



## TESTIMONY OF GLAD & EQME

### **LD 81, An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods – Ought to Pass**

### **LD 1076, An Act To Support the Operations of Youth Shelters in Maine – Ought to Pass**

#### **Joint Standing Committee on Health and Human Services**

April 8, 2021

Senator Claxton, Representative Meyer, and Honorable Members of the Committee on Health and Human Services -

I am an attorney with the Maine office of GLBTQ Legal Advocates & Defenders (GLAD), a legal rights organization that works in Maine and beyond for a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.<sup>1</sup> Together with Equality Maine, we support supports LD 81, An Act To Ensure the Safety of Children Experiencing Homelessness by Extending Shelter Placement Periods, and LD 1076, An Act To Support the Operations of Youth Shelters in Maine.

Both of these bills would amend the definitions of “emergency children’s shelter” and “shelter for homeless children” to extend the length of time a child may stay at such facilities from 30 consecutive days or overnights to 60 consecutive days or overnights for LD 81, and 90 days for LD 1076. In addition, LD 1076 requires amendments of existing licensure rules for shelters for homeless children (a) to extend the length of time a child may be admitted to the care of a shelter without first notifying the child’s guardian from 12 hours to 30 days, compare 0-148 CMR Chapter 8; and (b) to extend the length of time a child may be admitted to the care of an emergency shelter without first notifying the child’s guardian from 3 hours to 30 days. GLAD and EQME enthusiastically support these changes to the law.

While youth across all backgrounds can experience homelessness, LGBTQ-identifying youth and youth of color (particularly Native American and African American youth) are more likely to become homeless.<sup>2</sup> Ensuring accessibility to programs and resources for LGBTQ youth is key to improving impact as LGBTQ youth are “at particular risk for family separation because

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<sup>1</sup> Throughout this testimony, we use the term “LGBTQ+,” but we acknowledge that this term is not all-encompassing with regards to the communities that the bill directly impacts. We seek to include all community members, regardless of label.

<sup>2</sup> National Alliance to End Homelessness, “Youth and Young Adults,” at section “What causes youth Homelessness?” (Apr. 2021) available at <https://endhomelessness.org/homelessness-in-america/who-experiences-homelessness/youth/> (hereinafter “NAEH Youth and Young Adults”).

of lack of acceptance.”<sup>3</sup> LGBTQ youth are also at heightened risk of experiencing sexual violence and/or exploitation on the streets and have likely already experienced discrimination from various sources, making accessibility to services even more critical. There are many indicators and causes of youth homelessness, however, the overwhelming majority of research indicates that youth homelessness is often rooted in family conflict and is a primary reason for placement in foster care and juvenile justice settings” and that both systems increase the likelihood of homelessness.<sup>4</sup>

## 1. Family rejection

Studies of LGBTQ adolescents show high rates of “health disparities, including homelessness and placement in foster care and juvenile justice facilities,”<sup>5</sup> with prior research also clearly emphasizing the role of family rejection in predicting both physical and mental health problems in LGBTQ youth. According to the Voices of Youth Count Research-to-Impact Briefs by Chapin Hall at the University of Chicago, most homeless youth identified volatile or unsafe family situations that eventually escalated to parental rejection, fleeing family conflict, or getting kicked out as the beginning of their homelessness.

Persistent efforts by researchers “have helped to increase understanding of the traumatic impact of family rejection and the critical role of family acceptance”<sup>6</sup> in supporting and affirming LGBTQ children. Family rejection is dangerously prevalent among LGBTQ youth and can lead to adverse health and social outcomes can include substance abuse, suicide, depression, HIV, STDs, bullying, involvement with the foster care and/or juvenile justice systems, and homelessness.<sup>7</sup> While research has primarily focused on the adverse effects of family rejection, studies have also demonstrated the positive effects of family acceptance.<sup>8</sup>

The National Alliance to End Homelessness strongly prioritizes family reunification as the initial step of intervention and as the core of any approach.<sup>9</sup> The family intervention approach “can help to prevent and address multiple adverse health and social outcomes for LGBTQ children and youth across systems”<sup>10</sup> but these bills would not be before you if this were always possible. In the

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<sup>3</sup> National Alliance to End Homelessness, “An Emerging Framework for Ending Unaccompanied Youth Homelessness,” at section “Improving the Current Response to Youth Homelessness” (Mar. 2012) *available at* <https://endhomelessness.org/resource/an-emerging-framework-for-ending-unaccompanied-youth-homelessness/> (hereinafter “NAEH Framework for Ending Youth Homelessness”).

<sup>4</sup> NAEH Youth and Young Adults, at section “What Causes Youth Homelessness”; Family Acceptance Project: Background Information, at 2, *available at* [https://familyproject.sfsu.edu/sites/default/files/FAP\\_pst.pdf](https://familyproject.sfsu.edu/sites/default/files/FAP_pst.pdf) (hereinafter “FAP Overview”).

<sup>5</sup> FAP Overview, at 5.

<sup>6</sup> FAP Overview, at 8.

<sup>7</sup> FAP Overview, at 2.

<sup>8</sup> Family acceptance is associated with positive mental and physical health in LGBTQ youth and interventions that specifically promote family, parental, and/or caregiver acceptance are needed to reduce health disparities. Caitlin Ryan et al., “Family Acceptance in Adolescence and the Health of LGBT Young Adults,” *Journal of Child and Adolescent Psychiatric Nursing* 23, no. 4, at 205 (Nov. 2010), *available at* <https://doi.org/10.1111/j.1744-6171.2010.00246.x> (hereinafter “Family Acceptance in LGBTQ Youth Health”).

<sup>9</sup> NAEH Youth and Young Adults, at section “Ending Homelessness for Youth and Young Adults.”

<sup>10</sup> FAP Overview, at 2.

instances where reunification is not possible, it is critically important that homeless youth are provided with short- and long-term housing options.<sup>11</sup>

## 2. Involvement in the child welfare system

As discussed, too many LGBTQ youth encounter rejection or physical abuse at home because of their sexual orientation, transgender status, or gender identity.<sup>12</sup> This rejection is often compounded in foster homes; a startling 42% of LGBTQ youth are removed from those homes because of issues about the youth's identity, including requests from those who do not want to foster an LGBTQ child.<sup>13</sup>

When family conflicts erupt, studies have shown that LGBTQ youth are typically removed from their homes and placed in the child welfare system, separating them from their families. By doing so, youth are more likely to experience impaired life chances<sup>14</sup> and experience homelessness.

The Voices of Youth Count Research-to-Impact Briefs by Chapin Hall at the University of Chicago provide insight into the ways in which some homeless youth think about and describe their homelessness. The anecdotes indicate that homeless youth who have been in foster care considered their entrance into foster care as the beginning of their homelessness. They describe their foster care placement as the beginning of a larger pattern of housing instability and a source of "chronic relationship disruption," and were also more likely to have slept outside than those without foster care placement history.<sup>15</sup> A study done by Fred Wulczyn et al. found that "teenagers in their first state placement are not likely to run away, but the greater number of placements, the greater the likelihood of running away."<sup>16</sup>

## 3. Involvement in the juvenile justice system

All homeless youth, due to their unstable housing and a lack of a safe, caring adult, are inherently vulnerable to their surroundings. According to the National Alliance to End Homelessness, youth who have been involved with juvenile justice systems are more likely to experience homelessness.<sup>17</sup>

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<sup>11</sup> NAEH Youth and Young Adults, at section "Ending Homelessness for Youth and Young Adults."

<sup>12</sup> J.A. Puckett et al., "Parental Rejection Following Sexual Orientation Disclosure: Impact on Internalized Homophobia, Social Support, and Mental Health," *LGBTQ Health* 2, no. 3, at 265-69 (Sept. 2015), available at <https://doi.org/10.1089/lgbt.2013.0024>; see also K. Martinez, et al., Childhood Familial Victimization: An Exploration of Gender and Sexual Identity Using the Scale of Negative Family Interactions, *J. of Interpersonal Violence* (Nov. 8, 2017), available at <https://doi.org/10.1177/0886260517739289>.

<sup>13</sup> Massachusetts Commission on LGBTQ Youth: FY 2021 Report and Recommendations 39 (citing sources), available at <https://www.mass.gov/doc/mcLGBTQy-executive-summary-and-special-reports-from-2021-annual-recommendations/download>.

<sup>14</sup> FAP Overview, at 1.

<sup>15</sup> Chapin Hall at the University of Chicago, "Missed Opportunities: in Youth Pathways Through Homelessness," *Voices of Youth Count Research-to-Impact Briefs* (Jun. 2019), at 5, available at [https://voicesofyouthcount.org/wp-content/uploads/2019/05/ChapinHall\\_VoYC\\_Youth-Pathways-FINAL.pdf](https://voicesofyouthcount.org/wp-content/uploads/2019/05/ChapinHall_VoYC_Youth-Pathways-FINAL.pdf)

<sup>16</sup> Fred Wulczyn, et al., Understanding the Differences in How Adolescents Leave Foster Care, *The Center for State Child Welfare Data 1-2* (Nov. 2017), available at <https://bit.ly/3gnl1kz>.

<sup>17</sup> NAEH Youth and Young Adults.

As to the reason for this connection, the Coalition for Juvenile Justice publicized a government report based on interviews with runaway and homeless youth in 11 U.S. cities that explained the issues. It found that nearly 44% had stayed in a jail, prison, or juvenile detention center, nearly 78% have had at least one interaction with the police, and nearly 62% had been arrested at some point in their lives.<sup>18</sup> In some cases this involvement may be due to lack of shelter or other necessities, such as when a young person is arrested for truancy after missing school due to the lack of stable housing, or theft for stealing food or money to buy food due to hunger. In other cases, youth who are arrested and released (either through a diversion program or after spending time in a juvenile detention facility) may become homeless because families are unwilling to let young people return due to family discord or because of restrictions imposed by landlords or public housing authorities.<sup>19</sup>

Another dimension of the homelessness and juvenile justice stems from an odd provision of Maine’s juvenile detention laws. Pursuant to Tit. 15 Me. Rev. Stat. § 3203-A (4)(C)(2), youth may be placed in a Department of Corrections juvenile facility when there is no home or other place to provide care.<sup>20</sup> The recent Maine Juvenile Justice Reinvestment Task Force, co-chaired by Rep. Brennan, reported that for the one-year period studied for youth at Long Creek, 2.4% of youth came from shelters, 53% of youth in detention were there “to provide care” simply because there was no appropriate place for them to go.<sup>21</sup> The Report described the consequences of this decision as extremely consequential.

Detention is one of the most important decision-making points in any youth justice system. Detention can push youth deeper into the justice system by increasing the likelihood that they will be found delinquent or committed to a long-term facility. Detention can also seriously jeopardize their chances of successful futures. Research shows that detention can cause profound short and long-term negative consequences for young people. When youth are detained, they are removed from their natural supports – their homes, families, schools, jobs, and peer networks. Due to Maine’s geography, many families do not have the time or resources to visit youth, which makes detention even more detrimental. The team spoke to several detained youth who had not seen their family members in weeks or months.

Detention also increases the risk of depression, anxiety, and other behavioral health conditions, especially for youth with pre-existing behavioral health issues or a history of abuse, trauma, or neglect. Youth who are detained are also less likely to return to school or reconnect

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<sup>18</sup> Administration on Children, Youth and Families, Family and Youth Services Bureau: Street Outreach Program Data Collection Project Final Report (April 2016).

<sup>19</sup> Coalition for Juvenile Justice, “Youth Homelessness and Juvenile Justice: Opportunities for Collaboration and Impact,” (2016) at 1, available at: [https://www.juvjustice.org/sites/default/files/resource-files/policy%20brief\\_FINAL.compressed.pdf](https://www.juvjustice.org/sites/default/files/resource-files/policy%20brief_FINAL.compressed.pdf) The referenced report also references linkages between foster care and homelessness. See generally Administration on Children, Youth and Families, Family and Youth Services Bureau, Street Outreach Program Data Collection Project Final Report, at 1 (Apr. 2016), available at [https://www.acf.hhs.gov/sites/default/files/documents/fysb/data\\_collection\\_study\\_final\\_report\\_street\\_outreach\\_program.pdf](https://www.acf.hhs.gov/sites/default/files/documents/fysb/data_collection_study_final_report_street_outreach_program.pdf)

<sup>20</sup> This statute provides that detention may be used: (2) To provide physical care for a juvenile who can not return home because there is no parent or other suitable person willing and able to supervise and care for the juvenile adequately.

<sup>21</sup> Center for Children’s Law and Policy et al. (February 2020). *Maine Juvenile justice System Assessment*, available [here](#) at pp. 8, 33.

with educational services, and they are more likely to drop out. Detention also interrupts the natural process of “aging out” of delinquent behavior that most youth will undergo as they reach adulthood. Research clearly shows that detention can actually increase the likelihood that youth will engage in future delinquent behavior. Given these factors, reducing the frequency and duration of secure detention is critical to improving outcomes for Maine’s youth, families, and communities.<sup>22</sup>

The proposed shelter rules are certainly one of many steps our State should take to avoid the severe consequences from caring for young people in a juvenile detention facility.

We also wish to comment briefly on other reasons why these bills are so important to LGBTQ and BIPOC youth, and those who are both.

- LGBTQ youth and BIPOC have been shown to be at greater risk of homelessness, with “services for families with LGBTQ children remain limited, especially for families of color.”<sup>23</sup> LGBTQ youth are 2.2 times more likely to report being homeless and are at more than double the risk of homelessness compared to their non-LGBTQ peers.<sup>24</sup> When the intersection of sexual orientation and/or gender identity and race is taken into account, the rates of homelessness for BIPOC LGBTQ youth increases. Black male youth who identified as LGBTQ had the highest rates of homelessness.<sup>25</sup>
- LGBTQ youth are at heightened risk for sexual exploitation and violence on the street, with rates of sexual assault, survival sex, physical assault, self-harm, discrimination or stigma within the family, and discrimination or stigma outside the family higher than those of their non-LGBTQ peers. Most strikingly, homeless LGBTQ youth have over twice the rate of early death than their non-LGBTQ+ peers.<sup>26</sup> Because of the likelihood that homeless youth have experienced discrimination from a variety of sources, LGBTQ+ youth of color are communities for whom housing models becomes particularly important.<sup>27</sup> In order to end youth homelessness, youth and young adults need “stable housing, supportive connections to caring adults, and access to mainstream services that will place them on a path to long-term success.”<sup>28</sup>
- True Colors United & NHLC’s youth homelessness index report for Maine specifically mentions LGBTQ+-focused education as an area for growth. Their recommendations include state-mandated trainings for youth homelessness services staff about “sexual orientation, gender identity and expression, healthy sexual development”<sup>29</sup> or any other

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<sup>22</sup> *Id.*, at 81.

<sup>23</sup> FAP Overview, at 1.

<sup>24</sup> Chapin Hall at the University of Chicago, “Missed Opportunities: LGBTQ Youth Homelessness in America,” Voices of Youth Count Research-to-Impact Briefs (Apr. 2018), at 7, available at <https://voicesofyouthcount.org/wp-content/uploads/2018/05/VoYC-LGBTQ-Brief-Chapin-Hall-2018.pdf> (hereinafter “LGBTQ Youth Homelessness in America”).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*, at 8.

<sup>27</sup> NAEH Youth and Young Adults.

<sup>28</sup> *Id.*

<sup>29</sup> True Colors United & National Homelessness Law Center, “Quick Facts: Maine,” available at <https://www.youthstateindex.com/maine> (hereinafter “Maine Youth Homelessness Index”).

issues that may be specific to LGBTQ+ youth, and the establishment of nondiscrimination protections for homeless LGBTQ+ youth in youth homeless services.

Finally, for the reasons you have already heard from the sponsor and others today, GLAD and EQME support the two provisions extending the duty to notify a guardian or Children's Emergency Services as specified. Children should not be turned away from a place to sleep and eat because the adults with legal authority for them but disconnected from them are non-responsive.

For these reasons, GLAD and EQME urge you to vote ought to pass on these important bills. Thank you for your consideration.

Sincerely,

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