



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN OPPOSITION TO
LD 52, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES TO APPLY FOR FEDERAL BENEFITS ON BEHALF OF CHILDREN IN
THE DEPARTMENT’S CUSTODY WHO MAY BE ELIGIBLE FOR THOSE BENEFITS**

Joint Committee on Health and Human Services

March 12, 2025

Dear Senator Ingwersen, Representative Meyer, and Distinguished Members of the Joint Committee on Health and Human Services,

GLBTQ Legal Advocates & Defenders (GLAD Law) is a nonprofit legal organization that works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. We appreciate the opportunity to submit this testimony in support of LD 52, An Act to Require the Department of Health and Human Services to Apply for Federal Benefits on Behalf of Children in the Department’s Custody Who May Be Eligible for Those Benefits.

GLAD Law has long advocated to ensure that children in Maine, including LGBTQ young people, have the supports they need as they grow to successfully transition to adulthood. Young people in foster care are a population of particular concern. Data suggest that LGBTQ youth are disproportionately represented in foster care.¹ And youth in foster care are at risk of future economic instability, homelessness, and physical and mental health challenges.²

Many youth in foster care are eligible for federal benefits, including Supplemental Security Income (SSI) and survivor benefits from the Social Security Administration. This bill

¹ See, e.g., T.G.M. Sandford, *Experiences and Well-Being of Sexual and Gender Diverse Youth in Foster Care in New York City: Disproportionality and Disparities* (2020), <https://www1.nyc.gov/assets/acs/pdf/about/2020/WellBeingStudyLGBTQ.pdf>; University of Maryland School of Social Work Institute for Innovation and Implementation et al., *The Cuyahoga Youth Count: A Report on LGBTQ+ Youth Experience in Foster Care* (2020), <https://theinstitute.umaryland.edu/our-work/national/lgbtq/cuyahoga-youth-count/>; L. Baams, B.D.M. Wilson & S.T. Russell, “LGBTQ Youth in Unstable Housing and Foster Care,” *14 Pediatrics* 1 (2019), <https://pediatrics.aappublications.org/content/143/3/e20174211>; B.D.M. Wilson et al., “Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles,” *The Williams Institute* (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SGMYouth-in-Foster-Care-Aug-2014.pdf>.

² Amy Dworsky, Laura Napolitano & Mark Courtney, “Homelessness During the Transition from Foster Care to Adulthood,” *Am. J. Public Health* 103 (2013), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3969135/>; C. Joy Stewart et al., “Former Foster Youth: Employment Outcomes up to Age 30,” *36 Children & Youth Services Review* 220 (2014), <https://www.sciencedirect.com/science/article/abs/pii/S0190740913003800?via%3Dihub>; Cheryl Zlotnick, Tammy W. Tam & Laurie A. Soman, “Life Course Outcomes on Mental & Physical Health: The Impact of Foster Care on Adulthood,” *102 Am. J. Public Health* 534 (2012), <http://pmc.ncbi.nlm.nih.gov/articles/PMC3487656/pdf/AJPH.2011.300285.pdf>.

would ensure that the Department of Health and Human Services (DHHS) apply for those benefits on behalf of potentially eligible children in DHHS custody – a practice that GLAD Law understands DHHS often engages in already. Furthermore, it would ensure that those funds be used to each child’s benefit through means such as paying for unmet needs beyond what DHHS is required to pay or being conserved in a special needs trust. And importantly, the bill would ensure that the child, their parent or guardian, and their attorney or guardian *ad litem* (GAL) receive information about the federal benefits being paid on behalf of the child.

At least fifteen other jurisdictions have taken action to address issues related to government benefits for youth in foster care.³ The policy of using children’s federal benefits to defray costs for their care has also led to lengthy and ongoing litigation in Alaska, where a trial court ordered the state’s foster care agency to provide notice to all children in its custody that it would apply for benefits if a child became eligible and to provide written notice about benefit eligibility to foster children and their relatives.⁴

One of us – Hannah Hussey – previously worked as a GAL in Washington, D.C., while that jurisdiction was in the process of implementing new legislation requiring its foster care agency to notify children in its care as well as their GALs, parents, and/or guardians about information related to Social Security Administration benefits for each child. That law also prohibited the agency from using the benefits to reimburse itself for the child’s care, required monitoring federal asset and resource limits to maintain a child’s eligibility for continued benefits, and required conserving a child’s benefits using specific types of accounts and tools (including – but not limited to – the special needs trusts named in LD 52).⁵ Even early in the implementation process, the legislation facilitated greater transparency about the benefits that foster youth were receiving (many of whom did not realize the agency was receiving SSI benefits in their name) and opened possibilities for using funding to meet critical unmet needs (such as specialized therapy) and to ensure young people aging out would have financial resources to assist in meeting their needs once no longer in the government’s care.

Similar reforms could benefit Maine youth in DHHS care – enabling a way to meet individualized needs of young people that may otherwise go unmet and allowing young people to cover basic needs and pursue education and career goals. It is critical that Maine support this population, particularly as they navigate the often rocky period of transitioning out of care. GLAD Law respectfully urges members of this committee to support this bill.

³ John Kelly, “Bill Tracker: Protecting Benefits for Foster Youth,” *The Imprint*, <https://imprintnews.org/youth-services-insider/bill-tracker-protecting-benefits-foster-youth/247523>.

⁴ See Martín Macías, Jr., “Judge Curbs Alaska’s Practice of Claiming Foster Youths’ Federal Benefits,” *The Imprint* (Dec. 28, 2021), <https://imprintnews.org/top-stories/judge-curbs-alaskas-practice-of-claiming-foster-youths-federal-benefits/61491>. The case is currently on appeal at the Alaska Supreme Court.

⁵ Preserving Our Kids’ Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022, 70 D.C. Reg. 003540 (March 24, 2023), available from: <https://lims.dccouncil.gov/Legislation/B24-0857>.

Sincerely,

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