



HOW DOMA HARMS CHILDREN

ISSUE BRIEF

November 2011

CHILDREN HAVE BECOME COLLATERAL DAMAGE OF ANTI-GAY LAWS

National and public policy discussions around marriage for gay and lesbian couples often completely overlook a critical element: the impact that the denial of marriage has on the two million children being raised by lesbian, gay, bisexual and transgender (LGBT) parents in the United States today. These children have become collateral damage of ideology, laws and policies designed to hurt LGBT people and families. Laws like the Defense of Marriage Act (DOMA) not only restrict marriage, but as an unintended consequence, also unfairly deny children basic rights and safety nets—simply because their parents are gay.

LGBT FAMILIES ARE PART OF THE AMERICAN FABRIC

- Two million children are being raised by LGBT families.
- Children of gay and lesbian couples live in 96% of U.S. counties. Surprisingly, the state with the highest percentage of gay and lesbian couples raising children is Mississippi. And overall, gay and lesbian couples living in the South are more likely to be raising children than gay and lesbian couples in other regions of the country.
- LGBT families are more racially and ethnically diverse than the population as a whole.
- Children being raised by gay and lesbian parents are twice as likely to live in poverty as children in married, heterosexual households (20% vs. 9%).
- Decades of research shows that children of gay and lesbian parents grow up to be as happy, healthy and well-adjusted as their peers. All major authorities on children's health and welfare, including the *American Academy of Pediatrics* and the *American Psychological Association*, support parenting by gay and lesbian couples.

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ABOUT THIS BRIEF

All facts in this Issue Brief are documented and sourced in *All Children Matter: How Legal and Social Inequalities Hurt LGBT Families*. This report provides one of the most comprehensive portraits to date of the wide range of obstacles facing LGBT families in America and offers detailed recommendations for eliminating or reducing inequities and improving the lives of children with LGBT parents. To read the full report, visit www.lgbtmap.org/lgbt-families, www.familyequality.org or www.americanprogress.org. For additional information on how federal marriage restrictions hurt LGBT Americans, visit www.freedomtomarry.org or www.hrc.org.

Authors



Partners



SOME MAJOR WAYS IN WHICH DOMA HURTS CHILDREN

| How DOMA Restricts Children with LGBT Parents | Documented Impact on Children and Families |
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| <p>Children can't receive health insurance from their parents.</p> <p>Because the federal government does not recognize the relationships of gay and lesbian couples, employers do not have to extend health insurance benefits to the partners of LGBT employees or to the children of these partners.</p> | <p>Decreased access to health insurance for children and parents; families pay thousands of dollars in extra taxes.</p> <p>Families may need to secure health insurance privately at significant additional expense, or struggling families may not have the means to do so at all.</p> <p>If an employer opts to offer coverage, both the employer and the employee are taxed on the benefit, creating an additional burden for families and employers.</p> |
| <p>Families can't claim credits and deductions designed to ease the financial cost for families raising children.</p> <p>Because the federal government does not recognize LGBT families, they generally cannot maximize dependency exemptions, child tax credits, children and dependent care credits, and education deductions.</p> | <p>Increased tax burden for the entire family.</p> <p>For a same-sex couple raising two children with an income of \$45,000 a year, this can result in their paying \$2,165 in taxes annually while a married heterosexual couple with two children would receive a \$50 refund. (This is likely a major contributing factor to higher poverty rates for LGBT families.)</p> |
| <p>Families can't file a joint federal tax return.</p> <p>Under DOMA, married gay and lesbian couples (regardless of whether they have children) cannot file a joint federal tax return.</p> | <p>Increased tax burden for the entire family.</p> <p>Generally, married couples pay less when filing jointly, and this is especially true for families with just one earner or families in which there are large differences in earnings between partners. Since same-sex couples aren't recognized as married, LGBT families often pay higher taxes.</p> |
| <p>Children and families aren't accurately counted when determining eligibility for safety net programs and post-secondary financial aid.</p> <p>Even if same-sex couples are legally married in their state, DOMA requires federal programs to treat them as unmarried. Therefore, many federal programs will not recognize two same-sex parents, instead treating one parent as legally unrelated to the other parent and child or children. This inaccurate counting of LGBT families can unfairly deny children with LGBT parents assistance that would be granted to children with married, heterosexual parents.</p> | <p>Children and families in need can be unfairly denied critical economic, health care, and other assistance.</p> <p>This is particularly true if the parent excluded from the household eligibility calculation has a very low income. For example, children with LGBT parents can be unfairly denied:</p> <ul style="list-style-type: none"> • Medicaid and Children's Health Insurance Program (CHIP) which provide free or low-cost health insurance for low-income children. • Supplemental Security Income (SSI) which provides cash assistance to children who are blind or disabled. • Temporary Assistance for Needy Families (TANF) which provides cash assistance to needy families to help with food, clothing, housing and other basic needs. • Federal Student Aid for higher education assistance for older children who are graduating from high school. |
| <p>Children in binational families live in fear of a parent's deportation.</p> <p>Under DOMA, LGBT Americans cannot sponsor non U.S.-born same-sex partners for entry into the U.S., even if the couple is legally married in their state.</p> | <p>Children of same-sex, binational couples face the threat of losing a parent through deportation or denial of a visa.</p> <p>Some families are actually ripped apart; others must live in fear of such an eventuality. This flies in the face of children's need for permanency and of the government's stated policy preference of family unity.</p> |