQ+ community, our state takes a significant step toward ensuring that Maryland reflects and realizes the value inherent in us all. And as we have seen in our union, doing so makes our great state stronger.

**MSEA enthusiastically urges a favorable report on Senate Bill 768.**

# **SB0768\_Indivisible Central Maryland\_FAV.pdf**

Uploaded by: Enagonio, Liz

Position: FAV



# Indivisible: Central Maryland

**Susan Radke, Advocate**

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**Liz Enagonio, Advocate**

[lenagonio@icloud.com](mailto:lenagonio@icloud.com)

## Testimony in SUPPORT of SB0768 - AN ACT Concerning Nondiscrimination and LGBTQ+ Individuals

**Bill Sponsor:** Senator Washington

**Committee:** Judicial Proceedings

**Organization Submitting:** Indivisible Central Maryland

**Person Submitting:** Liz Enagonio, advocate

**Position:** FAVORABLE

Indivisible Central Maryland is an unpaid, volunteer grassroots organization of constituents residing in Baltimore City, Baltimore County, Anne Arundel County and Prince George's County who are dedicated to protecting progressive and democratic values. **Indivisible Central Maryland strongly supports SB0768**, which would add protections for lesbian, gay, bisexual, transgender, queer, and non-gender-conforming persons in courts, public offices, and public services in the state of Maryland. For the last four years, Indivisible Central Maryland advocated for codifying protections for LGBTQ+ individuals because a presidential executive order (EO 13798) on Conscience and Religious Freedom gave health care providers, adoption agencies, and government agencies the ability to deny services to LGBTQ+ individuals on the basis of their sexual and gender identity if the provider cited a religious or conscience-driven belief that these individuals offend the provider. This EO was used to pervert the office of civil rights to give preferential treatment to those who would discriminate, not those who were being discriminated against.

SB0786 would protect Marylanders from any future anti-LGBTQ+ executive orders by codifying the protections into law here in Maryland. As equal, functional and beloved family members and members of our community, our LGBTQ+ Marylanders deserve to be treated with respect and fairness in health care settings, adoption procedures, courts of law, and in interactions with government. As well, we support the provision in the bill for training those who interact with the public to understand and enact the provisions in this bill.

For all these reasons, Indivisible Central Maryland strongly **SUPPORTS SB0768**. We recommend a **FAVORABLE** report in committee. With questions, please call Liz Enagonio at 301-351-6451.

Liz Enagonio, advocate, on behalf of Indivisible Central Maryland

Susan Radke, advocate, on behalf of Indivisible Central Maryland

# **2021 NASW SB 768 Senate Side.pdf**

Uploaded by: Faulkner, Rachael

Position: FAV



## **SB 768 - Nondiscrimination and LGBTQ+ Individuals**

### **Senate Judicial Proceedings Committee**

**\*SUPPORT\***

**March 9, 2021**

Senator Smith and Members of the Committee,

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD), we would like to express our support for **SB 768 - Nondiscrimination and LGBTQ+ Individuals**.

This bill makes clear that it is the policy of the State to provide equal access to various courts, agencies, programs, departments, and services for LGBTQ+ individuals, to improve safety, well-being, and stability for them, and ensures that they are protected from discrimination on the basis of certain nonmerit factors.

One of the core principles of social work practice is dignity and worth of the person, meaning every person has value and that social workers accept and respect them for who they are. This means not discriminating. Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) persons face a long history of discrimination in this country. Many LGBTQ individuals have fought for legal protections, and have watched with dismay as state legislatures across the country have enacted laws allowing discrimination once again. This bill would ensure that this does not happen in Maryland.

This bill will improve the lives and well-being of LGBTQ+ individuals in Maryland.

**We urge you to vote YES on SB 768.**

Thank you,

Daphne L McClellan, PhD, MSW  
Executive Director, NASW-MD Chapter  
Dmcclellan.naswmd@socialworkers.org

## **SB0768\_SMD.pdf**

Uploaded by: Goldstein, Mathew

Position: FAV



Secular Maryland

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March 09, 2021

The Honorable William C. Smith  
Jr. Judicial Proceedings Committee  
Miller Senate Office Building, 2 East Annapolis  
Maryland 21401

Re: SUPPORT SB0768 (HB1088) Nondiscrimination and LGBTQ+ Individuals

Chairman and Members of the Committee

Secular Maryland appeals for passage of this important bill that prohibits discrimination on the basis of certain nonmerit factors, including race, color, creed, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. This prohibition applies in the Courts and Judicial proceedings §1-801, Family Law §1-204, Housing and Community Development §2-401, and Human Services §1-301 contexts. This prohibition is also applied to contractors and grantees in the State Government §20-901 context. This aligns state law with the U.S. Constitution's Equal Protection clause.

Secular Maryland particularly welcomes the very much needed prohibition on discrimination based on creed. The state constitution Declaration of Rights perversely targets non-theists for discrimination instead of protecting non-theists from discrimination.





Secular Maryland

<http://www.secularmaryland.us>

smd@secularmaryland.us

# **SB0768 FAV-DTMG-3-9-21.pdf**

Uploaded by: Jones, Samantha

Position: FAV



**Samantha Jones, DoTheMostGood Maryland Team**

**House Committee:** Judicial Proceedings

**Testimony on:** SB0768 - Nondiscrimination and LGBTQ+ Individuals

**Position:** Favorable

**Committee Hearing Date:** March 9, 2021

**Sponsored By:** Senator Mary Washington

DoTheMostGood (DTMG) is a progressive grassroots organization with more than 2,500 members who live in a broad range of communities in Montgomery County, from Bethesda at the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that uplift all members of its communities. DTMG supports SB0768.

SB0768 would expand Maryland's existing protections for lesbian, gay, bisexual, transgender, queer, questioning, and gender-nonconforming (LGBTQ+) state residents and help ensure equal access to housing, court services, and other state programs. Maryland has some strong protections in place for LGBTQ+ people, including current protections against employment discrimination. SB0768 builds on that foundation and addresses gaps in the current law that allow for continued discrimination.

This bill is both important and timely. Today, LGBTQ+ people, especially transgender and gender-nonconforming individuals, face increased discrimination at every turn, including when trying to find safe, comfortable housing and when interacting with state courts. In 2019, the Williams Institute found that "research shows a widespread pattern of disparate and unequal treatment and experiences faced by LGBT[Q+] court users, witnesses, and parties in courtrooms, jury rooms and other segments of the judicial system."<sup>1</sup>

Similarly, the Center for American Progress reported in 2020 that, "more than 1 in 3 LGBTQ Americans faced discrimination of some kind in the past year, including more than 3 in 5 transgender Americans. Discrimination adversely affects the mental and economic well-being of many LGBTQ Americans, including 1 in 2 who report moderate or significant negative psychological impacts."<sup>2</sup> SB0768 would directly address the harm LGBTQ+ Marylanders face due to discrimination based on sexual orientation and/or gender identity.

Maryland is a national leader in promoting and protecting the wellbeing of LGBTQ+ state residents. The passage of SB0768 will ensure that Maryland continues to take proactive steps toward this important goal.

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<sup>1</sup> <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Testimony-Equality-Act-Judicial-System-Apr-2019.pdf>

<sup>2</sup> <https://www.americanprogress.org/issues/lgbtq-rights/reports/2020/10/06/491052/state-lgbtq-community-2020/>

For the reasons mentioned above, DTMG supports SB0768 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Samantha Jones  
Maryland Team, DoTheMostGood  
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301-395-2722

# **SB0768\_Fav\_FreeState Justice.pdf**

Uploaded by: LaMaster, Jeremy

Position: FAV



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**Jeremy LaMaster**  
**Executive Director**  
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**Bill:** SB0768  
**Title:** Nondiscrimination and LGBTQ+ Individuals  
**Date:** February 29, 2021  
**Committee:** Judicial Proceedings Committee  
**Position:** Support

To the Honorable Senator William C. Smith, Jr. and Esteemed Members of the Committee:

FreeState Justice is a statewide legal advocacy organization that seeks to improve the lives of lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) Marylanders. We work across Maryland to provide free civil legal aid to LGBTQ Marylanders with low incomes who are facing discrimination. Almost all of our clients report challenges in accessing or securing government services due to systemic discrimination on the basis of sexual and gender identity.

The overrepresentation of lesbian, gay, bisexual, transgender, and queer or questioning (“LGBTQ”) youth in child welfare and juvenile justice systems and among youth experiencing homelessness has been well-documented for over a decade. It is also well-documented that LGBTQ individuals, especially transgender individuals and LGBTQ people of color, experience widespread prejudice and discrimination. Despite making up on 5 to 7 percent of the general population nationwide, LGBTQ youth comprise as much as 30% of youth in foster care and 20% of youth in juvenile justice systems.

Additionally, in the last year, 1-in-3 LGBTQ people reported experiencing discrimination. Maryland manages billions of dollars for programs and projects to improve the general welfare of Marylanders, including job training, housing and food assistance, and other critical services. Discriminating against LGBTQ people and not serving them in accessible and affirming ways undermines the effectiveness of these essential government services.

This bill seeks to codify nondiscrimination policies for service providers in working with LGBTQ+ individuals throughout all of Maryland’s systems of care, including child welfare services, juvenile justice, human trafficking, court services, and human services. Most importantly, this bill mandates

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*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

appropriate training for all government-funded service providers to ensure affirming and inclusive service delivery to LGBTQ Marylanders. Protections for LGBTQ+ folks should not rely solely on which administration is in office or which administrators have been appointed to fill service positions. It is time to make these protections secure and stable by codifying them into law.

Primary reasons to provide a favorable report on this bill:

- **Broadly protects youth, families, trafficking victims, and older adults in accessing critical, essential services.** During an unprecedented public health and economic crisis, we need to ensure that all Marylanders are able to obtain access to housing, food, healthcare, and stability. Nondiscrimination protections would help ensure equal access and reduce barriers in seeking help.
- **Establishes Maryland as a national leader in comprehensively protecting its residents from discrimination.** True Colors United and the National Homelessness Law Center ranks Maryland at 29th, due in part the lack of clear comprehensive nondiscrimination protections throughout the range of youth-facing homelessness services<sup>1</sup>. Additionally, despite various administrative regulations, there are other significant gaps in protecting LGBTQ residents. This bill would codify existing administrative regulations into law and cover the full range of human services and the court system; the first such statute in the nation.
- **Mandates appropriate training on LGBTQ+ identities.** As February 12, 2021, Maryland Department of Human Services rescinded its guidelines for placement of transgender kids, leaving youth especially vulnerably when over 78% of LGBTQ youth leave placement due to discrimination. Beyond foster care, very few government services have nondiscrimination policies, let alone consistent training on serving LGBTQ+ citizens. We need to empower our human services and justice providers to better support and affirm LGBTQ+ youth and families through appropriate training. By educating taxpayer-funded service providers, we can ensure Maryland's LGBTQ+ residents are fully protected, guaranteed equal access, and empowered.

In addition to these main reasons, current structures and policies are not adequately serving LGBTQ+ folks, especially LGBTQ youth, elders, and people of color. Additionally, the proposed legislation would codify many existing administrative policies and better align Maryland with federal policies, all while reducing economic burden of the state through the improvement of service delivery.

1. The overrepresentation of lesbian, gay, bisexual, transgender, and queer or questioning ("LGBTQ") youth in child welfare and juvenile justice systems and among youth experiencing homelessness has been well-documented for over a decade. Despite making up only 5-7 %of the general population nationwide, LGBTQ youth comprise as much as 30% of youth in foster care<sup>2</sup> and 20% of youth in

juvenile justice systems.<sup>3</sup> By some estimates, almost 50% of youth experiencing homelessness identify as LGBTQ.<sup>4</sup>

2. Transgender, gender-expansive, and gender-nonconforming (“TGNC”) youth are overrepresented in these systems at even higher rates than youth who identify as lesbian, gay, or bisexual; according to a federally funded study, in Los Angeles County, 5.6% of youth in foster care identify as TGNC, compared to only 1-2% of the general youth population.<sup>5</sup>
3. It is also well-documented that LGBTQ individuals, especially transgender individuals and LGBTQ people of color, experience widespread prejudice and discrimination, and that this discrimination frequently takes the form of violence, harassment, or other abuse.<sup>6</sup> As a result of such stigma, LGBTQ people experience higher levels of psychological disorders and distress, physical disorders, detrimental health behaviors and substance abuse.<sup>7</sup> In addition, data show that LGBTQ and TGNC young people in out-of-home care are disproportionately young people of color, and are therefore exposed to overlapping risks of discrimination.<sup>8</sup>
4. A 2014 report from Maryland’s own Youth Equality Alliance estimates that there are between 47,000 and 95,000 LGBTQ youth in the State, and that 90% of them had heard anti-LGBTQ language on a regular basis.<sup>9</sup> The report also emphasized the need for more comprehensive policies serving LGBTQ youth in foster care and juvenile justice systems, and those experiencing homelessness.<sup>10</sup>
5. As can be expected, discrimination and harassment of children and adolescents in their formative years may have long-lasting effects on their wellbeing.<sup>11</sup> For instance, TGNC youth are at an increased risk for self-harm; and 40% of transgender people have attempted suicide, with the vast majority of those attempts (92 %) occurring before the person turned 25.<sup>12</sup> A simple act, such as using the correct name and pronoun for a child, can result in a 29% decrease in suicidal ideation and a 56% decrease in suicidal behavior.<sup>13</sup>
6. Professional organizations that advocate for the rights of children and the treatment of youth in care have repeatedly recognized the importance of affirming and supporting LGBTQ youth.<sup>14</sup> The Administration for Children and Families and the Department of Justice’s Federal Advisory Committee on Juvenile Justice have both recognized that LGBTQ youth should be safe and protected from discrimination.<sup>15</sup> Additionally, in a recent case before the United States Supreme Court, the American Psychiatric Association, the American Academy of Pediatrics, and 18 other physical and mental health professionals weighed in on the importance of affirmation of identity for the health of transgender youth.<sup>16</sup>
7. 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 Maryland code. Explicit protection from discrimination provides clarity for professionals regarding their obligations. It is an



essential component of policy, training, and comprehensive and appropriate care for youth in the child welfare system and youth experiencing homelessness, and for affirming LGBTQ youth and families.

8. In addition to serving youth in out-of-home care, Maryland Department of Human Services (DHS) provides food and cash supplements, energy assistance, workforce development training, social services to vulnerable and older adults, and medical assistance. Such programs are essential to the LGBTQ community, which is disproportionately at-risk to face economic instability and to be reliant on food, energy, and cash assistance programs.<sup>17</sup> In addition, research shows that large percentages of LGBTQ individuals face stigma, discrimination, and harassment when accessing health care,<sup>18</sup> employment,<sup>19</sup> and other social services, including services to older adults.<sup>20</sup>
9. In addition, the legislation would put all Maryland services and programs for youth and families in the child welfare system in compliance with federal law, including Title IV-E of the Social Security Act and the federal Health and Human Services (HHS) Grants Rule.<sup>21</sup>
10. Importantly, HB 1088/ SB 0768 does not post a fiscal liability for the state. In fact, Maryland would see economic benefits by ensuring that the state's LGBTQ youth have meaningful opportunities for productive and fulfilling futures by finding permanent guardianship and care, experiencing successful rehabilitation, and finding and maintaining safe housing and affirming career opportunities. Finally, the state, by promulgating regulations consistent with professional standards and federal legal requirements, and ensuring agency policy and practice conform, may avoid litigation expenses in the event of a successful discrimination lawsuit against it.<sup>22</sup>

LGBTQ Marylanders deserve to have equal access to affirming government services. Issues that state consistently works to address (homelessness, food security, unemployment, incarceration, poverty, etc.) all disproportionately impact the LGBTQ community. Additionally, current efforts to address this disproportionate impact are not working. The time has come to focus on broad and comprehensive assurance of equal access and for the Maryland to declare that it does not discriminate in any of the services it delivers, and that agents of the state are trained and equipped to work with the LGBTQ community. This legislation will establish Maryland as a national leader in serving all of its residents in effective, accessible, and affirming ways.

**FreeState Justice strongly urges the Committee to issue a favorable report on SB0768.**

Thank you for the opportunity to comment on this important legislation, and please do not hesitate to contact us if we can be of further assistance.

Sincerely,



Jeremy LaMaster  
Executive Director

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<sup>1</sup> True Colors United and the National Homelessness Law Center. *The State Index on Youth Homelessness: 2021*. <https://www.youthstateindex.com/maryland1>

<sup>2</sup> 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>.

<sup>3</sup> 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> [hereinafter "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), [hereinafter "Irvine & Canfield"], [http://impactjustice.org/wp-content/uploads/2016/07/irvine.canfield.jgspl\\_2016.pdf](http://impactjustice.org/wp-content/uploads/2016/07/irvine.canfield.jgspl_2016.pdf).

<sup>4</sup> *Safe Havens* at 3 (citing Megan Martin, Leann Down, & Rosalynd Erney, *Out of the Shadows: Supporting LGBTQ Youth in Child Welfare Through Cross-System Collaboration*, CTR. FOR THE STUDY OF SOC. POLICY (2016), <https://www.cssp.org/pages/body/Out-of-the-Shadows-Supporting-LGBTQ-youth-in-child-welfare-through-cross-system-collaboration-web.pdf>).

<sup>5</sup> Bianca D.M. Wilson et al., *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, WILLIAMS INST. 6 (Aug. 2014), [https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS\\_report\\_final-aug-2014.pdf](https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf); Irvine & Canfield, *supra* note 1, at 248, 257-258; TRUE COLORS FUND & NAT'L LGBTQ TASK FORCE, *At the Intersections: A Collaborative Report on LGBTQ Youth Homelessness* (2016), <http://attheintersections.org>. See also CHILD WELFARE LEAGUE OF AM. & LAMBDA LEGAL, *Getting Down to Basics: Tools to Support LGBTQ Youth in Care* (2012), <https://www.lambdalegal.org/publications/getting-down-to-basics>; N.Y.C. ADMIN. FOR CHILDREN'S SERVS., *Safe & Respected: Policy, Best Practices, & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems* (2014), [http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL\\_06\\_23\\_2014\\_WEB.pdf](http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL_06_23_2014_WEB.pdf); Jody Marksamer, Dean Spade & Gabriel Arkles, *A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth*, NAT'L CTR. FOR LESBIAN RIGHTS (2011), [http://www.nclrights.org/wp-content/uploads/2013/07/A\\_Place\\_Of\\_Respect.pdf](http://www.nclrights.org/wp-content/uploads/2013/07/A_Place_Of_Respect.pdf); Shannan Wilber, Caitlin Ryan & Jody Marksamer, *CWLA Best Practice Guidelines*, CHILD WELFARE LEAGUE OF AM. (2006), <https://familyproject.sfsu.edu/sites/default/files/bestpracticeslgbtyouth.pdf>.

<sup>6</sup> See Brief for States of New York, Washington, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont and Virginia, and the District of Columbia as Amici Curiae in Support of Respondent at 22, *Gloucester Cty. Sch. Bd. v. G.G. ex rel. Grimm*, 137 S. Ct. 369 (2016) (No. 16-273), 2017 WL 2061869 (listing in appendix state public accommodation laws with protections for transgender people), [https://www.aclu.org/sites/default/files/field\\_document/16-273\\_bsac\\_states\\_corrected.pdf](https://www.aclu.org/sites/default/files/field_document/16-273_bsac_states_corrected.pdf) [hereinafter "G.G. Amici Brief"]; *Karnoski v. Trump*, No. C17-1297-MJP, 2018 WL 1784464 (W.D. Wash. Apr. 13, 2018)

<sup>7</sup> See Mark L. Hatzenbuehler et al., *State-Level Policies and Psychiatric Morbidity in LGB Populations*, 99 AM. J.

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OF PUB. HEALTH 2275 (2009), <https://bit.ly/2DzcmMN>; Sharon S. Rotosky et al., *Marriage Amendments and Psychological Distress in Lesbian, Gay, and Bisexual (LGB) Adults*, 56 J. OF COUNSELING PSYCHOL. 56 (2009), <https://bit.ly/2R1g2JK>; Ilan H. Meyer & David M. Frost, *Minority Stress and the Health of Sexual Minorities*, in HANDBOOK OF PSYCHOLOGY AND SEXUAL ORIENTATION 252 (Charlotte J. Patterson & Anthony R. D'Augelli eds., 2013), <https://bit.ly/2OdulFO>.

<sup>8</sup> *Safe Havens* at 3, *supra* note 5.

<sup>9</sup> YOUTH EQUALITY ALLIANCE, *Living in the Margins: A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems*, 5, 8 (2014), <http://freestatelegal.org/wp-content/uploads/2013/11/YEA-Report-2014.pdf>.

<sup>10</sup> *Id.* at 15, 20, 14.

<sup>11</sup> G.G. Amici Brief, *supra* note 7, at 28.

<sup>12</sup> Facts About Suicide, THE TREVOR PROJECT, <https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/#sm.000olacm118rldkzr8h2n8o0wnss4> (last visited Sept. 11, 2018).

<sup>13</sup> Stephen T. Russell et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth*, 63 J. OF ADOLESCENT HEALTH (forthcoming 2018) (manuscript at 3) (on file with author) [hereinafter “Russell et al.”].

<sup>14</sup> See, e.g., CHILD WELFARE LEAGUE OF AM., et al., *Recommended Practices to Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings* (2012), <https://www.lambdalegal.org/sites/default/files/publications/downloads/recommended-practices-youth.pdf>; AM. ACAD. OF CHILD & ADOLESCENT PSYCHIATRY, *Sexual Orientation, Gender Identity, and Civil Rights* (2009), [https://www.aacap.org/aacap/Policy\\_Statements/2009/Sexual\\_Orientation\\_Gender\\_Identity\\_and\\_Civil\\_Rights.aspx](https://www.aacap.org/aacap/Policy_Statements/2009/Sexual_Orientation_Gender_Identity_and_Civil_Rights.aspx); AM. ACAD. OF FAMILY PHYSICIANS, *Discrimination, Patient* (2015), <https://www.aafp.org/about/policies/all/patient-discrimination.html>; AM. MEDICAL ASS'N, *Support of Human Rights and Freedom H-65.965* (2017), [https://policysearch.ama-assn.org/policyfinder/detail/\\*?uri=%2FAMADoc%2FHOD.xml-0-5094.xml](https://policysearch.ama-assn.org/policyfinder/detail/*?uri=%2FAMADoc%2FHOD.xml-0-5094.xml); NAT'L ADOPTION CTR., *Adoption by Members of the LGBT Community* (2008), <http://www.adopt.org/our-policies#LGBT>; NAT'L ASS'N OF SOC. WORKERS, *Social Work Speaks: National Association of Social Workers Policy Statements* 340 (9th ed. 2012).

<sup>15</sup> Bryan Samuels, Comm'r, Admin. for Children & Families, Info. Memorandum ACYF-CB-IM-11-03, *Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care* (April 6, 2011), <https://www.acf.hhs.gov/sites/default/files/cb/im1103.pdf> [hereinafter “Memorandum ACYF-CB-IM-11-03”]; FED. ADVISORY COMM. ON JUVENILE JUSTICE, *Recommendations of the LGBT Subcommittee: Advancing the Reform Process for LGBQ/GNCT Youth in the Juvenile Justice System* (Jan. 12, 2017), <https://facjj.ojp.gov/ojpasset/Documents/LGBT-Recommendations-Final-FACJJ.pdf>.

<sup>16</sup> Brief of Amici Curiae AM. ACAD. OF PEDIATRICS, AM. PSYCHIATRIC ASS'N, AM. COLLEGE OF PHYSICIANS & 17 Additional Medical & Mental Health Orgs. in Support of Respondent at 24, *Gloucester Cty. Sch. Bd. v. G.G. ex rel. Grimm*, 136 S. Ct. 2442 (2016), <https://www.aclu.org/legal-document/gloucester-county-school-board-v-gg-american-academy-pediatrics-et-al> (“[E]vidence confirms that policies excluding transgender individuals from facilities consistent with their gender identity . . . undermine well-established treatment protocols for gender dysphoria and exacerbate the condition; expose these individuals to stigma and discrimination as well as potential harassment and abuse by singling them out from their peers; harm their physical health by causing them to avoid restroom use; and impair their social and emotional development, leading to poorer health outcomes throughout life.”).

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<sup>17</sup> See M.V. Lee Badgett, Laura E. Durso, & Alyssa Schneebaum, *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community*, WILLIAMS INST. (2013), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>; Taylor N.T. Brown, Adam P. Romero, & Gary J. Gates, *Food Insecurity and SNAP Participation in the LGBT Community*, WILLIAMS INST. (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-inthe-LGBT-Community.pdf>.

<sup>18</sup> Shabab Ahmed Mirza & Caitlin Rooney, *Discrimination Prevents LGBTQ People from Accessing Health Care*, CTR. FOR AM. PROGRESS (Jan. 18, 2018), <https://www.americanprogress.org/issues/lgbt/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/>; NPR, ROBERT WOOD JOHNSON FOUNDATION, HARVARD T.H. CHAN SCHOOL OF PUB. HEALTH, *Discrimination in America: Experiences and Views of LGBTQ Americans* (2017), available at <https://www.npr.org/documents/2017/nov/nprdiscrimination-lgbtq-final.pdf> [hereinafter “*Discrimination in America*”].

<sup>19</sup> See *Discrimination in America*, *supra* note 16.

<sup>20</sup> See MOVEMENT ADVANCEMENT PROJECT & SAGE, *Understanding Issues Facing LGBT Older Adults* (2017), <https://www.sageusa.org/wp-content/uploads/2018/05/sageusa-understanding-issues-facing-lgbt-older-adults.pdf>.

<sup>21</sup> Memorandum ACYF-CB-IM-11-03, *supra* note 10; Title IV-E of the Social Security Act, 42 U.S.C. § 671 (“In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which . . . (10) provides—(A) for the establishment or designation of a State authority or authorities that shall be reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard.”); HHS Grants Rule, 45 C.F.R. § 75.300(c) (“It is a public policy requirement of HHS that no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit factors such as age, disability, race, color, national origin, religion, gender identity, or sexual orientation. Recipients must comply with the public policy requirement in the administration of programs supported by HHS awards.”).

<sup>22</sup> The implementing regulations of Title IV-E of the Social Security Act require agencies receiving federal child welfare dollars to place children in a “safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents’ home, consistent with the best interests and special needs of the child[.]” 42 U.S.C. § 675(5). In addition, Title IV-E requires State plans to document how it establishes and maintains standards for foster family homes and child care institutions that are “reasonably in accord with recommended standards of national organizations concerned with [such] standards[.]” 42 U.S.C. § 671(10). These standards include those related to admission policies, safety and protection of civil rights, and others. *Id.* Agencies are required to ensure safety, permanency, and well-being for all children in their care. 45 C.F.R. § 1355.34(b)(1)(ii); 45 C.F.R. § 1355.34(b)(1)(i). These requirements apply to all children in the child welfare system, including LGBTQ youth.

# **SB0768 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV



### **SB0768 – Nondiscrimination and LGBTQ+ Individuals**

Presented to Hon. Will Smith and Members of the Senate Judicial Proceedings  
Committee March 9, 2021 1:00 p.m.

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#### **POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee to **issue a favorable report on SB0768 – Nondiscrimination and LGBTQ+ Individuals**, sponsored by Senator Mary Washington.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We believe that all people deserve to live a life full of dignity, autonomy, and security, and we know that this makes for healthier individuals, families, and communities. NARAL Pro-Choice Maryland recognizes that victims of LGBTQ+ discrimination are members of our most vulnerable populations—they hold intersectional identities in regards to sex, gender identity, and sexuality which puts them at greater risk of gender-based bias, stereotyping, and oppression. These populations have reported disproportionate rates of discrimination and they deserve, at the very least, support and protection from the state.

Discrimination against LGBTQ+ individuals has a damaging impact on these individuals' mental and physical health. A [study](#) conducted by NPR found that more than half of LGBTQ+ individuals have experienced discrimination at some point in their lives, and one-fifth of LGBTQ+ individuals have avoided seeking medical care for fear of discrimination. The NPR study additionally reported that fear of discrimination can create chronic health problems such as depression and heart disease. Allowing individuals to live in a society that does not protect their right to exist without fear of discrimination is inherently an act of violence. This violent act has detrimental repercussions on individuals' ability to conduct their lives in a healthy, dignified, and autonomous manner. These repercussions necessarily impact the health and wellbeing of our entire community. SB0768 provides a remedy to this sweeping issue.

Those of us in the reproductive justice community are acutely aware of the dangers of not addressing barriers to housing, equity in the courts, social assistance and human services, and barriers to familial justice. The proposed policies would promote healthy families, success for LGBTQ-owned small businesses, safe and happy youth, and actual justice in the courts through the prohibition of discrimination, and appropriate training for state actors.

Improving the safety, well-being, and stability for Marylanders is always in the best interest of our community. For this reason, **NARAL Pro-Choice Maryland urges a favorable report on SB0768**. Thank you for your time and consideration.

# **SB0768\_Nondiscrimination\_LGBTQ+\_MLC\_FAV.pdf**

Uploaded by: Plante, Cecilia

Position: FAV





## **TESTIMONY FOR SB0768**

### **Nondiscrimination and LGBTQ+ INDIVIDUALS**

**Bill Sponsor:** Senator Washington

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0768 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members are in strong support of their LGBTQ+ neighbors. They have very difficult lives and are the subject of much hostility and discrimination. We applaud Senator Washington for sponsoring this bill and hope that not only does it pass, but it makes a difference in how people, and especially youth, who have a different gender identity or sexual orientation are treated in this state.

Maryland has long prided itself on being a very welcoming state, yet data shows us that in the criminal justice system, in housing, in the provision of social services (including child and family services), in schools and in businesses, LGBTQIA people are treated poorly. They are refused service or told that there are no services available, when they clearly are available. This is unconscionable. Discrimination is harmful and wrong. It reflects poorly on everyone in this state and should not be allowed.

We ask you to provide protections for those whose lives are already harmed. The Maryland Legislative Coalition supports this bill and recommends a **FAVORABLE** report in committee.



# **SB0768\_FAV\_Family Equality.pdf**

Uploaded by: Rohmiller, Mary

Position: FAV



March 5, 2021

Judicial Proceedings Committee  
Maryland General Assembly  
2 East Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 768**

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

We write to express our strong support for SB 768. 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. SB 768 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 SB 768 in its entirety<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Further, children in care have unique needs, and the interests

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<sup>1</sup> We join the statements in support of SB 768 submitted by several of our sister organizations, including FreeState Justice, Lambda Legal, Children’s Rights, TrueColors United.

<sup>2</sup> 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/>.

<sup>3</sup> 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-](https://www.ncsl.org/research/human-services/the-child-welfare-placement-continuum)

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.<sup>4</sup>

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.<sup>5</sup> 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 addition, 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. SB 768 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 SB 768.

Respectfully,



Mary Rohmiller, Esq.  
Co-Director of State Policy  
[mrohmill@familyequality.org](mailto:mrohmill@familyequality.org)



Shelbi Day, Esq.  
Co-Director of State Policy  
[sday@familyequality.org](mailto:sday@familyequality.org)

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[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](https://caseyfamilypro-wpengine.netdna-ssl.com/media/SF_CC-Outcomes-Resource.pdf).

<sup>4</sup> 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](https://www.supremecourt.gov/DocketPDF/19/19-123/150745/20200820123207185_Family%20Equality%20PFLAG%20Amicus%20Brief.pdf).

<sup>5</sup> 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).

## **SB0768\_FAV\_Children's Rights.pdf**

Uploaded by: Wilson Remlin, Christina

Position: FAV



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.<sup>1</sup>

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 care<sup>2</sup> and 20% of youth in juvenile justice systems.<sup>3</sup> 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

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<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> 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,<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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

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<sup>4</sup> *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).

<sup>5</sup> 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).

<sup>6</sup> 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>.

# **Senator Mary Washington Testimony SB768.pdf**

Uploaded by: Washington, Mary

Position: FWA

MARY L. WASHINGTON, PH.D  
Legislative District 43  
Baltimore City

Education, Health, and  
Environmental Affairs Committee

Chair  
Joint Committee on Ending  
Homelessness

Chair  
Joint Committee on Children,  
Youth, and Families



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TESTIMONY IN SUPPORT OF SB768

Nondiscrimination and LGBTQ+ Individuals

Judicial Proceedings Committee  
March 9, 2021

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee,

The overrepresentation of lesbian, gay, bisexual, transgender, and queer or questioning (“LGBTQ”) youth in child welfare and juvenile justice systems and among youth

*Despite making up only 5 to 7 percent of the general population nationwide, LGBTQ youth comprise as much as 30 percent of youth in foster care and 20 percent of youth in juvenile justice systems. – Laura Baams et al. and Lambda Legal*

experiencing homelessness has been well-documented for over a decade. It is also well-documented that LGBTQ individuals, especially transgender individuals and LGBTQ people of color, experience widespread prejudice and discrimination. In the last year, 1-in-3 LGBTQ people reported experiencing discrimination. Maryland manages billions of dollars for programs and projects to improve the general welfare of Marylanders, including job training, housing and food assistance, and other critical services. Discriminating against LGBTQ people undermines the effectiveness of these essential government services.

A 2016 report from Maryland’s own Youth Equality Alliance estimates that there are between 47,000 and 95,000 LGBTQ youth in the State, and that 90% of them had heard anti-LGBTQ language on a regular basis. There is a clear need for more comprehensive policies serving LGBTQ youth and families in foster care and juvenile justice systems, in addition to those experiencing homelessness. This bill seeks 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. Most importantly, this bill mandates appropriate training for all government-funded service providers to ensure affirming and inclusive service delivery to LGBTQ Marylanders.



## Highlights of SB768

- **Broadly protects youth, families, trafficking victims, and older adults in accessing critical, essential services.** During an unprecedented public health and economic crisis, we need to ensure that all Marylanders are able to obtain access to housing, food, healthcare, and stability. Nondiscrimination protections would help ensure equal access and reduce barriers in seeking help.
- **Establishes Maryland as a national leader in comprehensively protecting its residents from discrimination.** [The Youth Homelessness Index](#) ranks Maryland at 29th, with the lack of nondiscrimination protections throughout the range of services. Additionally, despite various administrative regulations, there are other significant gaps in protecting LGBTQ residents. SB768 would codify existing administrative regulations into law and cover the full range of human services and the court system; the first such statute in the nation.
- **Mandates appropriate training on LGBTQ+ identities.** As of February 12, 2021, Maryland Department of Human Services rescinded its guidelines for placement of transgender kids, leaving youth especially vulnerable when over 78% of LGBTQ youth leave placement due to discrimination. We need to empower our human services providers to better support and affirm LGBTQ+ youth and families through appropriate training. By educating taxpayer-funded service providers, we can ensure Maryland's LGBTQ+ youth and families are protected and empowered.

## Current State of LGBTQ Youth & Families

LGBTQ youth are disproportionately more likely to enter the foster care system than their non-LGBTQ counterparts. In fact, **30.4%** of youth in foster care identify as LGBTQ and 5% as transgender, compared to 11.2% and 1.7%, respectively, in the overall population. Often, this is a consequence of conflicts with their families over their sexual orientation and/or gender identity. Moreover, **43%** of homeless LGBTQ youth were forced to leave their homes, and **32%** experienced physical, emotional, and/or sexual abuse at home.

Unfortunately, the protections offered to LGBTQ youth who find themselves in the foster care system are limited: **13 %** of LGBTQ youth report being treated poorly by the foster care system, compared to only 6% of non-LGBTQ youth. Furthermore, **78%** left their foster placements due to caregiver hostility toward their gender identity and/or sexual orientation.

## Reasons to Support SB768

1. Despite making up only 5-7 %of the general population nationwide, LGBTQ youth comprise as much as 30% of youth in foster care<sup>1</sup> and 20% of youth in juvenile justice systems.<sup>2</sup> By some estimates, almost 50% of youth experiencing homelessness identify as LGBTQ.<sup>i</sup>
2. Transgender, gender-expansive, and gender-nonconforming (“TGNC”) youth are overrepresented in these systems at even higher rates than youth who identify as lesbian, gay, or bisexual; according to a federally funded study, in Los Angeles County, 5.6% of youth in foster care identify as TGNC, compared to only 1-2%of the general youth population.<sup>ii</sup>
3. LGBTQ individuals, especially transgender individuals and LGBTQ people of color, experience widespread prejudice and discrimination, and that this discrimination frequently takes the form of violence, harassment, or other abuse.<sup>iii</sup> As a result of such stigma, LGBTQ people experience higher levels of psychological disorders and distress, physical disorders, detrimental health behaviors and substance abuse.<sup>iv</sup> In addition, data show that LGBQ and TGNC young people in out-of-home care are disproportionately young people of color, and are therefore exposed to overlapping risks of discrimination.<sup>v</sup>
4. A 2014 report from Maryland’s own Youth Equality Alliance estimates that there are between 47,000 and 95,000 LGBTQ youth in the State, and that 90% of them had heard anti-LGBTQ language on a regular basis.<sup>vi</sup> The report also emphasized the need for more comprehensive policies serving LGBTQ youth in foster care and juvenile justice systems, and those experiencing homelessness.<sup>vii</sup>
5. As can be expected, discrimination and harassment of children and adolescents in their formative years may have long-lasting effects on their wellbeing.<sup>viii</sup> For instance, TGNC youth are at an increased risk for self-harm; and 40% of transgender people have attempted suicide, with the vast majority of those attempts (92 %) occurring before the person turned 25.<sup>ix</sup> A simple act, such as using the correct name and pronoun for a child, can result in a 29% decrease in suicidal ideation and a 56% decrease in suicidal behavior.<sup>x</sup>
6. Professional organizations that advocate for the rights of children and the treatment of youth in care have repeatedly recognized the importance of affirming and supporting LGBTQ youth.<sup>xi</sup> The Administration for Children and Families and the Department of Justice’s Federal Advisory Committee on

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<sup>1</sup> 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>.

<sup>2</sup> 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> [hereinafter “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), [hereinafter “Irvine & Canfield”], [http://impactjustice.org/wp-content/uploads/2016/07/irvine.canfield.jgspl\\_2016.pdf](http://impactjustice.org/wp-content/uploads/2016/07/irvine.canfield.jgspl_2016.pdf).

Juvenile Justice have both recognized that LGBTQ youth should be safe and protected from discrimination.<sup>xii</sup> Additionally, in a recent case before the United States Supreme Court, the American Psychiatric Association, the American Academy of Pediatrics, and 18 other physical and mental health professionals weighed in on the importance of affirmation of identity for the health of transgender youth.<sup>xiii</sup>

7. SB768 will make protection of LGBTQ youth explicit and complete by expanding current nondiscrimination law to include sexual orientation, gender identity, and gender expression throughout Maryland code. Explicit protection from discrimination provides clarity for professionals regarding their obligations. It is an essential component of policy, training, and comprehensive and appropriate care for youth in the child welfare system and youth experiencing homelessness, and for affirming LGBTQ youth and families.
8. In addition to serving youth in out-of-home care, Maryland Department of Human Services (DHS) provides food and cash supplements, energy assistance, workforce development training, and social services to vulnerable and older adults, and medical assistance. Such programs are essential to the LGBTQ community, which is disproportionately at-risk to face economic instability and to be reliant on food, energy, and cash assistance programs.<sup>xiv</sup> In addition, research shows that large percentages of LGBTQ individuals face stigma, discrimination, and harassment when accessing health care,<sup>xv</sup> employment,<sup>xvi</sup> and other social services, including services to older adults.<sup>xvii</sup>
9. In addition, SB768 would put all Maryland services and programs for youth and families in the child welfare system in compliance with federal law, including Title IV-E of the Social Security Act and the federal Health and Human Services (HHS) Grants Rule.<sup>xviii</sup>
10. Importantly, SB768 does not post a fiscal liability for the state. In fact, Maryland would see economic benefits by ensuring that the state's LGBTQ youth have meaningful opportunities for productive and fulfilling futures by finding permanent guardianship and care, experiencing successful rehabilitation, and finding and maintaining safe housing and affirming career opportunities. Finally, the state, by promulgating regulations consistent with professional standards and federal legal requirements, and ensuring agency policy and practice conform, may avoid litigation expenses in the event of a successful discrimination lawsuit against it.<sup>3</sup>

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<sup>3</sup> The implementing regulations of Title IV-E of the Social Security Act require agencies receiving federal child welfare dollars to place children in a "safe setting that is the least restrictive (most family like) and most appropriate setting available and in close proximity to the parents' home, consistent with the best interests and special needs of the child[.]" 42 U.S.C. § 675(5). In addition, Title IV-E requires State plans to document how it establishes and maintains standards for foster family homes and child care institutions that are "reasonably in accord with recommended standards of national organizations concerned with [such] standards[.]" 42 U.S.C. § 671(10). These standards include those related to admission policies, safety and protection of civil rights, and others. *Id.* Agencies are required to ensure safety, permanency, and well-being for all children in their care. 45 C.F.R. § 1355.34(b)(1)(ii); 45 C.F.R. § 1355.34(b)(1)(i). These requirements apply to all children in the child welfare system, including LGBTQ youth.

I ask you for a favorable report on SB768.

In partnership,



Senator Mary Washington, District 43, Baltimore City

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<sup>i</sup> *Safe Havens* at 3 (citing Megan Martin, Leann Down, & Rosalynd Erney, *Out of the Shadows: Supporting LGBTQ Youth in Child Welfare Through Cross-System Collaboration*, CTR. FOR THE STUDY OF SOC. POLICY (2016), <https://www.cssp.org/pages/body/Out-of-the-Shadows-Supporting-LGBTQ-youth-in-child-welfare-through-cross-system-collaboration-web.pdf>).

<sup>ii</sup> Bianca D.M. Wilson et al., *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, WILLIAMS INST. 6 (Aug. 2014), [https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS\\_report\\_final-aug-2014.pdf](https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_report_final-aug-2014.pdf); Irvine & Canfield, *supra* note 1, at 248, 257-258; TRUE COLORS FUND & NAT'L LGBTQ TASK FORCE, *At the Intersections: A Collaborative Report on LGBTQ Youth Homelessness* (2016), <http://attheintersections.org>. See also CHILD WELFARE LEAGUE OF AM. & LAMBDA LEGAL, *Getting Down to Basics: Tools to Support LGBTQ Youth in Care* (2012), <https://www.lambdalegal.org/publications/getting-down-to-basics>; N.Y.C. ADMIN. FOR CHILDREN'S SERVS., *Safe & Respected: Policy, Best Practices, & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems* (2014), [http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL\\_06\\_23\\_2014\\_WEB.pdf](http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL_06_23_2014_WEB.pdf); Jody Marksamer, Dean Spade & Gabriel Arkles, *A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth*, NAT'L CTR. FOR LESBIAN RIGHTS (2011), [http://www.nclrights.org/wp-content/uploads/2013/07/A\\_Place\\_Of\\_Respect.pdf](http://www.nclrights.org/wp-content/uploads/2013/07/A_Place_Of_Respect.pdf); Shannan Wilber, Caitlin Ryan & Jody Marksamer, *CWLA Best Practice Guidelines*, CHILD WELFARE LEAGUE OF AM. (2006), <https://familyproject.sfsu.edu/sites/default/files/bestpracticeslgbtyouth.pdf>.

<sup>iii</sup> See Brief for States of New York, Washington, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont and Virginia, and the District of Columbia as Amici Curiae in Support of Respondent at 22, *Gloucester Cty. Sch. Bd. v. G.G. ex rel. Grimm*, 137 S. Ct. 369 (2016) (No. 16-273), 2017 WL 2061869 (listing in appendix state public accommodation laws with protections for transgender people), [https://www.aclu.org/sites/default/files/field\\_document/16-273\\_bsac\\_states\\_corrected.pdf](https://www.aclu.org/sites/default/files/field_document/16-273_bsac_states_corrected.pdf) [hereinafter "G.G. Amici Brief"]; *Karnoski v. Trump*, No. C17-1297-MJP, 2018 WL 1784464 (W.D. Wash. Apr. 13, 2018).

<sup>iv</sup> See Mark L. Hatzenbuehler et al., *State-Level Policies and Psychiatric Morbidity in LGB Populations*, 99 AM. J. OF PUB. HEALTH 2275 (2009), <https://bit.ly/2DzcmMN>; Sharon S. Rotosky et al., *Marriage Amendments and Psychological Distress in Lesbian, Gay, and Bisexual (LGB) Adults*, 56 J. OF COUNSELING PSYCHOL. 56 (2009), <https://bit.ly/2R1g2JK>; Ilan H. Meyer & David M. Frost, *Minority Stress and the Health of Sexual Minorities*, in HANDBOOK OF PSYCHOLOGY AND SEXUAL ORIENTATION 252 (Charlotte J. Patterson & Anthony R. D'Augelli eds., 2013), <https://bit.ly/2OdulFO>.

<sup>v</sup> *Safe Havens* at 3, *supra* note 5.

<sup>vi</sup> YOUTH EQUALITY ALLIANCE, *Living in the Margins: A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems*, 5, 8 (2014), <http://freestatelegal.org/wp-content/uploads/2013/11/YEA-Report-2014.pdf>.

<sup>vii</sup> *Id.* at 15, 20, 14.

<sup>viii</sup> G.G. Amici Brief, *supra* note 7, at 28.

<sup>ix</sup> Facts About Suicide, THE TREVOR PROJECT, <https://www.thetrevorproject.org/resources/preventing-suicide/facts-about-suicide/#sm.000olacm118rldkzr8h2n8o0wnss4> (last visited Sept. 11, 2018).

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<sup>x</sup> Stephen T. Russell et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior Among Transgender Youth*, 63 J. OF ADOLESCENT HEALTH (forthcoming 2018) (manuscript at 3) (on file with author) [hereinafter “Russell et al.”].

<sup>xi</sup> See, e.g., CHILD WELFARE LEAGUE OF AM., et al., *Recommended Practices to Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings* (2012),

<https://www.lambdalegal.org/sites/default/files/publications/downloads/recommended-practices-youth.pdf>; AM.

ACAD. OF CHILD & ADOLESCENT PSYCHIATRY, *Sexual Orientation, Gender Identity, and Civil Rights* (2009),

[https://www.aacap.org/aacap/Policy\\_Statements/2009/Sexual\\_Orientation\\_Gender\\_Identity\\_and\\_Civil\\_Rights.aspx](https://www.aacap.org/aacap/Policy_Statements/2009/Sexual_Orientation_Gender_Identity_and_Civil_Rights.aspx);

AM. ACAD. OF FAMILY PHYSICIANS, *Discrimination, Patient* (2015), <https://www.aafp.org/about/policies/all/patient-discrimination.html>; AM. MEDICAL ASS’N, *Support of Human Rights and Freedom H-65.965* (2017),

[https://policysearch.ama-assn.org/policyfinder/detail/\\*?uri=%2FAMADoc%2FHOD.xml-0-5094.xml](https://policysearch.ama-assn.org/policyfinder/detail/*?uri=%2FAMADoc%2FHOD.xml-0-5094.xml); NAT’L

ADOPTION CTR., *Adoption by Members of the LGBT Community* (2008), <http://www.adopt.org/our-policies#LGBT>;

NAT’L ASS’N OF SOC. WORKERS, *Social Work Speaks: National Association of Social Workers Policy Statements* 340 (9th ed. 2012).

<sup>xii</sup> Bryan Samuels, Comm’r, Admin. for Children & Families, Info. *Memorandum ACYF-CB-IM-11-03, Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care* (April 6, 2011),

<https://www.acf.hhs.gov/sites/default/files/cb/im1103.pdf> [hereinafter “*Memorandum ACYF-CB-IM-11-03*”]; FED.

ADVISORY COMM. ON JUVENILE JUSTICE, *Recommendations of the LGBT Subcommittee: Advancing the Reform Process for LGBQ/GNCT Youth in the Juvenile Justice System* (Jan. 12, 2017),

<https://facjj.ojp.gov/ojpasset/Documents/LGBT-Recommendations-Final-FACJJ.pdf>.

<sup>xiii</sup> Brief of Amici Curiae AM. ACAD. OF PEDIATRICS, AM. PSYCHIATRIC ASS’N, AM. COLLEGE OF PHYSICIANS & 17 Additional Medical & Mental Health Orgs. in Support of Respondent at 24, *Gloucester Cty. Sch. Bd. v. G.G. ex rel. Grimm*, 136 S. Ct. 2442 (2016), <https://www.aclu.org/legal-document/gloucester-county-school-board-v-gg-american-academy-pediatrics-et-al> (“[E]vidence confirms that policies excluding transgender individuals from facilities consistent with their gender identity . . . undermine well-established treatment protocols for gender dysphoria and exacerbate the condition; expose these individuals to stigma and discrimination as well as potential harassment and abuse by singling them out from their peers; harm their physical health by causing them to avoid restroom use; and impair their social and emotional development, leading to poorer health outcomes throughout life.”).

<sup>xiv</sup> See M.V. Lee Badgett, Laura E. Durso, & Alyssa Schneebaum, *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community*, WILLIAMS INST. (2013), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>; Taylor N.T. Brown, Adam P. Romero, & Gary J. Gates, *Food Insecurity and SNAP Participation in the LGBT Community*, WILLIAMS INST. (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

<sup>xv</sup> Shabab Ahmed Mirza & Caitlin Rooney, *Discrimination Prevents LGBTQ People from Accessing Health Care*, CTR. FOR AM. PROGRESS (Jan. 18, 2018),

<https://www.americanprogress.org/issues/lgbt/news/2018/01/18/445130/discrimination-prevents-lgbtq-people-accessing-health-care/>;

NPR, ROBERT WOOD JOHNSON FOUNDATION, HARVARD T.H. CHAN SCHOOL OF PUB.

HEALTH, *Discrimination in America: Experiences and Views of LGBTQ Americans* (2017), available at

<https://www.npr.org/documents/2017/nov/nprdiscrimination-lgbtq-final.pdf> [hereinafter “*Discrimination in America*”].

<sup>xvi</sup> See *Discrimination in America*, *supra* note 16.

<sup>xvii</sup> See MOVEMENT ADVANCEMENT PROJECT & SAGE, *Understanding Issues Facing LGBT Older Adults* (2017), <https://www.sageusa.org/wp-content/uploads/2018/05/sageusa-understanding-issues-facing-lgbt-older-adults.pdf>.

<sup>xviii</sup> *Memorandum ACYF-CB-IM-11-03*, *supra* note 10; Title IV-E of the Social Security Act, 42 U.S.C. § 671 (“In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which . . . (10) provides—(A) for the establishment or designation of a State authority or authorities that shall be reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard.”); HHS Grants Rule, 45 C.F.R. § 75.300(c) (“It is a public policy requirement of HHS that no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit factors such as age, disability, race, color, national origin, religion, gender identity, or sexual orientation. Recipients must comply with the public policy requirement in the administration of programs supported by HHS awards.”).

# **MD Judiciary - Testimony SB 768.pdf**

Uploaded by: Elalamy, Sara

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 768  
Nondiscrimination and LGBTQ+ Individuals  
**DATE:** March 3, 2021  
(3/9)  
**POSITION:** Oppose, as drafted

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The Judiciary applauds the policy aims of this legislation. Notwithstanding this laudable goal, the Judiciary is opposed, as drafted, to the mandate of certain training requirements. The bill declares that it is the policy of the State in the respective functions of (a) courts of equity, (b) the provision of child and family services, including at local departments, (c) housing and community development programs, and (d) the Department of Human Services and the Department of Juvenile Services to do the following: provide equal access to justice to all . . . regardless of race, color, creed, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; improve safety, well-being, and stability for lesbian, gay, bisexual, transgender, queer, questioning, and gender nonconforming youth served by or eligible to be served; ensure that families, kin, and prospective and current foster and adoptive parents are protected from discrimination on the basis of nonmerit factors while benefitting from or participating in services; prohibit discrimination on the basis of nonmerit factors, including race, color, creed, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability in the administration of services]; and **provide appropriate training to employees and contractors in the State regarding lesbian, gay, bisexual, transgender, queer, questioning, and gender nonconforming individuals.**

The Judiciary is opposed to the training mandates for employees of the court system provided in bold above. Current laws recognize that the Chief Judge of the Court of Appeals has authority over the behavior and training of Judges in Maryland. Courts and Judicial Proceedings Article (“CJP”) § 1-201 empowers the Court of Appeals to make rules and regulations for courts of the state. The Court of Appeals has enacted Title 18 of the Maryland Rules which addresses Judicial Conduct, Judicial Disabilities, and Discipline. Also, CJP § 13-401 recognizes the Commission on Judicial Disabilities, which is established by Article IV, § 4A of the Maryland Constitution, and grants the Commission powers, such as the power to administer oaths or issue subpoenas, that are helpful in carrying out its duty to investigate judicial misconduct.



By Administrative Order, on June 6, 2016, the Chief Judge of the Court of Appeals reorganized Judicial Education and renamed the same as the Judicial College of Maryland, “responsible for the continuing professional education of judges” and “[t]he Education Committee of the Judicial Council shall establish subcommittees and work groups to develop, with the support of the Judicial College, the courses, educational programs, and academic opportunities offered to judges, magistrates, commissioners, and other Judiciary employees....”

Most importantly, this bill violates the Maryland State Constitution’s separation of powers doctrine by infringing on duties constitutionally assigned to the Judicial Branch. This legislation invites an analysis of the Separation of Powers that relies on the language of *Attorney Gen. of Maryland v. Waldron*, where the General Assembly acted outside of its “constitutional bailiwick” by imposing restrictions on retired judges receiving a pension to practice law. In overturning the statute at issue in *Waldron*, the Court of Appeals held that “Maryland’s judiciary in the past generally has been able to harmonize its obligations with enactment by the General Assembly of a restricted class of statutes relating to the legal profession, passed by the Legislature pursuant to its interest in promoting the health, safety and welfare of the people of this State. This harmony heretofore has been possible because the legislation has been calculated to, and did, augment the ability of the courts to carry out their constitutional responsibilities; at the most, there was but a minimal intrusion.” This bill, though, goes beyond “augment[ing]” the Judiciary’s ability to carry out its responsibilities.

The power to ensure integrity and impartiality among judges is a core responsibility of the Judicial branch. Article IV, § 4A of the Maryland Constitution establishes the Commission on Judicial Disabilities, and § 4B assigns the Commission power to “[i]nvestigate complaints against any judge” and to “recommend to the Court of Appeals the removal, censure, or other appropriate disciplining of a judge.” In addition, Section 4B assigns to the Court of Appeals the power to discipline a judge upon a finding of “misconduct while in office, or of persistent failure to perform the duties of the office, or of conduct prejudicial to the proper administration of justice.”

Senate Bill 768 is a means to, presumably, promote the health, safety, and welfare of the people of the state by ensuring a bench free of implicit bias. The bill, however, encroaches severely upon the Court of Appeals’ constitutional duty to oversee the integrity and impartiality of State judges. Further, the bill ignores the existing mechanisms in the Judicial Branch to offer trainings and the expertise of the Judicial Council (specifically the Education Committee and the Committee on Equal Justice – see attached) and the Judicial College to determine the most suitable trainings for the bench. In doing so, the bill infringes on the constitutional role of the Chief Judge of the Court of Appeals as “administrative head of the Judicial system of the State.”

cc. Hon. Mary Washington  
Judicial Council  
Legislative Committee  
Kelley O’Connor



**FOR IMMEDIATE RELEASE**

June 25, 2020

Government Relations and Public Affairs  
187 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
410-260-1488

**Maryland Judiciary forms Committee on Equal Justice to address systemic inequalities**

ANNAPOLIS, Md. – A new committee of the Judicial Council has been formed that will strengthen the Maryland Judiciary's commitment to equal justice under the law.

Formed at the direction of Chief Judge Mary Ellen Barbera, Maryland Court of Appeals, the Committee on Equal Justice, which is part of the governance structure of the Judicial Council, will make recommendations on strategies to dismantle any discriminatory behaviors in all aspects of the Judiciary's functions. The committee will identify necessary improvements, resources, and support services and develop educational opportunities for ongoing Judiciary-wide engagement in the pursuit of equal justice for all.

"We are at a crossroads in meeting the mandate of equal justice under law," said Chief Judge Barbera. "We must choose, deliberately and thoughtfully, to eliminate discrimination on the basis of race, background, or identity, whether or not it is done with intention, within the Judiciary or in the administration of justice. The Committee on Equal Justice will lead our work to identify what we must change or improve so that we provide fair, efficient, and effective justice for all in Maryland."

The Committee on Equal Justice, which will be chaired by Judge E. Gregory Wells, Maryland Court of Special Appeals, consists of more than 40 members from the Judiciary, including judges, court administrators, clerks, and staff.

"I am honored that Chief Judge Barbera has asked me to lead this important and timely committee," said Judge Wells. "Like so many of our institutions, we seek to ensure that the Judiciary is open and inclusive to all. The Committee on Equal Justice will be taking a hard look both inward and outward and will listen to all of our colleagues, our justice partners, and the public we serve."

The Committee on Equal Justice will ensure that judges and staff increase their knowledge and understanding of ethnic disparities, discrimination, and systemic racism, including implicit bias, micro-inequities, and micro-aggressions.

The Judiciary's announcement of the new committee comes after Chief Judge Barbera issued the [Statement on Equal Justice under Law](#). The statement was distributed to the members of the Judiciary, the more than 40,000 attorneys who practice law in Maryland, and the public and is available on the Judiciary's website.

"Judge Wells and the members of the Committee on Equal Justice have vital work before them," said Chief Judge Barbera. "The committee will guide us in putting into practice the values to which we have committed in the [Statement on Equal Justice under Law](#)."

The first meeting of the committee will take place remotely in July.

# # #

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## **UNfavorable for SB0768.pdf**

Uploaded by: mcavoy, vince

Position: UNF

# UNfavorable for SB0768

vince mcavoy po box 41075 baltimore md

Dear Committee,

I urge an UNfavorable on SB768.

Please vote unfavorable on this bill, SB768.

I start by lauding the sponsor for speaking directly to what the bill is. Her forthrightness is admirable, amid a Session with false named bills.

It is unseemly to reward people for how they have sexual relations.

It is likely constitutionally invalid (please see *Void-for-Vagueness Doctrine*, Denial of Basic Fathers' Rights, et cetera).

This is, in fact, not a bill for lgbtqi+++. But rather a bill discriminating AGAINST committed heterosexuals. This is the essence of *Vagueness Doctrine* – both in word & spirit...

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## *Fifth Amendment — Due Process — Void-for-Vagueness Doctrine — Sessions v. Dimaya*

Recent Terms have brought a sequence of cases challenging portions of the criminal code for unconstitutional vagueness.<sup>1</sup> Criminal defendants have sought relief from long sentences on the grounds that the statutory definitions of their crimes gave insufficient notice of their actions' consequences — notice the Due Process Clause requires — and therefore that these statutory definitions were void for vagueness. And the Court has shown itself willing to grant that relief.<sup>2</sup> Last Term, in *Sessions v. Dimaya*,<sup>3</sup> the Supreme Court took the next logical step, applying its vagueness analysis, set forth in *Johnson v. United States*,<sup>4</sup> to a provision of the criminal code incorporated into the Immigration and Nationality Act<sup>5</sup> (INA). Given the severe sanction the INA contemplates (deportation), the Court was right to apply *Johnson*. But the Court should limit its extension of *Johnson* to circumstances where the consequences are severe; to do so the Court ought to import the distinctions it has already drawn in the procedural due process realm. This will allow it to develop a determinate standard by which it can judge

[https://harvardlawreview.org/wp-content/uploads/2018/11/367-376\\_Online.pdf](https://harvardlawreview.org/wp-content/uploads/2018/11/367-376_Online.pdf)

Very often, the term “discrimination” is used to silence the truth. Furthering the efforts to provide trans-privilege or lgbt-privilege or some variant of dozens of self-created role-play identities would come at the financial cost of businesses and individuals, the comfort in self-acceptance of established religious values, as well as issues regarding branding to small, medium and large establishments/businesses.

### **Existing Rights are Denied**

The wish-list proposed in the bill is something that straight fathers in Maryland do not have and have been denied. Fathers have been denied both legislation to fix this entrenched bias against fathers (via a tender year doctrine which has never stopped in Maryland, despite state & fed EEOC laws)

“ ..Moreover, elevation of women's legal status during the nineteenth and twentieth centuries also contributed to the movement from 'paternal' to 'maternal' preference.<sup>8</sup>

Maryland adopted the maternal preference presumption, considering mothers to be the natural custodians of young children,<sup>9</sup> and courts generally granted custody to mothers unless they were found to be unfit.<sup>10</sup> ”

<http://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1798&context=lf>

And denied even the committee VOTE of bills designed to analyze or stop bias against straight fathers.

### **Senator A. Muse, Senate Judiciary on SB1004 (previously SB1047)**

"...a simple bill....equal value to each parent in his or her role in rearing a child...

for decades a de facto presumption in FAVOR of the mother has existed in Maryland courts...

SB1047.. acknowledging that both parents should equally share in the responsibility of raising a child.... "

<https://mgahouse.maryland.gov/mga/play/a99d59956c754404a29ac652173973af/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1432964>  
<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb1004/?ys=2014rs>

This is not just a matter of children, family and legal corruption for the benefit of family law & DV attorneys; the lack of biological fathers in their lawful role corrupts society.

**Senator (former Delegate) Jill P. Carter, House Judiciary on HB1440**

"...had we passed it when it made its way to the floor, a child would be ten years old...

many people are pro se litigants...they CERTAINLY cannot afford appeals... when that ruling is made & that parent is essentially ejected at the Circuit Court level from that child's life , [that's] a permanent decision....

It affects the entire rearing of that child...generations and generations of children that we often struggle

to keep parents in the lives of children because we have so many, so many bad consequences resultant from fatherless children...children that are not having enough involvement, attention from fathers."

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=5220000>

Such corruption is seen here...

**Delegate D. Swain, House Judiciary on Senator Carter's HB1440 to Domestic Violence crow**

"...my concern as a single-dad, I totally DIS-agree that there isn't a bias... because I experienced that...

FROM THE BENCH ! ...

BY THE JUDGE ! ....

who specifically said that those things you said AREN'T said -- FROM THE BENCH !

...To say that, I [take offense...what you said] is NOT true...

and when I hear people come in and make these assumptions that that shouldn't be the case, it really disturbs me...

the assumption should be that to the extent possible we should have both parents fully engaged and involved in a child's life...."

<http://mgahouse.maryland.gov/mga/play/88e6074a4f7b464f9c195bf77007f739/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=4175000>

And here...

\* **Hearsay is routinely allowed**

[http://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=jud&ys=2020RS&clip=JUD\\_1\\_30\\_2020\\_meeting\\_1&url=http%3A%2F%2Fmgahouse.maryland.gov%2Fmga%2Fplay%2Fdeb0b45f-9cc3-4475-97c6-1769c4eea852%2F%3Fcatalog%2F03e481c7-8a42-4438-a7da-93ff74bdaa4c%26playfrom%3D5700000](http://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=jud&ys=2020RS&clip=JUD_1_30_2020_meeting_1&url=http%3A%2F%2Fmgahouse.maryland.gov%2Fmga%2Fplay%2Fdeb0b45f-9cc3-4475-97c6-1769c4eea852%2F%3Fcatalog%2F03e481c7-8a42-4438-a7da-93ff74bdaa4c%26playfrom%3D5700000)

And here

\* **Perjury is not prosecuted**

Delegate Mike Malone:

Who's the last person you knew who got a year in jail for perjury?

Senator Wayne Norman:

I don't know that I know anybody that's gone to jail for perjury.

Delegate Mike Malone:

That's my problem – it never happens...

<http://mgahouse.maryland.gov/mga/play/afb620fc-af56-42e2-a4a1-2dbf7060656a/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1680000>

And here

\* **Lack of veracity of abuse allegations (Del. Luiz Simmons)**

Luiz Simmons schooled the House Judiciary & Domestic Violence groups on domestic violence in Maryland.

<http://mgahouse.maryland.gov/mga/play/17e83e8cf7194b7eb497d28e9f0fdd8/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=6224919>

This bill aims to discriminate against others so that the “perception” of being discriminated on by a sub-section of society (0.5% to 4%, depending upon source cited) when in fact that sub-section has among the highest rates of mental illness, drug use and disordered lifestyles in society.

Amongst this sub-section are those who developed said identities while in prison, due to criminal behavior. And on the issue of criminal behavior, in Maryland, at this moment, these activities were considered felonies until FIVE MONTHS AGO

**HOUSE BILL 81**

E1

0lr1223  
CF 0lr1222

By: Delegates Moon, Bartlett, Charkoudian, Crutchfield, Korman, Lehman,  
J. Lewis, and Palakovich Carr  
Introduced and read first time: January 13, 2020  
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Law – Sodomy and Unnatural or Perverted Sexual Practice – Repeal

3 FOR the purpose of repealing the crimes of sodomy and unnatural or perverted sexual  
4 practice; and generally relating to sexual crimes.

## 5 BY repealing

6 Article – Criminal Law  
7 Section 3-321 and 3-322  
8 Annotated Code of Maryland  
9 (2012 Replacement Volume and 2019 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
11 That the Laws of Maryland read as follows:

12 Article – Criminal Law

13 [3-321.

14 A person who is convicted of sodomy is guilty of a felony and is subject to  
15 imprisonment not exceeding 10 years.]

16 [3-322.

17 (a) A person may not:

18 (1) take the sexual organ of another or of an animal in the person's mouth;

19 (2) place the person's sexual organ in the mouth of another or of an animal;

20 or

## Bake the Cake

On page 2 of the bill (and elsewhere) the mention of “prohibit discrimination” has been translated in courts of forcing through legal coercion, financial coercion or criminally-assaultive behavior to ramrod people to adopt attitudes, efforts of expression or employment-tyranny. Such efforts have promoted SCOTUS hearings & decisions such as with a Colorado baker (i.e. – #BakeTheCake).

Finally, all Marylanders do not promote these variant lifestyles. The choice to not promote may be personal, it may be cultural, it may be spiritual, it may be seeing something a societally harmful. Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, the State is entitled to use its power to ban or limit them.



So, yes, the state should safeguard morality and serve the common good. The State has the duty to uphold public morality.

## **CULTURAL CHANGES in Maryland**

In the past, Maryland has shown a multitude of bills clamoring for inclusivity.

### **CURRENT**

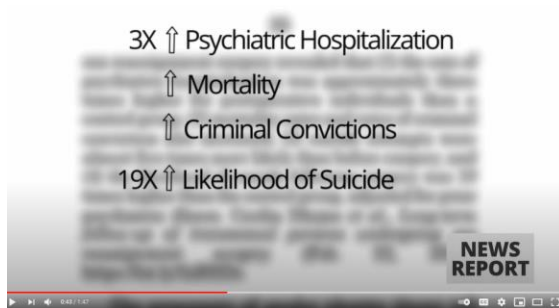
Transgender culture, processes & allowances in the medical & public sector are leading to profiteering from an body-part-amputation industry, under the guise of offering a panacea to children going thru the natural process of adolescence.

#### **Dangers of the transgender movement well-documented**

“More than half of transgender male teens who participated in surveys have reported attempting suicide in their lifetime...29.9% of transgender female teens said they had attempted suicide...

nonbinary youth, 41.8% of those tested stated that they have attempted suicide at some point of their lives...is the embodiment of self-hatred...[suicide rate] are off-the-charts high.” <https://youtu.be/iPLY2SqK7UE?t=240>

What should be of interest to the House HGO is that only 2 years ago, the outcomes of transgender re-assignment were presented in an amicus to the U.S. Supreme Court, noting an “increased psychiatric hospitalization, a sharp increase in mortality as well as criminal convictions, with transgenders 19 times more likely to kill themselves.”



[https://youtu.be/ljL2RNa6\\_Xo](https://youtu.be/ljL2RNa6_Xo)

### **Trans Industry Profiteering**

This fad is being promoted by Planned Parenthood, according to Wall Street Journal reporter Abigail Shrier, for profit through hormone treatment, bloodwork, and other opportunities for profit.

<https://youtu.be/2SPHcVP4sJw?t=48>

## FUTURE

Just consider the future where Drag Queen Story Hour for 3-year-old children in public schools and libraries. At these events, homosexual activists teach toddlers about unnatural behavior. As one drag queen openly confessed at a City Council Meeting in Lafayette, Louisiana: “This is going to be the grooming of the next generation.”

<https://youtu.be/QdnEnq-ocm0?t=218>



## Children in Danger

Being ignorant to the biological fact of a child's biological sex is a danger to children. The dangers lie in making a process so free of checks & balances that the process embraces indoctrination while removing self-reflection to minors who may be experiencing normal childhood challenges & pressures.

There is also danger in another sense, where those escaping the scrutiny of free association in a lockdown COVID era. Can we absolutely rule out these transgender procedures/treatments/surgeries may end up being done remotely in the absence of light on the process?

## #ProtectJamesYounger

Take the case of James Younger in Texas. The case garnered the attention of Texas' Attorney General & Governor.



Forcing kids to transition: two horrific cases that EVERYONE needs to know

<https://youtu.be/9sV2zeE4X08>

A father was gravely concerned about the “sexual mutilation of his own son [while] all of his authority figures – his mother, his teacher, the librarian at school, the police officer at school, the principals at school – say he's a girl.....[ James' father was ] the only authority figure in his life that tells him the truth-- that he's a boy” [https://youtu.be/Jdxc\\_chdwIo](https://youtu.be/Jdxc_chdwIo)

The James Younger case involves the attempts of a child-indoctrinating, parental-alienating mother to transition her son (physically, culturally, biologically) into a girl at AGE THREE. Leaving the biological sex open to a non-binary option (children are male or female) could be used by any single-mother bent on fomenting a child custody case to evade the rightful child custody merits of a fit father. <https://youtu.be/iPLY2SqK7UE?t=1310>

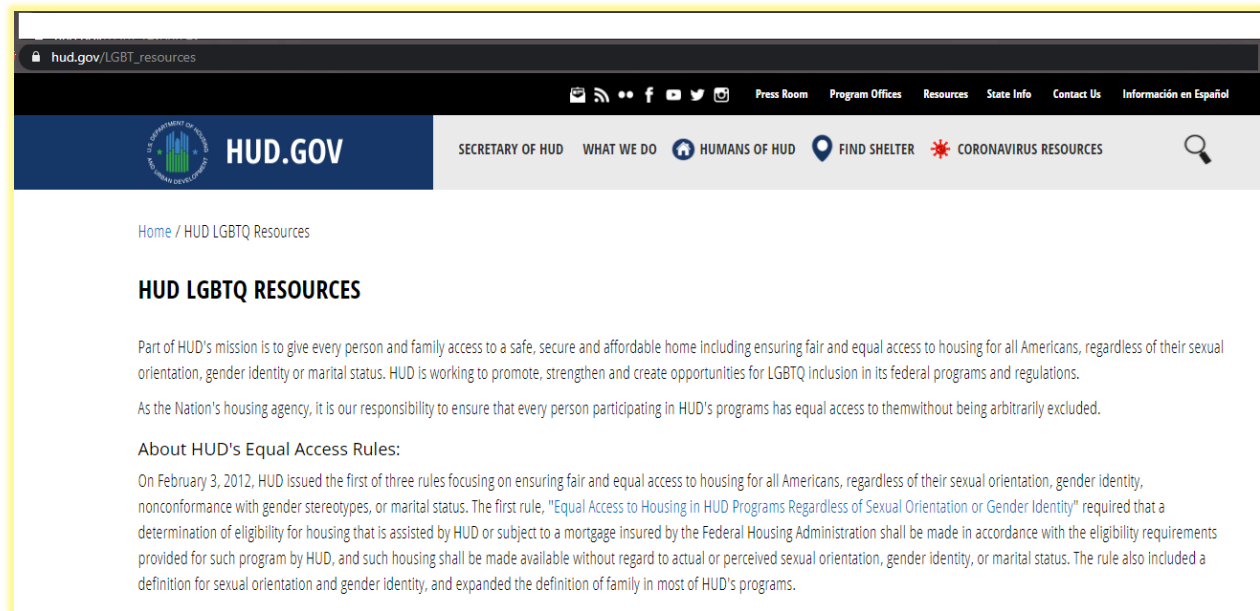
In 2012, cross-filed bills ( SB481/HB485) to address such Parental-Kidnapping / Parental-Alienating offenders were offered by Senator Bobby Zirkin & Delegate Luiz Simmons.

<https://mgaleg.maryland.gov/mgaweb/site/Search/Legislation?target=/2012rs/billfile/sb0481.htm>

And the possibility of the objective, scientifically-provable biological sex of a child being gas-lighted into something heinous will increase if this bill is passed.

To disregard the known consequences and ignore rightful projections related to the unintended consequences of misleading, lying as well as sexually & physically manipulating Maryland's own children for the benefit of an extremely small, child-amputating sector is wrongful.

## Agencies in question



## HCD / DJS

HCD has a website regarding non-discrimination.

As do the other departments mentioned in the bill. Maryland's DJS that a huge swath of people there are/do do this...

### SENATE BILL 768

5

1                   **(1) PROVIDE EQUAL ACCESS TO ALL IN DEPARTMENT OF HUMAN**  
2 **SERVICES AND DEPARTMENT OF JUVENILE SERVICES UNITS AND PROGRAMS**  
3 **THROUGHOUT THE STATE REGARDLESS OF RACE, COLOR, CREED, RELIGION, SEX,**  
4 **AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER**  
5 **IDENTITY, OR DISABILITY;**

6                   **(2) IMPROVE SAFETY, WELL-BEING, AND STABILITY FOR LESBIAN,**  
7 **GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER**  
8 **NONCONFORMING YOUTH SERVED BY OR ELIGIBLE TO BE SERVED BY THESE**  
9 **SYSTEMS;**

...even though the population of juvenile criminals there made others UN-safe. It is inappropriate for the sponsor to be so concerned for the criminal as to convey special privilege because of a (self-professed) sexuality while having disregard for the law-abiding citizen, the productive members of society. That approach is disordered.

### **The Reality**

In Maryland, we are among the most inclusive states in the Union. This is echoed at federal level and state level. NO class, no type, no individual will be free of bad days and wrongful people. That does not mean a law needs to be passed nor can any law make everyone's day free of malice, greed, discourtesy or even evil. Sometimes these things happen for no reason. Sometimes because people bring this upon themselves with an entitled attitude. Marylanders should not be surprised that a group who experiences higher (to much higher) than normal addiction, personality disorders, mental illness and drug abuse also experiences a spirit of oppression, victimhood or depression. We treat this sub-sector well.

I urge an unfavorable on providing special privileges based on how someone has sex. Maryland's societal bonds are based on human family, not animal nature.

# **LoC - Nondiscrimination & LGBTQ Individuals.pdf**

Uploaded by: Dove, Spencer

Position: INFO

# State of Maryland

## Commission on Civil Rights

*"Our vision is to have a State that is free from any trace of unlawful discrimination."*



### *Officers*

Alvin O. Gillard, Executive Director  
Nicolette Young, Assistant Director  
Glendora C. Hughes, General Counsel

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Rabbi Binyamin Marwick  
Jeff Rosen  
Gina McKnight-Smith, PharmD, MBA

March 9, 2021

### **Senate Bill 768 – Nondiscrimination and LGBTQ+ Individuals** **POSITION: Letter of Concern**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 768 prohibits discrimination in access to justice, in the provision of child and family services, in housing and community development programs, and in programs administered by the Department of Human Services and the Department of Juvenile Services. The bill specifies that certain departments are required to receive training for employees and contractors with respect to not discriminating against LGBTQ+ individuals subject to their services. MCCR's statute is amended to include contractors, grantees, and other programs or entities receiving public funds as being subject to MCCR's jurisdiction.

While the Maryland Commission on Civil Rights supports the intent of the bill to prohibit discrimination, MCCR has concerns with the construction of the bill. In some respects, such as with access to housing and community development programs, the language of the bill is duplicative of Maryland's fair housing law found in Title 20, Subtitle 7 of the State Government Article, *Annotated Code of Maryland*. However, this language is copied into other sections of the Code in order to apply to the Maryland Judiciary and the Maryland Department of Juvenile Services, as examples.

Furthermore, the bill's training requirements are not consistently applied to all protected classes named in SB768 and currently protected under Title 20 of the State Government Article. While mandating training for employees and contractors on anti-discrimination for LGBTQ+ individuals is an important topic that has received more attention and focus over the past decade, as a matter of principle MCCR believes training requirements should be equitably applied to all protected classes in law.

Additionally, definitions need to be added for “contractor”, “grantee”, and “other program or entity receiving public funds” to clearly establish the jurisdiction of MCCR. These definitions would be beneficial to those subject to the bill’s provisions as well as MCCR, and should incorporate language clarifying that MCCR does not have the authority to investigate complaints against individuals or businesses receiving federal funds.

Finally, the bill expands MCCR’s jurisdiction, which will have a potentially significant impact on agency operations and resources. The Maryland Commission on Civil Rights is unable to absorb the impact this bill will have on the agency, thereby requiring additional resources from the State. The increase in the number of complaints MCCR receives under SB768 will adversely impact MCCR’s ability to satisfy existing contractual obligations with the U.S. Equal Employment Opportunity Commission (“EEOC”) and U.S. Department of Housing & Urban Development (“HUD”), thereby reducing the amount of federal funding MCCR depends upon to maintain agency operations and staffing levels.

Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.