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The Honorable Vanessa Atterbearry
House of Delegates Ways and Means Committee
Room 131
House Office Building
Annapolis, Maryland 21401

Testimony of FreeState Justice

IN OPPOSITION OF

HB618: Maryland Parental Rights Act

To the Honorable Chair Vanessa Atterbearry, Vice Chair Alonzo Washington and esteemed members of the Ways and Means Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community, including efforts to improve the conditions of students in Maryland schools.

We write today in strong opposition of House Bill 618, which would require mandatory reporting of children's sensitive health information to parents, give parents the right to object to instructional material based on morality or religion, and allow parents to pull their children from comprehensive health education, specifically related to sexuality and HIV. This bill would not only place LGBTQ+ youth in a potentially dangerous situation by "outing" (i.e., having their sexual or gender identity revealed without their consent) them to parents, but would also be a significant detriment to the healthy sexual development of all students.

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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.

Adolescence is a time filled with formative experiences and identity exploration. For many LGBTQ+ teenagers, adolescence can be accompanied with confusion surrounding how to express their sexual or gender identities. Before coming out (i.e., disclosing one's sexual or gender identity), youth may struggle to understand or come to terms with their own identity. Research has demonstrated that the period before an adolescent comes out is a particularly stressful time and can lead to higher levels of depression, anxiety, and suicidality in youth.¹ Youth consistently cite coming out to their parents as one of the most fear inducing steps in the coming out process, as many LGBTQ+ youth dread parental rejection or disapproval.²

As part of the coming out process, it is not uncommon for youth to seek out treatment from the school mental health counselor or the advice of a trusted teacher. Students might also seek out the help of a school counselor, teacher, or administrator if they were experiencing bullying on the basis of their sexual or gender identity. If schools create an environment where LGBTQ+ youth feel socially supported and accepted when disclosing their identity or experiences with bullying in school, then LGBTQ+ youth have the potential to experience increased confidence and better mental health outcomes.³ However, if House Bill 618 were passed, mental health counselors and school personnel would have the unnecessary potential to share their "observations" about a student's wellbeing, which may be intertwined with information about their sexual or gender identity, to their parents. This is incredibly dangerous, as only 1 in 3 LGBTQ+ youth found their home to be LGBTQ-affirming this past year.⁴

On top of placing youth in a potentially dangerous situation, the mandated reporting of their sensitive health information, especially surrounding their sexual or gender identity, is an infringement of their privacy and autonomy.⁵ While other states have issued special policies and protections that would keep a child's sexual or gender identity private in incidents related to their wellbeing (e.g., mental health complaints in school, bullying, etc.), Maryland has no such protection.⁶ As such,

¹ Cox, N., Dewaele, A., van Houtte, M., & Vincke, J. (2010). Stress related growth, coming out, and internalized homonegativity in lesbian, gay, and bisexual youth. An examination of stress-related growth within the Minority Stress Model.

² Willoughby, B., Malik, N. M., Lindahl, K. M. (2006). Parental reactions to their sons' sexual orientation disclosures: The roles of family cohesion, adaptability, and parenting style.

³ Pereales, F. & Campbell, A. (2020). Health disparities between sexual minority and different-sex-attracted adolescents: Quantifying the intervening role of social support and school belonging

⁴ The Trevor Project (2021).

⁵ Ettinghoff, E. (2014). Outed at school: Student privacy rights and preventing unwanted disclosures of sexual orientation

⁶ Ibid.

being forcefully outed to parents would not be in the best interest of a child’s wellbeing and House Bill 618 has the potential exacerbate or cause otherwise avoidable harm.

Furthermore, allowing parents to decide whether their child can opt-in/out of education surrounding HIV and AIDS also has the potential to cause otherwise avoidable harm. Comprehensive education surrounding HIV/AIDS has been proven to increase safer sexual behaviors in youth and prevent them from contracting the virus.⁷ On the contrary, creating barriers for youth to receive scientifically accurate medical information about HIV/AIDS does the opposite—it promotes unsafe learning environments by further stigmatizing individuals living with HIV/AIDS and deprives youth of information that could help them prevent contracting HIV.⁸ This stigmatization decreases the likelihood that an individual undergoes routine HIV/AIDS or STI screenings.⁹ This is especially problematic here in Maryland, as we rank 6th in the country for highest rates of HIV.¹⁰

Taken together, House Bill 618 has foreseeable consequences that would drastically impede the healthy development of adolescents across Maryland. LGBTQ+ youth deserve the opportunity to feel safe in school, talk about their sexual orientation or gender identity with trusted mental health professionals or school personnel, and report incidents of bullying or harassment without fear that they will be forcibly outed or placed in more danger at home. All students benefit from the destigmatization of HIV/AIDS through a comprehensive and age-appropriate sexual health curriculum.

For these reasons, FreeState Justice urges an unfavorable report on House Bill 618.

⁷ Ma, Z. Q., Fisher, M. A., & Kuller, L.H. (2014) School-based HIV/AIDS education is associated with reduced risky sexual behaviors and better grades with gender and race/ethnicity differences.

⁸ Ethier, K. (2019). Schools are vital in the fight against youth HIV infection.

⁹ Cunningham S. D., Kerrigan D. L., Jennings J. M., & Ellen, J. M. (2009). Relationships between perceived STD-related stigma, STD-related shame and STD screening among a household sample of adolescents.

¹⁰ World Population Review. (2022). HIV statistics by state 2022.