



**Commonwealth of Massachusetts
Joint Committee on Children, Families and Persons with Disabilities**

**Testimony of GLBTQ Legal Advocates & Defenders
“An Act Relative to Accountability for Vulnerable Children and Families”
H.239 and S.32
Hearing on July 7, 2021**

Dear Chair Gomez, Chair Finn, and Members of the Joint Committee on Children, Families, and Persons with Disabilities:

Thank you for the opportunity to testify regarding H.239 and S.32, both bills seeking, primarily through data collection and transparency, to increase accountability for children and families involved with the Department of Children and Families (DCF). GLBTQ Legal Advocates & Defenders (“GLAD”) writes to support one key aspect of these bills – the requirement that DCF collect and report sexual orientation and gender identity data without qualification or reservation. Since so many DCF-related bills are before this Committee, GLAD further writes to highlight the urgent needs facing DCF-involved LGBTQ youth and to urge the Legislature to include in any DCF-related accountability legislation provisions to improve the safety and well-being of LGBTQ youth.

Founded in 1978, GLBTQ Legal Advocates & Defenders (“GLAD”) is a public interest legal organization working within New England and nationally to create a just society free of discrimination based on sexual orientation, gender identity and expression, and HIV status through strategic litigation, public policy advocacy, and education. GLAD has a strong record of advocacy to empower lesbian, gay, bisexual, transgender, and queer youth in all systems, including the child welfare, education, and juvenile justice systems. For LGBTQ youth, access to safe and affirming homes, education, and services is central to their ability to thrive in society.

GLAD is also a member of the Massachusetts Child Welfare Coalition and, in that capacity, works to increase the understanding of issues facing DCF-involved LGBTQ youth. The most recent Massachusetts Youth Risk Behavior Study data show that 17.1% of high school youth in the Commonwealth identify as LGBTQ, and over 50% of them identify as youth of color, either Black, Latinx, Asian or multi-racial. LGBTQ youth are a substantial and growing percentage of our Commonwealth’s youth. Furthermore, according to its own 2017 Annual Progress and Services Report, LGBTQ youth are the most vulnerable population that DCF works with. Nationally, as recognized by the Children’s Bureau of the federal Office of the Administration for Children and Families, LGBTQ youth are overrepresented in foster care, and studies estimate that about 30% of youth in foster care identify as LGBTQ.¹

¹ Children’s Bureau, Supporting LGBTQ+ Youth: A Guide for Foster Parents, June 2021.

In my work, I hear first-hand from LGBTQ youth, especially youth of color, who are suffering preventable harms due to lack of protection in the custody of DCF. Some have workers who do not affirm and support them. Many, particularly transgender girls of color, lack timely access to gender-affirming health care, which has serious negative health and mental health ramifications and is contrary to nationally recognized standards of care. Many transgender youth are placed according to their birth sex, not their gender identity, which is also harmful and contrary to the standards of care. LGBTQ youth experience harassment, bullying, and discrimination at school, while DCF fails to ensure their safety and ability to learn. Some in DCF care are homeless and couch surfing as DCF does not do the necessary work to secure them safe and supportive homes. Some do not have accurate identity documents reflecting their name and gender markers because DCF has not addressed this basic need which is critical for access to employment, housing, and education.

While many DCF workers, particularly the DCF LGBTQ Liaisons, work hard to consider and meet the needs of LGBTQ youth, DCF leadership has not comprehensively acted to address the needs of LGBTQ youth despite the urging of directly impacted children and adults, providers, the advocacy community, and the Massachusetts Commission on LGBTQ Youth.

For example, as outlined in greater detail in the attached 2020 correspondence with Commissioner Spears and Secretary Sudders:

- DCF has failed to put in place a comprehensive agency policy affirming LGBTQ youth, despite these policies existing in sister states and Massachusetts agencies and which are so important to starting to change the culture to one of safety, affirmation and inclusion.
- We understand that there is currently no training on LGBTQ issues for new or returning workers.
- The training for foster and pre-adoptive families is outdated, and the DCF policy on foster parent licensing omits critical language from the DCF regulation protecting LGBTQ youth.²
- The gender-affirming care policy, which we believe was finally completed in March 2021, has not been posted publicly, disseminated to system stakeholders, including youth, and no staff or contractor training has been provided.

² See newly issued DCF Family Resource Policy (<https://www.mass.gov/doc/family-resource-policy-0/download>) section about standards for licensing, where there are 17 licensing requirements listed. Number 5 reads as follows: "The ability to promote the physical, mental and emotional well-being of a child in her/his care." In the DCF regulation regarding licensing requirements (<https://www.mass.gov/doc/110-cmr-7-services/download>), that regulation reads as follows: "A foster/pre-adoptive parent applicant must demonstrate, to the satisfaction of the Department the ability . . . (d) to promote the physical, mental, and emotional well-being of a child placed in his or her care, including supporting and respecting a child's sexual orientation or gender identity."

With this context, we urge the Committee as follows:

Approve comprehensive data collection that, without equivocation, requires the collection and reporting of comprehensive and intersectional SOGI data collection.

To understand and address the needs of LGBTQ youth, it is critical for DCF to collect and disseminate comprehensive intersectional data that includes sexual orientation and gender identity. The Data Work Group's initial 2019 report, produced after two years of work, contained no mention of LGBTQ youth, which was a shocking omission. Only after urging of the advocacy community did DCF issue an initial snapshot of very limited data on sexual orientation and gender identity of a small number of youth in the 2020 Annual Report, which was a step forward but much work remains to be done on data collection for LGBTQ youth. While DCF has had the capacity and set up to collect it since 2016, demographic data collection on the basis of sexual orientation and gender identity are not mandatory fields for workers to complete, the data are not cross tabulated by race and ethnicity, there is no data about outcomes, and there is no reporting in the quarterly reports. These issues have all been brought to the attention of Commissioner Spears and Secretary Sudders, including at an in-person meeting in February 2020.

Legislation requiring DCF to collect comprehensive, intersectional data on sexual orientation and gender identity is necessary to ensure its collection and reporting. Additionally, it is critical that there is representation of the LGBTQ community – specifically, the Massachusetts Commission on LGBTQ Youth – on the Data Work Group so that decision making of this influential group includes a culturally affirming and informed LGBTQ perspective.

Ensure that any DCF reforms consider and include provisions addressing the needs of LGBTQ youth.

Beyond data collection, DCF leadership has taken little to no action to protect, affirm and support these vulnerable LGBTQ youth despite years of sustained advocacy of individuals and community organizations, internal LGBTQ stakeholders, and the Massachusetts Commission on LGBTQ Youth. Advocates have been pressing DCF directly for significant, straightforward reforms that would start to transform the culture of DCF vis a vis LGBTQ youth. Those reforms include (1) comprehensive, mandated, intersectional SOGI data collection (outlined above), (2) a comprehensive LGBTQ policy, (3) training for workers, contractors, and foster and pre-adoptive parents, (4) tracking of affirming homes, and (5) greater access to gender-affirming care, including finalization of the new policy relating to care.

All youth, including LGBTQ youth, should be loved and affirmed as they are. We appreciate the role of this Committee to ensuring our statutes provide tools and accountability for DCF to address well-being and safety for LGBTQ youth. We look forward to working with you, the Department, and all stakeholders, particularly LGBTQ youth, on these important issues.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized capital letter 'P' followed by a long horizontal line that tapers to the right.

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