



TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
REGARDING GOVERNOR'S S.B. NO. 881
An Act Establishing a Paid Family and Medical Leave Program

Dear Members of Labor and Public Employees Committee of the Connecticut General Assembly:

I am grateful for the opportunity to testify regarding Governor's Bill S.B. No. 881. My name is Patience Crozier, and I am a Senior Staff Attorney at GLBTQ Legal Advocates & Defenders ("GLAD"). GLAD 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 through strategic litigation, public policy advocacy, and education. In my work at GLAD, I focus on youth and family issues. **Although GLAD supports action on this important economic justice issue, GLAD cannot support this legislation unless it includes a fair and inclusive definition of family member which is not currently in this bill.** In particular, GLAD urges this Committee to ensure there is an inclusive definition of family member as provided in S.B. 1 and H.B. 5003 and outlined at the end of this testimony, namely, **the inclusion as family of "any other individual related by blood or whose close association with the employee is the equivalent of a family member."**

This legislation is critically important because it creates and implements a comprehensive, statewide system of paid family and medical leave for workers who need time to care for themselves or a loved one or to welcome a child. This legislation is of particular importance to the LGBTQ community that GLAD serves. In Connecticut, the LGBTQ community is substantial: 3.9% of people in Connecticut identify as LGBTQ, and, of those people, 20% are raising children.¹ Ensuring that workers are able to take paid leave to provide necessary care for themselves and their loved ones will provide crucial support for members of the LGBTQ community which, in Connecticut, face food insecurity at a higher rate than the non-LGBTQ population (22% versus 13%).² Nationally, research shows that LGBTQ people are more likely to live in poverty than their non-LGBTQ counterparts. M.V. Lee Badgett & Alyssa Schneebaum, The Impact of Wage Equality on Sexual Orientation Poverty Gaps, Williams

¹ The Williams Institute of UCLA: <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=9#density>

² The Williams Institute of UCLA at <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=9#density>. Connecticut data also show that 22% of the LGBT population reports annual income under \$24,000 as opposed to 14% of the non-LGBT population of Connecticut.

Institute, 1 (June 2015), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Impact-of-Wage-Equality-on-Sexual-Orientation-Poverty-Gaps-June-2015.pdf>. LGBTQ people of color and transgender people are especially vulnerable to living in poverty. *Id.*; James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M., Executive Summary of the Report of the 2015 Transgender Survey, 3 (2016), <http://www.ustranssurvey.org/report>. For these individuals and families, taking time off of work without pay can mean risking their income and their employment and can undermine their economic stability. This legislation would promote the economic security and stability of all workers in Connecticut, including LGBTQ individuals and their loved ones.

GLAD, further, strongly supports inclusive definitions of family as vital to the LGBTQ community. The LGBTQ community and its families have historically lacked legal recognition or formalization under the law. Despite this, LGBTQ family relationships are critical to stability and well-being. In the United States today, family composition is increasingly diverse. “Public discussion about American families often assumes the nation is largely made up of married heterosexual couples raising their biological children. Yet less than a quarter of all U.S. households fall into this category. Today’s children may be raised by grandparents, single parents, stepparents, aunts, uncles or foster parents.” Movement Advancement Project, Family Equality Council and Center for American Progress, All Children Matter: How Legal and Social Inequalities Hurt LGBT Families, Executive Summary, 1 (2011), available at <http://www.lgbtmap.org/file/all-children-matter-summary.pdf>. Broadening definitions of family members protects LGBTQ families and ensures they benefit equally from protections such as paid family and medical leave.

At GLAD, I work on increasing protections for LGBTQ children and families. Recently I have been involved in legislative reform efforts to ensure that parentage laws are constitutional following the marriage equality decision of Obergefell v. Hodges, 135 S. Ct. 2584 (2015), and to protect the legal parent/child relationships of all children regardless of the circumstances of their birth. In 2018, I collaborated in efforts to pass the Vermont Parentage Act, and I helped ensure that Massachusetts updated its Voluntary Acknowledgment of Parentage form to include protections for LGBTQ families. For example, under the Vermont Parentage Act, which is modeled in part on the UPA of 2017, there are nine main paths to legal parentage for children: adoption, birth, presumption (including a marital and holding out presumption), acknowledgment, court adjudication, genetics, de facto parentage, assisted reproduction, and surrogacy. Families form in so many ways, and it is critical to protect all children and respect all families. This is why inclusive family definitions are so important. Family relationships are not restricted to biology, marriage, adoption and foster care. Rather, important family relationships also arise through non-marital partnerships, birth, assisted reproduction, gestational carrier agreements, legal guardianship, and conduct. It is critical that legislation such as this – that aims to promote the economic security of Connecticut workers and the economic vitality of this state – fully includes all workers by recognizing the reality of today’s diverse families and family structures.

This bill does not currently have a fair and inclusive definition of family member, and that language must be modified. I outline below the most important omissions:

- **Non-marital partners:** The current definitions exclude non-marital partners.³ Connecticut law prohibits discrimination on the basis of marital status. See Conn. Gen. Stat. § 46(a)-60. The bill must allow committed, non-marital partners to access its important protections by including a definition in the bill for domestic partner and by including domestic partners in the definition of family member.⁴
- **Spouses in alternative legal spousal relationships:** The bill's definition of spouse is too narrow in that it does not include and protect people who have legal relationships that have the same rights and responsibilities of marriage. Although Connecticut rightly ended civil unions in favor of full marriage equality, other jurisdictions still grant people legal statuses that are substantially equivalent to marriage. Connecticut law provides that Connecticut must recognize and protect these statuses. See Conn. Gen. Stat. § 46b-28a.
- **Family member:** The bill's proposed definition of family is narrow and removes the following critical language that ensures the law recognizes and protects key family relationships not tied through biology or law: "any other individual related by blood or whose close association with the employee is the equivalent of a family member."⁵ This catch-all language, which is included in S.B. 1 and H.B. 5003, would ensure that the bill will protect all employees and their most important relationships.

³ According to A Better Balance, every state that has passed paid leave protections includes protections for domestic partners. By excluding domestic, or non-marital, partners, Connecticut would be an outlier.

⁴ One possible definition of domestic partner, modelled on the Massachusetts statute G. L. c. 175M, § 1, is as follows: Domestic partner means a person not less than 18 years of age who (1) is dependent on the covered individual for support as shown either by unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including but not limited to (A) common ownership of real or personal property; (B) common householding; (C) children in common; (D) shared budgeting; and (E) the length of the personal relationship with the covered individual; or (2) has registered as a domestic partner of the covered individual with any registry of domestic partnerships maintained by the employer of either party, or in any state, county, city, town or village in the United States.

⁵ Looking to federal law, it is important to note that for the purposes of many categories of federal leave there is a broad definition of family member: "Family member means an individual with any of the following relationships to the employee: (1) spouse and parents thereof; (2) sons and daughters and spouses thereof; (3) parents, and spouses thereof; (4) brothers and sisters, and spouses thereof; (5) grandparents and grandchildren; and spouses thereof; (6) domestic partner and parents thereof, including domestic partners of any individual in paragraphs (2) through (5) of this definition; and (7) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." See 5 CFR 630.201.

In conclusion, GLAD believes that this legislation provides critical protections for Connecticut workers and families, but GLAD cannot support this legislation without inclusive family definitions that reflect the true diversity of Connecticut families.

Thank you again for the opportunity to testify, and thank you for your work to ensure Connecticut leads on this important economic justice issue.

Submitted with appreciation to LABtestimony@cga.ct.gov:

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