



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN SUPPORT OF
LD 891, 1406**

Joint Committee on Health and Human Services
April 8, 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 excluding poverty as a factor in a determination of willful neglect or abuse of a child.

GLAD Law's advocacy has long prioritized family integrity as grounded in the Constitution. Additionally, GLAD Law advocates that children in Maine—particularly those who are LGBTQ, low-income, or otherwise marginalized—have the foundational supports necessary for healthy and secure development. Poverty and foster care system involvement both present challenges to children growing up healthy, happy, and able to successfully engage in their schools and communities. In 2023, 12.6% of youth in Maine experienced poverty, accounting for approximately 30,775 children.¹ Moreover, children of color and children living in rural areas are disproportionately represented among children in poverty, with Black, Hispanic, and Indigenous children experiencing the highest rates of poverty.² Nationally, LGBTQ families face similar, and often compounding, disparities—15% of same-sex couples, and nearly a quarter of children raised by same-sex couples, live below the poverty line.³ In addition, 18% of LGBTQ people, or

¹ Maine, The Annie E. Casey Foundation, Kids Count Data Center, <https://datacenter.aecf.org/data/tables/1562-children-in-poverty#detailed/2/any/false/2545,1095,2048,574,1729,37,871,870,573,869/any/11725,3331>; See also Maine: Supplemental Nutrition Assistance Program, Center on Budget and Policy Priorities (Jan. 21, 2025), https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_maine.pdf

² American Psychological Association, *Mental health effects of poverty, hunger, and homelessness on children and teens* (May 2024), <https://www.apa.org/topics/socioeconomic-status/poverty-hunger-homelessness-children> (Noting 35.5% of Black people living in poverty in the U.S. are below the age of 18, compared to 40.7% of Hispanic people, and 29.1% of American Indian and Native American compared to 21% of White children under the age of 18); Areeba Haider, *The Basic Facts About Children in Poverty*, Center for American Progress (Jan. 12, 2021), <https://www.americanprogress.org/article/basic-facts-children-poverty/> (Figure 3 illustrates that 30.9% of white children live in poverty compared to 52.5% of the overall child population. In contrast, 27.3% of Black, non-Hispanic children experience poverty despite comprising only 14.4% of the child population, and 32.8% of Hispanic children live in poverty while representing just 22.0% of the child population.)

³ Funders for LGBTQ Issues, *Economic Opportunity*, <https://lgbtfunders.org/resources/issues/economic-opportunity/>; Gary J. Gates, *Demographics of Married and Unmarried Same-Sex Couples*, UCLA School of Law Williams Institute (March 2015), <https://williamsinstitute.law.ucla.edu/publications/demo-ss-couples-us/>; Kiese

about 2.57 million adults, are parenting children under the age of 18 in their homes, though LGBTQ parents are more likely to be living in poverty, compared to LGBTQ non-parents and non-LGBTQ parents.⁴ These intersecting inequities highlight the importance of policies that affirm and protect the well-being of all children and families, particularly those living at the margins.

Families at all income levels include important, loving relationships between parents and children – and families at all income levels sometimes need support to ensure each child’s physical, emotional, and healthcare needs are met. When finances are a barrier to accessing that support, families may encounter the neglect system. Maine’s current statutes fail to make clear that poverty alone does not equate to neglect or reflect a parent’s unfitness or inability to care for their child.⁵ Families living in poverty are more frequently subject to child welfare investigations, which disproportionately focus on conditions related to economic hardship.⁶ These investigations often lead to neglect determinations- not because of willful harm, but due in part or in whole to unmet needs stemming from poverty.⁷ As a result, poverty becomes a significant driver of family separation, even though support rather than removal may better serve the child’s well-being.⁸

Separating children from their parents—even temporarily—can inflict significant trauma with lasting consequences.⁹ Such separation can disrupt the vital parent-child bond, which plays a critical role in healthy socioemotional development during early childhood and adolescence.¹⁰ Entering the foster care system can also separate a child from their siblings, extended family, and community, increasing the trauma they experience.¹¹ When placed in out-of-home care, some

Hansen, *LGBTQ+ Discrimination: It’s a Poverty Issue*, The Center for Law and Social Policy (May 20, 2019), <https://www.clasp.org/blog/lgbtq-discrimination-its-poverty-issue/>; Nico Sifra Quintana, *Poverty in the LGBT Community*, Center for American Progress (July 1, 2009), <https://www.americanprogress.org/article/poverty-in-the-lgbt-community/>

⁴ Rachel Dowd, *More than 2.5 million LGBTQ adults are parenting children under the age of 18*, UCLA School of Law Williams Institute (July 17, 2024), <https://williamsinstitute.law.ucla.edu/press/lgbtq-parenting-2024-press-release/> (Noting 33% LGBTQ parents compared to 21% LGBTQ non-parents and 21% non-LGBTQ parents).

⁵ Human Rights Watch, *US: Child Welfare System Harms Families, Disproportionate Separation in Black, Indigenous Communities* (Nov. 17, 2022), <https://www.hrw.org/news/2022/11/17/us-child-welfare-system-harms-families#:~:text=Removing%20a%20child%20from%20their,physical%20abuse%2C%20causing%20further%20trauma>; Jill Yordy, *Poverty and Child Neglect: How Did We Get It Wrong?*, National Conference of State Legislatures (NCSL) (Feb. 12, 2023), <https://www.ncsl.org/state-legislatures-news/details/poverty-and-child-neglect-how-did-we-get-it-wrong>

⁶ Human Rights Watch, *supra* note 4. (The Human Rights Watch reports “One in three children in the US will be part of a child welfare investigation by age 18. Nearly eight million children were referred to a child maltreatment hotline in 2019, with investigations resulting for three million of them. More than 80 percent were found not to have faced abuse or neglect.”)

⁷ National Council of Juvenile and Family Court Judges, *supra* note 6.

⁸ *Id.*

⁹ Human Rights Watch, *supra* note 4. See also Vivek Sankaran. "A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families." Christopher Church and Monique Mitchell, co-authors. Marq. L. Rev. 102, no. 4 (2019): 1163-94, at 1168-1169.

¹⁰ Frosch, C. A., Schoppe-Sullivan, S. J., & O'Banion, D. D. (2019). Parenting and Child Development: A Relational Health Perspective. *American journal of lifestyle medicine*, 15(1), 45–59. <https://doi.org/10.1177/1559827619849028>

¹¹ Vivek Sankaran, *supra* note 10, at 1165. See also Sankaran, Vivek. "Rethinking Foster Care." *SMU L. Rev. F.* 73, no. 12 (2020): 123-139, at 131.

children face additional risks, including physical or sexual abuse, exacerbating the harm and instability they experience.¹² Also, many children in foster care go on to experience the termination of their legal relationship to their parent(s) - and often of their social or emotional connection to their parent(s) as well.¹³

Increasingly, there is a recognition that children do best when they can safely remain at home and have their needs met by their family. When a child's needs go unmet because of their parent's economic hardship, our state can best promote that child's wellbeing by providing support that will enable the parent to meet the child's needs in the home. Programs that can be helpful include linking families to any forms of public assistance for which they may be eligible and providing childcare subsidies, affordable housing, home visiting, and enhanced primary care efforts.¹⁴ Once families become system-involved, systemic poverty frequently serves as a barrier to family reunification for parents experiencing poverty.¹⁵ The challenges of achieving reunification for families in poverty underscore the urgent need for policies that prioritize keeping families safely together whenever possible. More than half of all states have recognized these interests by exempting financial inability to provide for a child from their definitions of maltreatment.¹⁶

GLAD Law supports the efforts behind LD 891 and 1406 as part of shifting the focus away from the economic status of a family and toward actual risk of harm. Given the high stakes of system involvement for both children and parents, such efforts are critical to reducing unnecessary family separation and increasing ways of supporting children and families without a willful neglect or abuse determination. Thank you for your consideration.

Sincerely,

Mary Bonauto, Sr. Director, GLAD Law
Hannah Hussey, Staff Attorney, GLAD Law
Sarah Austin, Staff Attorney, GLAD Law

Portland, Maine

¹² *Id.*

¹³ *Id.* See also Children's Rights, *A Fact: Our Child Welfare System Punishes Poverty, Hurts Children, and Destroys Children* (Jan. 2023), <https://www.childrensrights.org/news-voices/a-fact-our-child-welfare-system-punishes-poverty-hurts-children-and-destroys-families> ("Black children remain in the foster system longer, experience more frequent placement moves, are less likely to be adopted, and are 2.4 times more likely to experience termination of parental rights. They also face worse outcomes when transitioning out of the child welfare system. 23% of Black youth who age out of the system experience homelessness, and 29% experience incarceration, far higher rates than for non-Black youth.")

¹⁴ Jill Yordy, *supra* note 4.

¹⁵ National Council of Juvenile and Family Court Judges, *supra* note 5, at 5. See also Dale, M. K. (2014, April 10). *Addressing the underlying issue of poverty in child-neglect cases*. American Bar Association. <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2014/addressing-underlying-issue-poverty-child-neglect-cases/>

¹⁶ Sarah Catherine Williams, et al., *In Defining Maltreatment, Nearly Half of States Do Not Specifically Exempt Families' Financial Inability to Provide*, Child Trends (Feb. 23, 2022), <https://www.childtrends.org/publications/in-defining-maltreatment-nearly-half-of-states-do-not-specifically-exempt-families-financial-inability-to-provide>