

March 21, 2019

Subcommittee on Worker and Family Support
Ways and Means Committee
U.S. House of Representatives
1102 Longworth House Office Building
Washington D.C. 20515
WMdem.submission@mail.house.gov

RE: Leveling the Playing Field for Working Families: Challenges and Opportunities

Dear Subcommittee Members:

Thank you for the opportunity to provide a written statement for the Committee on the topic of working families. As organizations focused on speeding equality for lesbian, gay, bisexual, and transgender, and queer (LGBTQ) people in the United States, we are particularly excited about the opportunity to share the key challenges facing LGBTQ people raising children and specific opportunities for ensuring that LGBTQ people and their families can thrive.

First, this testimony will summarize what we know about LGBTQ-headed families, including the challenges they experience. Then several key policy opportunities will be discussed, highlighting the impact on LGBTQ-headed families. Finally, a listing of additional reports and resources is included for your information.

Many LGBTQ People Are Raising Children

Research finds that millions of LGBTQ people are currently raising children. For example, analysis of a nationally representative survey by the Williams Institute finds that 29% of LGBT-identified adults nationwide are raising a child under the age of 18.¹ This equates to approximately 3.2 million LGBT parents.² Data from the 2016 American Community Survey conducted by the U.S. Census Bureau show that 24% of female same-sex couples and 8% of male same-sex couples were raising a child under the age of 18.³ The 2015 U.S. Transgender Survey shows that 18% of transgender people reported having a child of any age.⁴ The proportion of LGBTQ people raising children is likely to increase over time as younger generations of LGBTQ people are even more likely to be heading or to want a family: in a 2018 survey commissioned by the Family Equality Council, 77% of LGBTQ Millennials reported

¹ Williams Institute. (2019). LGBT Demographic Data Interactive.

² In this letter, we generally refer to LGBTQ parents and people. However, there are some datasets that do not include options for individuals to identify as “queer.” In those instances, this letter uses the specific language included in the survey (e.g. LGBT, LGB, transgender).

³ Goldberg, S.K., & Conron, K.J. (2018). “How Many Same-Sex Couples in the U.S. Are Raising Children?” The Williams Institute.

⁴ James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. National Center for Transgender Equality.

already being a parent or considering having children, which represents a 44% increase over LGBTQ people in older generations.⁵

Challenges for Working LGBTQ-Headed Families

Nationally representative surveys show that LGBTQ people and same-sex couples raising children face greater economic challenges compared to their non-LGBTQ peers. The challenges facing working LGBTQ parents are plentiful, and include many of the challenges that working families in general face. However, there are several key issues that specifically impact working LGBTQ parents, including employment discrimination and access to child care and instances of discrimination, and access to paid family leave that is inclusive of LGBTQ people and their families.

Higher Rates of Economic Insecurity

Due to high rates of discrimination and other factors, LGBT families are more likely to report low incomes,⁶ are more likely to live in poverty,⁷ are more likely to experience food insecurity,⁸ and to rely on safety net programs like SNAP,⁹ Medicaid, unemployment insurance, and housing assistance.¹⁰

A comprehensive 2016 report¹¹ analyzing multiple nationally representative surveys reveals consistent findings of food insecurity among LGBT people:

- One-third (33%) of LGBT people raising children have lacked enough money to buy food.
- LGBT adults raising children were 1.71 times more likely than non-LGBT adults raising children to have not had enough money for food in the previous year.
- LGBT adults raising children were more than twice as likely as straight adults raising children to have received food stamps in the previous year.

⁵ Family Equality Council (2019). LGBTQ Family Building Survey.

⁶ Gates, G.J. (2013). *LGBT Parenting in the United States*. The Williams Institute; Krivickas, K.M., & Lofquist, D. (2011). *Demographics of Same-Sex Couple Households with Children*, SEHSD Working Paper 2011-11. U.S. Census Bureau.

⁷ Albelda, R., Badgett, M. V. L., Schneebaum, A., & Gates, G. J. (2009). *Poverty in the Lesbian, Gay, and Bisexual Community*. The Williams Institute; Badgett, M.V.L., Durso, L.E., & Schneebaum, A. (2013). *New patterns of poverty in the lesbian, gay, and bisexual community*. The Williams Institute; Badgett, M. V. L. (2018). *Left Out? Lesbian, Gay, and Bisexual Poverty in the U.S. Population Research and Policy Review*; Schneebaum, A., & Badgett, M.V.L. (2018). *Poverty in US Lesbian and Gay Couple Households. Feminist Economics*.

⁸ Brown, T.N.T., Romero, A.P., & Gates, G.J. (2016). *Food Insecurity and SNAP Participation in the LGBT Community*. The Williams Institute.

⁹ Brown, T.N.T., Romero, A.P., & Gates, G.J. (2016). *Food Insecurity and SNAP Participation in the LGBT Community*. The Williams Institute.

¹⁰ Rooney, C., Whittington, C., & Durso, L.E. (2018). *Protecting Basic Living Standards for LGBTQ People*. Center for American Progress.

¹¹ Brown, T.N.T., Romero, A.P., & Gates, G.J. (2016). *Food Insecurity and SNAP Participation in the LGBT Community*. The Williams Institute.

- Same-sex couples raising children were almost twice as likely as different-sex couples raising children to have received food stamps in the previous year.

A nationally representative survey conducted by the Center for American Progress in 2017¹² found that:

- LGBTQ people were more than twice as likely to report that they, their partner, or their child received SNAP in the past year. This disparity was particularly pronounced in the Midwest, where LGBTQ families were nearly four times more likely to receive SNAP.
- LGBTQ people were also more likely to report that they, their partner, or their child participated in Medicaid in the past year and more than twice as likely to report their family received public housing assistance.
- Transgender people were five times more likely to report that they or their family received public housing assistance.

These higher rates of economic insecurity are due to, among other facts, high rates of discrimination in many areas of life, including employment and childcare (discussed in next sections). There is also evidence that some LGBTQ-headed families are more economically vulnerable than others, in part because of the broader patterns of social inequalities for various demographic groups of people. For example, 77% of the same-sex couples raising children are female, and these families experience many of the challenges that women in the United States more generally experience, such as wage gaps, in addition to the challenges of being LGBTQ.¹³ Additionally, people of color in same-sex couples are more likely to be raising children than white same-sex couples.¹⁴ The well-documented experiences of economic insecurity and workplace discrimination experienced by people of color broadly in the United States also impact these same-sex couples raising children.

Employment Discrimination

All hardworking people—including those who are LGBTQ—should be treated fairly and equally at work, and they should have the opportunity to earn a living and provide for themselves and their families. And yet it is still the case that there is no federal law explicitly prohibiting discrimination based on sexual orientation and gender identity in the workplace; furthermore, 26 states still lack explicit state laws prohibiting discrimination against LGBTQ workers.¹⁵ The risk of discrimination on the job is particularly troubling for LGBTQ parents who are providing not only for themselves but for their children. This discrimination, compounded by discrimination against parents and caregivers, persistent discrimination against women, and pervasive discrimination against people of color, means that finding stable, secure employment can be challenging for many LGBTQ parents.

¹² Rooney, C., Whittington, C., & Durso, L.E. (2018). Protecting Basic Living Standards for LGBTQ People. Center for American Progress.

¹³ Gates, G.J. (2015). Demographics of Married and Unmarried Same-Sex Couples: Analyses of the 2013 American Community Survey. The Williams Institute.

¹⁴ Gates, G.J. (2013). LGBT Parenting in the United States. The Williams Institute.

¹⁵ Movement Advancement Project. (2019). Equality Maps: Non-Discrimination Laws.

Studies find that total household incomes for families headed by female same-sex couples are considerably lower than the household incomes different-sex married couples and male same-sex couples.¹⁶ For female same-sex couples, both earners' wages are affected by the women's wage gap. Additionally, individual men in same-sex couples earn less in wages than similarly situated men in different-sex married couples, highlighting the impact of workplace discrimination.

While research about the employment discrimination experienced by LGBT parents specifically is sparse, research consistently finds that in general, both parents¹⁷ and LGBTQ people¹⁸ report high rates of employment discrimination. This is especially true for transgender people and LGBTQ people of color. For example, 25% of LGBT people reported experiencing discrimination based on sexual orientation or gender identity in the past year—half of whom said it negatively impacted their work environment.¹⁹ A nationally representative survey conducted in 2017 showed that one in five LGBTQ people reported facing discrimination in hiring and slightly more reported experiencing discrimination in pay or promotions.²⁰ Data from a national survey of more than 25,000 transgender people showed that 27% of transgender workers reported being fired, not hired, or denied promotion.²¹

Access to Child Care and Discrimination

The high cost of quality child care is well documented. For LGBTQ-headed families seeking childcare, however, the patchwork of nondiscrimination protections across the country can make finding childcare even more difficult. Currently no federal law explicitly prohibits discrimination in places of public accommodation, including daycare centers or preschools. Only 20 states and the District of Columbia have explicit protections from discrimination in public accommodation based on sexual orientation and gender identity, while one additional state prohibits discrimination based only on sexual orientation.²² The on-the-ground reality of this patchwork is that LGBTQ families risk being turned away from a child care facility simply because of what their family looks like.

¹⁶ Movement Advancement Project & Center for American Progress. (2015). *Paying An Unfair Price: The Financial Penalty for LGBT Women in America*.

¹⁷ Williams, J., Shames, S., & Kudchadkar, R. *Ending Discrimination Against Family Caregivers*. Work Life Law, American University Washington College of Law.

¹⁸ NPR, Robert Wood Johnson Foundation, & Harvard T.H. Chan School of Public Health. (2017). *Discrimination in America: Experiences and Views of LGBTQ Americans*; James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality.

¹⁹ Singh, S. & Durso, L. E. (2017). *Widespread Discrimination Continues to Shape LGBT People's Lives in Both Subtle and Significant Ways*. Center for American Progress.

²⁰ NPR, Robert Wood Johnson Foundation, & Harvard T.H. Chan School of Public Health. (2017). *Discrimination in America: Experiences and Views of LGBTQ Americans*.

²¹ James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. National Center for Transgender Equality.

²² Movement Advancement Project. (2019). *Non-Discrimination Laws: Public Accommodations*.

Interactions with the Child Welfare System

Many LGBTQ people create families through foster care and adoption, particularly given the high cost of other pathways to parenthood. Data from the American Community Survey reveal that same-sex couples are four times more likely to be raising an adopted child than are different-sex married couples.²³ Too little is known about the experiences of LGBTQ people seeking to become parents with the child welfare system in the United States, in part because of the lack of data collected by surveys like the AFCARS. That said, a growing number of states are allowing discrimination against families in the child welfare system under the guise of religious freedom, turning away otherwise qualified parents because they are LGBTQ, religious minorities, unmarried couples, or single parents.²⁴ The U.S. Department of Health and Human Services recently granted a waiver to South Carolina to permit state-contracted agencies to discriminate based on religion.²⁵ By allowing agencies to decide which type of families to consider, these laws ultimately harm the hundreds of thousands of children in the child welfare system of discriminatory laws and policies.

In addition to this type of discrimination, there is a growing recognition of the ways in which LGBTQ youth and adults are disproportionately impacted by the child welfare system, particularly low-income LGBTQ parents and LGBTQ youth of color. For example, in a study of low-income African American mothers, those who identified as lesbian/bisexual (21.3%) were four times more likely than those who identified as heterosexual to have lost their children to the state in child welfare proceedings.²⁶

Findings from related research are also illuminating. For example, a 2016 study of homeless and housing insecure young adults (18 to 24-years-old) in Harris County, Texas, found that 24% of the overall sample identified as LGBTQ, of whom 27% were parenting or pregnant.²⁷ Of those in the overall sample who were parenting or pregnant, 32% of the mothers, and 8% of the fathers, identified as LGBTQ. Research shows that even one experience of homelessness increases the risk of child welfare system involvement,²⁸ and that housing problems delay reunification for 30-50% of children in foster care.²⁹

²³ Gates, G.J. (2013). *LGBT Parenting in the United States*. The Williams Institute.

²⁴ Every Child Deserves a Family: State Foster Care & Adoption Resources.

²⁵ Letter from HHS Secretary Azar to South Carolina Governor Henry McMaster, dated January 23, 2019.

²⁶ Harp, K.L.H. & Oser, C.B. (2016). Factors associated with two types of child custody loss among a sample of African American mothers: A novel approach. *Social Science Research* 60:283-296.

²⁷ **CITE NEEDED**

²⁸ Rog, D.J., Henderson, K.A., Lunn, L.M., Greer, A.L., & Ellis, M.L. (2017). The Interplay Between Housing Stability and Child Separation: Implications for Practice and Policy. *American Journal of Community Psychology* 60:114-124 (citing numerous studies).

²⁹ Fowler, P.J. & Schoeny, M. (2015). The Family Unification Program: A Randomized-Controlled Trial of Housing Stability. *Child Welfare* 94:167-187 (citing studies).

Despite making up only 5-10% of the general population nationwide, LGBTQ+ youth comprise as much as 25% of youth in foster care.³⁰ Transgender and gender non-conforming youth (“TGNC youth”) are overrepresented in these systems at even higher rates than youth who identify as lesbian, gay, or bisexual. According to a federally-funded study in Los Angeles County, 5.6% of youth in foster care identify as transgender compared to only 1-2% of the general youth population, and 11% of youth in the study described themselves as gender non-conforming.³¹ Over twenty-nine percent (29.2%) of those who identified as LGB had a child of their own.³² The researchers found this to be “a larger than expected percentage,” and indicated a need for services to prevent child welfare involvement of these youth as parents. Involvement in the child welfare system as a child is a risk factor for later facing a child welfare investigation as a parent.³³

Key Opportunities for Supporting Working LGBTQ Parents and Their Families

The economic fragility of LGBTQ-headed families, coupled with the patchwork of protections against discrimination, underscores the need to take concrete steps to ensure that supports for working families are inclusive of family diversity and specifically address the unique challenges that LGBTQ working parents experience.

Eliminating Discrimination at Work and in Places of Public Accommodation

Clear, explicit federal legislation prohibiting discrimination based on sexual orientation and gender identity is needed to ensure that everyone is treated fairly on the job and when seeking child care, among other things. Updating our laws, substantial education and training for employers, and fully funding agencies charged with enforcing nondiscrimination laws would level the playing field for LGBTQ workers, as well as improve the experiences of all people in the United States. Legislation such as the Equality Act, recently introduced in Congress, would address discrimination based on sexual orientation, gender identity, and gender expression in many areas of life, including those discussed here.

Increasing the Minimum Wage

Research finds that increasing the federal minimum wage would greatly impact LGBTQ people, including those raising children.³⁴ Given the higher rates of poverty for LGBTQ people with children, particularly women, transgender people, and people of color, increasing the minimum

³⁰ Lambda Legal, Children’s Rights, & Center for the Study of Social Policy. (2017). Safe Havens: Closing the Gap Between Recommended Practice and Reality for Transgender and Gender Expansive Youth in Out-of-Home Care 2.

³¹ The Williams Institute, Holarchy Consulting, & Westat. (2014). Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles.

³² Dettlaff, A.J. & Washburn, M. Outcomes of Sexual Minority Youth in Child Welfare: Prevalence, Risk, and Outcomes. University of Houston.

³³ Browne, H.J. (2015). Expectant & Parenting Youth in Foster Care. Center for the Study of Social Policy (children of youth in foster care are five times more likely to spend time in foster care themselves than children of same-age parents in the general population).

³⁴ Badgett, M.V.L & Schneebaum, A. (2016). The Impact of a \$15 Minimum Wage on Poverty Among Same-Sex Couples. The Williams Institute.

wage would mean that these workers would have more to care for their children and obtain more economic security and stability needed for their children to thrive.

Expanding Access to Paid Family and Medical Leave

Far too often workers, including LGBTQ people, have to choose between making ends meet and taking time off to care for themselves or their loved ones. Inclusive paid family and medical leave is crucial particularly for LGBTQ people, who are more likely to report caring for chosen family, people with whom they share close bonds akin to those traditionally associated with blood or adoptive family.³⁵ A 2017 survey by the Center for American Progress found that 42% of LGBT people reported taking time off to care for a “chosen family” member compared to 31% of non-LGBT adults.³⁶

Ensuring Access to Comprehensive Healthcare

Given that healthcare in the United States is often tied to employment, and that LGBTQ adults are less likely to have secure employment or income, access to healthcare is also an issue for LGBTQ working families. LGBT adults are significantly more likely to say they did not have enough money for healthcare needs at least once in the past year,³⁷ and racial disparities continue to exist for HIV suppression rates.³⁸ Compounding the financial barrier for low-income LGBTQ people is the discrimination they face in accessing health care. According to a nationally representative survey conducted by the Center for American Progress in 2017, 29 percent of transgender people who had sought out medical care in the past year encountered a doctor or other health care provider who refused to see them due to their gender identity.³⁹ One in five transgender people reported avoiding or delaying needed medical care in the past year due to discrimination or disrespect from health care staff.⁴⁰ LGBTQ people who had experienced discrimination in the past year were nearly seven times more likely to avoid doctor’s offices out of fear of discrimination.⁴¹ LGBTQ people also face a number of health disparities, making access to affordable health care even more crucial.⁴² Universal healthcare, without religious exemptions, is needed to ensure that no person is unable to access healthcare. Additionally, Congress must support access to reproductive healthcare and information, including ending the ban on federal funding of abortion and the funding of abstinence-only education and increasing Title X funding. These measures will help LGBTQ people make their own decisions about how they want to build their families.

³⁵ Gallagher Robbins, K., Durso, L.E., Bewkes, F.J., Schultz, E. (2017). People Need Paid Leave Policies That Cover Chosen Family. Center for American Progress.

³⁶ *Ibid.*

³⁷ Gates, G.J. (2014). In U.S., LGBT More Likely Than Non-LGBT to Be Uninsured. Gallup.

³⁸ Ryan, B. (2017). Nearly 50 Percent of People With HIV in the U.S. Are Undetectable. POZ.

³⁹ Mirza, S.A. & Rooney, C. (2018). Discrimination Prevents LGBTQ People from Accessing Health Care. Center for American Progress.

⁴⁰ *Ibid.*

⁴¹ Singh, S. & Durso, L.E. (2017). Widespread Discrimination Continues to Shape LGBT People’s Lives in Both Subtle and Significant Ways. Center for American Progress.

⁴² Baker, K., Durso, L.E., & Cray, A. (2014). Moving the Needle: The Impact of the Affordable Care Act on LGBT Communities. Center for American Progress.

Improving Data Collection by Adding Measures of Sexual Orientation and Gender Identity

One significant barrier to understanding experiences of working LGBTQ families is that the federal government's major data collection instruments for assessing economic issues and program participation do not include measures of sexual orientation and gender identity. Among other relevant federal surveys, neither the American Community Survey (Census Bureau), nor the Current Population Survey (Bureau of Labor Statistics), nor the Survey of Income Participation and Program Participation (Census Bureau), nor the Survey of Consumer Finances (Federal Reserve Board and Department of the Treasury), nor the Food Security Supplement (USDA Economic Research Service) includes measures of respondents' sexual orientation or gender identity, though they measure other demographic characteristics of respondents (such as race, ethnicity, and sex).⁴³ In these surveys, the options for "sex" are limited to "male" and "female", which fails to accurately capture the transgender population, which experiences staggering levels of poverty. In the child welfare context, the federal data collection system, AFCARS, was scheduled to include questions about sexual orientation and gender identity for youth and parents, but those plans were recently delayed by the current administration.

Strengthening Public Benefits Programs

The LGBTQ community needs a federal budget that ensures the most vulnerable have their basic needs met. Cuts to vital programs would disproportionately harm LGBTQ people and their families. As previously mentioned, LGBTQ people and their families are, due to discrimination and other factors, more likely to need to participate in federal anti-poverty programs, such as, Medicaid, SNAP, and public housing assistance.⁴⁴ Rather than cutting programs, Congress should repeal harsh program requirements that prevent individuals, including people with criminal convictions and those without dependents, from having their basic needs met.

Additional Resources

- Lourdes Ashley Hunter, Ashe McGovern, and Carla Sutherland, eds. (2018). [Intersecting Injustice: Addressing LGBTQ Poverty and Economic Justice for All: A National Call to Action](#). New York: Social Justice Sexuality Project, Graduate Center, City University of New York.
- The [LGBTQ Poverty Initiative](#) gathers many reports that address challenges facing LGBTQ people and families.

⁴³ Baker K. & Durso, L.E. (2015). Filling in the Map: The Need for LGBT Data Collection. Center for American Progress.

⁴⁴ Rooney, C., Whittington, C., & Durso, L.E. (2018). Protecting Basic Living Standards for LGBTQ People. Center for American Progress.

- Sejal Singh and Laura E. Durso. (2017). [Widespread Discrimination Continues to Shape LGBT People's Lives in both Subtle and Significant Ways](#). Center for American Progress.
- Caitlin Rooney, Charlie Whittington, and Laura E. Durso. (2018). [Protecting Basic Living Standards for LGBTQ People](#). Center for American Progress.
- Katherine Gallagher Robbins, Laura E. Durso, Frank J. Bewkes, and Eliza Schultz.(2017). [People Need Paid Leave Policies That Cover Chosen Family](#). Center for American Progress.
- Moira Bowman, Laura E. Durson, Sharita Gruberg, Marcella Kocolatos, Kalpana Krishnamurthy, Jared Make, Ashe McGovern, and Katherine Gallagher Robbins. (2016). [Making Paid Leave Work for Every Family](#). Center for American Progress.
- [Poverty Is An LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People](#). (2017). Legal Services NYC.
- Catherine Hanssens, Aisha Moodie Mills, Andrea Ritchie, Dean Spade and Urvashi Vaid. (2014). [A Roadmap for Change: Federal Policy Recommendations Addressing the Criminalization of LGBT People and People Living with HIV](#). Columbia Law School.

Thank you again for this opportunity to provide written comments for the Committee.

Sincerely,

Name
Company
Address
Telephone
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