

GLAD Briefs

SUMMER 2020

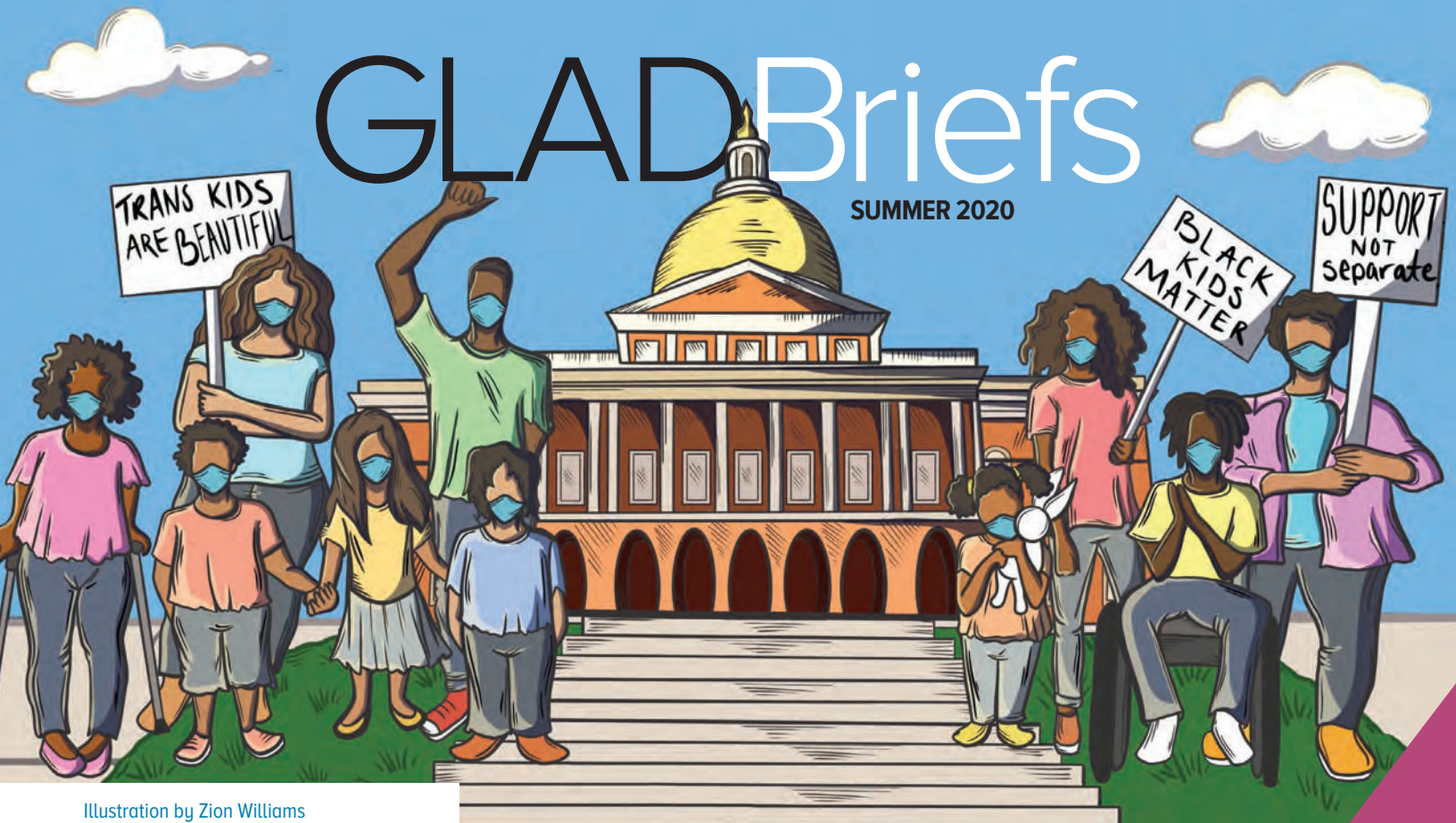


Illustration by Zion Williams

Advocating for Change and Accountability in Our Child Welfare Systems

Agencies entrusted with the care and custody of LGBTQ youth during multiple crises need to be transparent and accountable

Since the COVID-19 pandemic began, safety precautions to slow the spread of the virus have disrupted life as we know it, including the schedule and workings of government agencies and services. Arising in the midst of the pandemic, the wave of Black Lives Matter protests against racist violence have further highlighted the ongoing inequities in our society and the need to address systemic racism across all our institutions. Against this backdrop, work to support and empower youth – particularly Black, Brown and LGBTQ youth – impacted by our child welfare systems has taken on increased urgency.

COVID-19 pandemic advocacy

This April, GLAD was a founding member of the new Massachusetts Child Welfare COVID-19 Coalition that is fighting to ensure that Massachusetts is accountable to Department of Children and Families-involved youth and their families during the pandemic. From demanding a moratorium on case closures for transition-age youth, to calling for transparent crisis reporting data, this new coalition aims to ensure:

- support for transition-age youth
- ongoing contact between children, parents, and siblings separated by DCF
- continued reunification of children and parents despite the pandemic
- transparent and thorough crisis data reporting
- support, particularly technological resources, for youth in congregate care

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LEGAL ADVOCATES & DEFENDERS

for the LGBTQ Community

From the Executive Director

Photo: InfinityPortraitDesign.com



These last several months have challenged all of us in ways we may never have expected.

Many of us have experienced illness and loss, or are feeling anxious about our own health and economic wellbeing, and that of our families, loved ones, friends, and community. We have seen the toll the coronavirus pandemic has taken on frontline workers — from hospitals to grocery stores — and on our healthcare system overall.

We've also experienced the pain and anger arising from the brutal oppression of Black and Brown people in the United States, which won't be healed without deep, long-term work from all of us.

These times have also created an opening for us to think expansively about the kinds of changes we must, and can, make in our world if we are to one day make our collective vision of justice a reality.

It's not an easy task, but I've already seen our communities step up in countless ways: to do what needs to be done to protect each other in the midst of a health and economic crisis, and to commit to dismantling the systemic racism and white supremacy that are embedded in our institutions of power.

I am inspired again and again, by the sustained protests against police brutality and other forms of racial oppression, and by the examples of fierce advocacy and compassionate service I see all around me.

I think about frontline health workers like Dr. Elana Hayasaka — a member of our coalition that just successfully completed a 3+ year battle to update Rhode Island's parentage law. Elana weathered COVID-19 with her wife and two kids and then went right back to work in the ER, and right back to fighting for equality for all families. [\[see page 8\]](#)

I think about another coalition we are a part of, working alongside other advocates to address the harms and systemic biases in our child welfare system — a system that disproportionately impacts Black, Latinx, and LGBTQ youth and families. [\[see cover\]](#)

And I think about Paul Glass, our Summer Party honoree. Paul has spent decades advocating for his Black and Brown LGBTQ community and is dedicated to ensuring elders in our community have access to the services, support, dignity, and respect they need and deserve during this pandemic and beyond. [\[see page 6\]](#)

I'm grateful to GLAD's team of staff, board, volunteers, and supporters like you who are pulling together to ensure that we are up to the challenges of this moment. Because now, more than ever, we must and we will do everything we can to protect our communities and push for justice for all.

Thank you.

Janson Wu
Executive Director

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A Landmark Supreme Court Ruling Affirms Protections for LGBTQ Workers Nationwide, with Far-Reaching Implications for Other Areas of Law

On June 15, 2020 the U.S. Supreme Court issued a landmark ruling in *Bostock v. Clayton County* that the protections against sex discrimination in federal employment law, Title VII of the Civil Rights Act, prohibit discrimination on the basis of sexual orientation and transgender status.

The decision immediately secured critical workplace nondiscrimination protections for nearly four million LGBTQ people living in the 29 U.S. states without express protections under state law.

Arriving at this landmark decision was decades in the making, as more and more courts over time have come to understand that it is impossible to discriminate against a person because they are LGBTQ without discriminating because of the person's sex.

The three cases considered by the Supreme Court and decided together in *Bostock* were brought by Gerald Bostock, who was fired when his employer found out he joined a gay softball team; by the family of Don Zarda, who lost his job as a skydiving instructor when he told a client he was gay to make her more comfortable with the proximity needed for a joint dive; and by Aimee Stephens, a skilled, long-time funeral home director who was fired when she came out as transgender. Sadly neither Don nor Aimee lived to see the outcome of their cases. The queer community assuredly owes them both, and Gerald, a debt of gratitude. Their courage and determination, along with that of the many other LGBTQ people who brought cases in lower courts before them, brought about this important victory.

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GLAD plaintiffs on why employment protections matter

“The company I worked for (Walmart) always touted itself as diverse, inclusive, and like a family. At first, I believed it was true. All that changed when I was told I couldn’t add my legal wife to my medical insurance. There’s absolutely no reason that who a person loves and shares their life with should give employers an opportunity to treat them differently than any other person.”

— Jackie Cote



Jackie Cote, former plaintiff (right) and her wife Diana, *Cote v. Walmart* (www.glad.org/cases/cote-v-walmart/)



Dee Farmer: An Early Transgender Rights Hero

Aimee Stephens' case marks only the second time the Supreme Court has ruled in a case brought by a transgender plaintiff. The first case was one decided in 1994, when Dee Farmer, an African-American transgender woman won the right to bring an Eighth Amendment claim against prison officials after she suffered a brutal sexual assault while incarcerated, an assault that prison guards witnessed and allowed to happen. Dee's case set the standard under the Eighth Amendment for prison officials' liability for the damages incurred from such an assault. Aimee Stephens joins Dee Farmer as a transgender hero. ■



Free and
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Legal Information and
Resources for the LGBTQ
and HIV+ Communities

www.GLADAnswers.org

Donor Spotlight: Andrew Sorbo

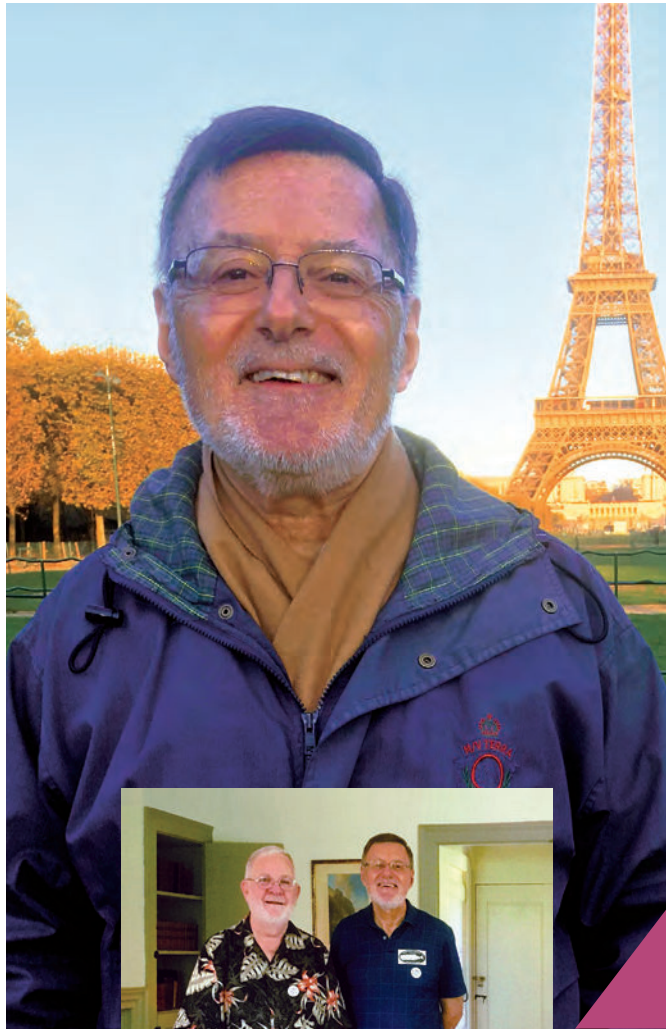
Meet Andrew Sorbo, a gay teacher, activist, and GLAD supporter since 1998, who was part of the effort to get the so-called “Defense of Marriage” Act (DOMA) overturned. We’re honored that Andrew has shared his story with us, including why he chose to join GLAD’s Equal Justice Council and Legacy Society, and to become a monthly sustainer.

I knew from adolescence that I was “different.” But I convinced myself that in order to be happy, I needed to submerge my true feelings and follow the example set for me by my family and society. I married my childhood sweetheart at 23, emulating the dream of marriage, children, and a white picket fence. But something was missing in our marriage; we amicably parted ways, and I consoled myself by devoting my energy to my teaching career. Then life took one of its wild and unexpected turns. I met Dr. Colin Atterbury on a weekend trip to New York in 1979, standing in line outside of a Broadway theater. It was truly love at first sight for both of us; Colin was the first openly gay person I’d ever met, and the first person to whom I came out.

We had a civil union on our 25th anniversary at an Episcopal Church in Vermont, and were married in January 2009 at our Connecticut home. We had hoped to delay the marriage until our 30th anniversary in July, but Colin knew that his 3-year battle with pancreatic cancer was nearing an end. He died four months after our wedding.

After Colin’s death, I resolved to finally join the fight against the rampant homophobia in our country. I had lost not only my soulmate of 30 years, but my household income dropped by 80%. Colin was a retired chief-of-staff at the West Haven Veterans Medical Center, and DOMA prevented me from inheriting his pension. I contacted GLAD, and then-staff-attorney Janson Wu called back to hear my story. It was a relief to know that I had been heard with compassion.

GLAD was challenging DOMA in court at the time, and recommended me to testify at a Senate Judiciary Committee hearing on the impact of



Colin and Andrew

the law. I will never forget sitting there while Senator Grassley angrily claimed to be the victim of our persecution, stating how tired he was of being called a bigot for his religious values. I testified that every day as a teacher for 35 years, I lead my students in the Pledge of Allegiance while fully cognizant of the fact that the last six words, “with liberty and justice for all,” did not apply to me. That day I was consoled knowing that GLAD was out there fighting to right that wrong. And when DOMA was finally overturned at the Supreme Court in 2013, I joined in celebrating with the rest of our community.

That experience of standing up for my own rights moved me to work in solidarity with others. The most vulnerable members of our community today are, without question, our transgender siblings. At a training session with Stonewall Speakers of Connecticut in 2009, I first heard the stories of transgender women and men. I felt that, as a gay man, the bigotry I had experienced was nothing in comparison. Heading up a Diversity Task Force at my church, some of my proudest work happened in

collaboration with a transgender friend named Jeremiah. When I came to associate the “B” and “T” in LGBT with friends, my understanding of my own community and its varied struggles to survive deepened. I’ve also joined a local Black Lives Matter group, where we make connections between the struggles against racism and homophobia. GLAD is there to defend all of our rights in the courts and debunk the lies told about us.

GLAD stands firmly, as it has for years, on the side of justice, pushing back through our legal system to protect and affirm our rights to equality, respect, and dignity. As a

retired school teacher, I am not a wealthy man, but I give to GLAD in honor of Colin, and everything he taught me. And by including GLAD in my will, I’m taking one more opportunity that life offers to make a small but important contribution, and to be part of something bigger than ourselves. ■

A Landmark Supreme Court Ruling Affirms Protections for LGBTQ Workers Nationwide

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“I know what it’s like to be told I can’t do a job I’m qualified for just because I’m transgender. This ruling is an important step to ensure LGBTQ people can do what we all want: to work hard, support ourselves and our families, and contribute to our communities. Especially now when so many have lost jobs and are struggling, the last thing we should be doing is erecting barriers that keep people who want to work and contribute from doing so. It only hurts our communities and our national security when we allow bias to keep qualified, dedicated people from doing their jobs.”

– Nic Talbott



Nic Talbott, plaintiff, *Stockman v. Trump*, challenging the transgender military ban

The *Bostock* ruling was remarkable in its clarity and simplicity. The majority opinion, authored by Justice Neil Gorsuch, says plainly that a person’s sexual orientation or transgender status can only be understood in relationship to their sex, and that this conclusion “has been standing before us all along.” The ruling also notes: “To refuse enforcement just because the parties before us happened to be unpopular at the time of the law’s passage... would tilt the scales of justice in favor of the strong or popular and neglect the promise that all persons are entitled to the benefit of the law’s terms.”

The impact of these cases — that LGBTQ people nationwide, have protections from discrimination in the workplace — is huge in and of itself. But the Court’s determination that anti-LGBTQ discrimination is “necessarily” based on sex has far reaching implications for other critical areas in which federal law also prohibits sex discrimination. These include healthcare, housing, and education — all areas in which the Trump administration has sought to reverse protections for LGBTQ people. The crystal clear reasoning in *Bostock* provides a strong legal basis to challenge those attempts. It also boosts challenges to other anti-LGBTQ Trump policies, including the transgender military ban which GLAD continues to fight in court.

Litigation establishing the *Bostock* analysis in other areas will take time, of course. Federal and many state laws still leave too many LGBTQ people and others unprotected in critical areas of life, including access to public places like stores or public transportation as well as in vital federally-funded social services. GLAD’s work is far from done. But the *Bostock* ruling is truly a cause for celebration as we continue fighting to ensure discrimination is off limits in every arena, and that the words of our civil rights statutes have meaning and real-world impacts for all Americans. ■

“Employment discrimination is wrong, no matter the reason. If I am qualified to do the job and perform to the best of my ability, the fact that I am transgender should have no impact on my job security or being treated as an equal to my colleagues. There are far too many people living in areas of our country that have little to no protections for LGBTQ employees. The decision from the Supreme Court recognizes that a person’s gender identity or sexual orientation is not an excuse for employers to discriminate and provides protections at a federal level.”

– Alexander Pangborn,
plaintiff, *Pangborn v. Ascend*
(see page 15)

GLAD's 2020 Summer Party Honoree: Paul Glass, Advocate for LGBTQ Elders of Color



As a Black gay man, Paul Glass has first-hand experience with how unevenly members of the LGBTQ community experience oppression and marginalization. His first brush with activism was when he moved back to his native Massachusetts in 2003 after surviving 9/11 while living at ground zero in NYC and retiring from a career in sales. “Through friends in Boston, I was connected with the MOCAA (Men of Color Against AIDS) organization and began advocating for myself and other Black men living with and at risk of HIV/AIDS.”

For almost two decades, Paul has fought for a world where none of us have to make the choice between accessing basic social services and living out and proud in our identities. Paul currently serves as a member of two advisory boards for the Office of HIV/AIDS at the Massachusetts Department of Public Health; State-Wide Community Advisory Group and the Mass. Integrated Prevention and Care Committee. Paul is also a member of the Mass. Commission on LGBT Aging, a member of Cape Cod Coalition for LGBT Older Adults, and a member of Cape Cod Pride.

Baby Boomer struggles paved the way in the sixties and seventies for today's LGBTQ progress in rights and acceptance, but as their generation ages, they face an existential predicament. As more older people enter assisted living centers or long-term medical care, many are met with scrutiny and judgement from neighbors or even caretakers and facility staff. Some must go back into the closet in order to escape this cruelty. Similarly, as people living with HIV age, they can be subjected to increased stigma and poor treatment.

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Paul is committed to ensuring that LGBTQ aging adults of color have access to services while being “treated with dignity and respect by healthcare providers in care facilities and at home.” He's equally committed to supporting people living with HIV, and ensuring that African-Americans are included in shaping the future of HIV/AIDS prevention and care. The unique challenges that face older LGBTQ people of color are significant: racism and the limited access to quality healthcare that comes with it, and higher rates of mortality from complications of diabetes, hypertension, heart disease and obesity.

To address these needs, Paul and a group of committed community leaders of color established the LGBT Elders of Color (EOC) in 2019, a nonprofit organization that he currently leads as President and considers his biggest victory. Over the past five years, he has helped LGBTQ older people build connections through the event series from which EOC sprang, “Flashback Sunday,” which has been greatly impacted by COVID-19. “These events have served as determinants to self-isolation and the glue to keeping our community connected,” Paul explains. ■

Advocating for Change in Our Child Welfare Systems

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The child welfare system disproportionately separates parents and children of color, and it is imperative that the pandemic not exacerbate the harms of this system.

The impact of the COVID-19 crisis on children and families already involved with DCF needs our urgent attention, in particular children that are approaching the maximum age of DCF jurisdiction. Older teens are less likely to be placed with a permanent family before they age out of the system. Without their connection to services, they are at high risk of homelessness, and in the current public health crisis sending youth off to fend for themselves is extremely dangerous.

Not only are transition-age youth at heightened risk, but during this crisis, all children in care are facing elevated exposure to the novel coronavirus. Many foster kids are moved from placement to placement, with no option for social distancing. On the other hand, children in separate placements have been unable to have visits with their parents and siblings, even virtually. This contact with their family plays an important role in lessening the effects of the trauma they have already gone through from being separated, and undermines the process of eventually being reunited with their family — a core child welfare goal. The decision-making process during this crisis is often ad hoc and arbitrary, rather than in accordance with a consistently applied, thoughtful policy.

Through the COVID-19 Coalition, GLAD has partnered with a broad community of advocates to take action during this unprecedented crisis to address the emergency needs of children and families involved with DCF. We call on DCF to act urgently to support and serve transition-age youth, to protect the health and well-being of children in foster care and group homes, to ensure children, siblings and parents have meaningful contact despite the pandemic, and to provide comprehensive and transparent crisis reporting so there is accountability and action for children and parents already involved with DCF.

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Dad Answers: A Parent Steps Up as an Ally and a Resource by Volunteering for Our Legal Infoline

When Greg's son came out to him as transgender, Greg made a commitment to show up for him as an ally. That was over a year ago, and since then he has advocated for change at his son's school, and started volunteering at GLAD Answers, our free volunteer-run legal infoline.

Greg's child is now in middle school, just played his first season of football, and has friends that he met through NAGLY (North Shore Alliance of GLBTQ+ Youth). The family lives in a suburban, coastal town in Massachusetts. "Connecting with other youth is huge," Greg says. "My son had to try to find friends when he first started transitioning, and it was hard at first." For LGBTQ youth that feel alone, reaching out to youth organizations is a great first step. "We're very fortunate in this state to have the programs that we have, though we definitely do need more. There's a really big need for youth organizations in rural settings. Most of these [groups] are going to be in a metropolitan area which some kids can't get to."

Greg's commitment to helping his child led him to research LGBTQ advocacy and youth organizations. When his kid was first coming out, his elementary school was at a loss on how to affirm a transgender student, and when he graduated to middle school he was denied access to the locker room. In both situations, it was clear that faculty needed LGBTQ

cultural competency training and intervention, so Greg reached out to Jeff Perrotti from Safe Schools. "Jeff came down and he gave everybody the language that they needed and gave me resources... it really hasn't been too much of an issue since then."

Though navigating all this at his son's school was difficult, that's how Greg found out about GLAD. "I was running around trying to figure out what to do, I was taking him to NAGLY and BAGLY and then I asked somebody who I should call, and they recommended GLAD. Somebody from GLAD Answers called me back, and I realized that they were a volunteer and I said, "I can do that!"

And yes he can! Every week, before GLAD's office went remote due to COVID-19, there would be joyful greetings in the hallway. His favorite part of helping at GLAD Answers? "Meeting the other volunteers, and the GLAD Answers staff, of course. There are a lot of calls that are really sad, so it can wear on you a bit. But there are other times you get to call people back with good stuff, especially with the [Transgender] ID Project when you get to call somebody, and say, 'We got your message and we're connecting you with an attorney.' People really get excited when they hear that."

Working on the frontlines of LGBTQ discrimination, Greg is painfully aware of how much work there is to be done, despite

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Making Differences, Tall and Small

Servicemember and GLAD Answers volunteer Chloe brings advocacy to her child's school

Chloe Enderton had been in the Army for thirteen years when Trump's transgender military ban went into effect last spring. Though she was able to serve openly, her fellow transgender servicemembers who had not come out by the time of the ban were not able to do so. Chloe knew she had to take some action in the face of this injustice. Rather than turning away from her career, she was inspired to advocate on behalf of her LGBTQ community. Once she learned about GLAD Answers, she joined the staff- and lawyer- led training, and has been answering calls from LGBTQ people, informing them of their rights, for the past year. But when she was faced with another opportunity for advocacy closer to home, she rose to that challenge as well.

The Father Daughter dance at Chloe's elementary school was a perfect opportunity to bring inclusivity to her community. Not only can many students be excluded from this gendered language, the tradition can also be alienating for children who don't

have a father. Taking this opportunity to open the event to all parents and children, she contacted the school's administrators. With diplomacy and compassion, Chloe was able to push a change that has a real effect, welcoming all families to participate in a special day — the Tall and Small Dance.

Improving the lives of LGBTQ people doesn't always have to involve lawsuits or the Supreme Court. GLAD is proud of making a difference in the courts, but we're just as proud of



Illustration by Yuri Kim

those who make change in families, schools, workplaces, neighborhoods, or places of worship. It's leaders like Chloe that power our movement for full equality. ■

The Power of Love in Rhode Island

The latest victory for parentage equality in New England, won by and for LGBTQ parents

We are celebrating a major victory for Rhode Island families this summer. GLAD has been working as part of Rhode Islanders for Parentage Equality (RIPE), a coalition made up of parents, families, community members, and organizations, to advocate for equal access to the legal security of parentage for all children and families, including LGBTQ families. Following a three-year-plus effort to update the state's laws to be more fair, equitable, and protective of all families, the Rhode Island Uniform Parentage Act (RIUPA) was finally passed by both the Senate and House, and Governor Gina Raimondo signed the bill into law July 21. The RIUPA updates the state's 40-year-old parentage laws to ensure all Rhode Island children have equal access to the security of legal parentage.

Polly Crozier, GLAD Senior Staff Attorney, describes how far reaching the new bill extends. "The RIUPA centers the needs of Rhode Island's children and incorporates the perspective of the many stakeholders who care about Rhode Island children and families — including parents, community members, key state agencies, and the Family Court — as well as best practices from model national legislation," explains Polly, who has provided leadership for updating parentage law in several New England states. "We're grateful to lead sponsors Senator Erin Lynch Prata and Representative Carol McEntee for their commitment and work to make sure we passed a bill this session that makes Rhode Island parentage law clear, accessible, and Constitutional, and removes unfair barriers that have made it harder for parents to protect their children."

The parents advocating for this bill showed up time and again at the Rhode Island State House and worked tirelessly to tell painful stories about the fears and consequences of not having a clear legal relationship to their children at birth. Then, the COVID-19 pandemic hit, which made their concerns even more urgent. After several publicized testimonies from parents and the vulnerabilities laid bare by the pandemic, the timing was finally right for policymakers to pass this critical legislation. "What's best for Rhode Island and best for families is to ensure that all parents have the ability to protect their children through a secure legal relationship as soon after birth as possible," says Wendy Becker, advocate and organizer with RIPE and LGBTQ Action RI.

"When my partner Anna and I welcomed our son Eli in 2016, I was a legal stranger to him because our laws didn't address the parentage of a child born to unmarried same-gender parents or conceived through fertility treatments," says Sara Watson, a physician and parent member of RIPE. "It took eight agonizing months to finalize Eli's adoption. I couldn't make legal decisions for Eli. I couldn't add him to my insurance. I couldn't pick him up from daycare. Rhode Island's outdated law might even have denied me custody of Eli if something had happened to Anna before the adoption was finalized. For four years Anna and I have been advocating so families like ours never need to go through that same pain and fear."

The bill passed just in time for RIPE advocates and expectant couple Andi Wheeler and their wife Meredith. "After four years of planning and painful losses, we are expecting our first child in the fall," Andi explains. "But along with the joy of building our family, I have experienced



Katie and Aarav, with children Dara and Dhruva



The Families of Rhode Islanders for Parentage Equality outside the State House

“The RIUPA centers the needs of Rhode Island’s children and incorporates the perspective of the many stakeholders who care about Rhode Island children and families — including parents, community members, key state agencies and the Family Court — as well as best practices from model national legislation,”

— Polly Crozier

that families need security during a crisis,” says emergency medicine physician Elana Hayasaka in a recent Providence Journal op-ed. When Elana and her wife Denise both became ill, they worried

profound fear about whether I will be fully recognized everywhere as my child’s parent.” Andi cites COVID-19 as an additional worry: the delays, whether the courts would be open, when they could begin the adoption process. “Our child, like every child born in Rhode Island, deserves to have a secure legal tie to both their parents as soon as they are born.”

For one RIPE Coalition family, the virus hit home in several ways — including both parents testing positive.

“As an ER doctor, I’ve seen

about their health, their children, and the added uncertainty of their legal status as a family. “As the non-birth parent in a same-sex headed family, my legal connection to my children is not secure in every jurisdiction... COVID-19 highlights the vulnerabilities that families like mine face.” Elana and Denise’s family thankfully recovered, “but no Rhode Island parent should have the added burden of worrying whether they’ll be legally able to take care of their kids when a crisis hits.”

With this hard-won victory, Rhode Island will finally be able to streamline parentage for LGBTQ couples by updating processes such as the civil Voluntary Acknowledgment of Parentage. The VAP enables parents to secure their legal parentage through a simple, civil form rather than through the burdensome, expensive and lengthy process of co-parent adoption. The RIUPA also creates for the first time in Rhode Island an accessible path to parentage for children born through assisted reproduction, as well as protections for children born through surrogacy.

The RIUPA was based on the Vermont Parentage Act and Uniform Parentage Act, and GLAD continues to work in several New England states to update parentage and fill the gaps in current protections so that all children have equal access to the security of legal parentage. To read the full text of the reports and articles mentioned, visit www.glad.org/summer-briefs-2020

To learn more about the parents who worked tirelessly to get the RIUPA passed and to see the full list of organizations who supported this effort, visit www.glad.org/ripe

Parents and families who have specific questions or concerns regarding parentage should contact GLAD Answers at www.gladanswers.org



Elana and Denise, with children Ian and Leah



Governor Gina Raimondo, Dr. Nicole Alexander-Scott, Director of the Rhode Island Dept. of Health, and GLAD Executive Director Janson Wu



RIPE member and parent Arav speaking before the signing of the RIUPA

Legal Update

A Critical Win Against the Transgender Military Ban

In March, GLAD filed the lawsuit *Doe v. Esper* on behalf of a Naval officer who was at risk of being discharged because she is transgender. After nine years of serving her country, and two extended tours of duty, she faced the end of her chosen career just because of who she is. In May, the Navy announced that it would grant a waiver so that Officer Doe could continue her service as an out transgender service member.

While this is an important victory for this Sailor, and she can now continue to pursue her career, this is also an important step towards total defeat of the military ban. The grant of this waiver, and the others GLAD hopes and expects to follow while the ban yet remains in place, shows the irrationality of the policy and the baselessness of a waiver requirement. Transgender service members are qualified individuals who should simply be able to continue in the careers for which they have been trained.

Solitary Confinement Data in Massachusetts

Mental health experts agree: restrictive housing (commonly known as solitary confinement) is tantamount to torture. It is damaging to a person's psychological state, does nothing to further the intended purpose of rehabilitation, and makes it harder for a person to reacclimatize after they are released. And LGBTQ people and people of color are disproportionately subjected to solitary confinement.

GLAD strongly supports legislation in Massachusetts to require the Department of Correction to collect data on the sexual orientation

and gender identity of people placed in solitary confinement, just as the Department does for other demographics including race. In November, Senior Attorney Ben Klein delivered testimony in support of a Massachusetts act to collect data on LGBTQ incarcerated people held in solitary confinement. This data will give us additional backing to end the harmful practice of solitary confinement.

Access to PrEP and Fighting Stigma

In January, GLAD filed a lawsuit against a doctor whose patient contracted HIV after being denied a prescription for PrEP (Pre-Exposure Prophylaxis medication). PrEP is a drug that can prevent HIV transmission, and it's one of the most important breakthroughs in the fight to end the HIV epidemic.

PrEP is straightforward, well-established, and much less complex than many other commonly prescribed drugs. But because of stigma and misunderstanding, PrEP has been vastly under-prescribed, especially among men of color who have sex with men. Too many primary care doctors won't prescribe it because of bias around gay sex and HIV itself. We filed this lawsuit so that we can change physician practice and ensure that PrEP is available to all who need it.

By refusing to prescribe PrEP, this doctor failed to allow his patient to access a medication that prevents the risk of HIV transmission by close to one hundred percent. We will continue, with this case and otherwise, to fight the stigma that surrounds men who have sex with men, HIV, and people living with HIV. Everyone deserves best practice healthcare without the interference of personal bias.

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Protecting Transgender Youth from Dangerous Legislation

Courts and legislatures across the country came to a screeching halt in late March as efforts to stop the nationwide spread of COVID-19 began. Unfortunately, just before all state legislatures shut down, Idaho passed, and their governor signed, one of the most draconian bills ever passed targeting transgender youth. The bill excludes transgender youth from school sports. This is the same kind of legislation GLAD testified against and defeated in New Hampshire. In that same time period several states introduced, and fortunately defeated — at least for now — bills that would criminalise the provision of essential gender affirming services for youth.

GLAD is committed to supporting transgender youth in school and youth programs, in child welfare systems, and in the juvenile justice system. Through legal advocacy and public education, we will continue to combat the stigma that often informs policy changes by decision makers. Transgender youth deserve to be supported and affirmed by their caregivers and communities.



Athlete and activist Sarah Huckman with her parents at the 2018 Spirit of Justice Award Dinner. Sarah shared her own story to help defeat a NH bill that would have barred transgender girls from school sports.

Welcome New Board

Ray Cheng

Ray Cheng is a Senior Manager at Deloitte Tax, LLP and assists clients with state and local tax matters. He earned his Bachelors in Business Administration and his Masters in Professional Accounting from The University of Texas at Austin, and is a Certified Public Accountant in Massachusetts and Texas. The son of immigrants from Hong Kong, Ray grew up in Texas and lives in Boston with his husband Jeff and their three children adopted through foster care. Ray is passionate about social and racial justice that directly and indirectly impacts the LGBTQ community. He has served on the boards of SMART Team and COLAGE and currently serves on the Executive Board of Deloitte's LGBTQ employee resource group and as a Board Advisor of COLAGE.

Jessyca Feliciano

Jessyca Feliciano is a Vice President of Employee Relations at State Street Corporation, helping manage the relationships between the organization and its employees. Prior to joining State Street, Jessyca held positions of increasing responsibility in corporate and non-profit organizations, most recently with Mass Mutual as a Human Resources Business Partner supporting the Data Science and Digital Design corporate groups and their leaders. In addition to her primary responsibilities, Jessyca also served as a diversity and inclusion liaison, holding the business accountable for implementing diversity best practices and strategies. She started her career in social work working with at-risk youth in underprivileged communities, always focusing on creating opportunities of inclusion, which is still something very close to her heart. Jessyca earned a Master of Education with a focus on Organizational Development and Leadership from Cambridge College's Graduate School of Education, and a Bachelor's in Social Work from Roberts Wesleyan College.

Spencer Icasiano

Spencer Icasiano is a product designer at HubSpot, and a user experience specialist who has held previous positions at Care.com and Wayfair. Spencer has consulted on and designed tech platforms that create seamless experiences for clients and customers. In addition to their day job, they work as a contributing writer for 90.9 WBUR, covering primarily QTPOC (queer and trans people of color) artists and activists whose cultural impacts are directly shaping the future of Boston.

The beginning of Spencer's connection to GLAD was as a resource – GLAD provided support to Spencer during a violent and transphobic landlord situation, as well as gender-based discrimination and sexual harassment instances in their career. Spencer's natural inquisitiveness and pursuit of justice has spilled over into other areas of their life and thanks in part to GLAD's impact they've been able to successfully advocate for employee environment and policy improvements and consulted on inclusive hiring practices at public tech companies. Spencer's public speaking skills have been cultivated at professional conferences, engineering bootcamps, and local institutions — from world-class universities to Fortune 100 corporations — where they lead talks and workshops on topics of cultural competency and organizational change. Spencer earned a Bachelor's Degree in Writing from Emerson College.

Matthew McGuirk

Matthew McGuirk is a Financial Advisor with Morgan Stanley. He has worked in asset and wealth management for over 20 years, currently focusing his practice on serving the LGBTQ community. In his public service life, he serves on several board and committees that support this community and is honored to begin work on the Development Committee of GLAD's Board. Matt particularly looks forward to building bridges between organizations with which he has ties, such as the Massachusetts LGBT Chamber of Commerce where he is a founding partner, and other non-profits such as Community Research Initiative where he is a member of the Board; Fenway Health where he is a member of the Board of Visitors; and the Human Rights Campaign, where he is a member of the New England Steering Committee and Co-Chair of the Federal Club for New England. While he is committed to all areas of GLAD's work, he has a particular interest in protecting children and the elderly and has been involved with organizations such as the LGBT Community Center and SAGE. He is a graduate of Hampden-Sydney College, and holds an Executive Certificate in Financial Planning from Georgetown University and a Master of Science in Financial Planning from Bentley University.

Rev. Irene Monroe

Rev. Irene Monroe can be heard on the podcast and standing Boston Public Radio segment ALL REV'D UP on WGBH 89.7 FM. Monroe is the Boston voice for Detour's African American Heritage Trail and History UnErased. Also, Monroe's syndicated religion columns appear in *Bay Windows*, *Cambridge Chronicle*, *Dig Boston*, *Curve*, and in several cities across the country, in the UK, and Canada.

Monroe describes her public ministry as follows: "My life's work has been grounded in an intersectional anti-oppression activism and praxis. I try to inform the public of the role religion plays in discrimination against LGBTQ+ people. Because homophobia is both a hatred of the 'other' and it's usually acted upon 'in the name of religion,' I aim to highlight how religious intolerance and fundamentalism not only shatters the goal of American democracy, but also aids in perpetuating other forms of oppression, such as racism, sexism, classism, homo/transphobia, anti-Semitism, Islamophobia, to name a few."

Monroe is a founder and now member emeritus of several national LGBTQ+ Black and religious organizations. As an activist Monroe has received numerous awards. Her papers are at the Schlesinger Library at Radcliffe College's Research Library on the History of Women in America.

Dad Answers: A Parent Steps Up

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all the progress our movement has made so far.

“People need help. Without organizations like GLAD, how are callers supposed to know which attorneys are LGBTQ friendly, and who is not? Organizations on the other side with deep pockets are taking this time right now to slide [legislation] through,” he says. “People are having trouble getting access to medical treatment (*see Pangborn page 15*), and the Trump administration is trying to say it’s okay to discriminate against us.” GLAD is working to challenge these policies “but it takes money to do this. So people need to do what they can and give what they can to stop this.”

COVID-19 disrupted all of our lives, and showed the world just how unequal the access to resources is in our communities. The last few months have looked very different for Greg and his family, as it has

for most of us. GLAD Answers is open and running, but without the aid of volunteers temporarily. While that’s out of concern for everyone’s health and safety, still, Greg says, “it’s tough because [volunteering] has become a big part of my life, so now I feel disconnected.” Hopefully Greg will be able to get back to answering calls soon, as GLAD Answers prepares to establish a remote volunteer program and eventually safely open our office when the time is right.

In the meantime, Greg has hope for our community, especially when we look out for each other. “Stay strong. Reach out to each other. Your story might be the story that somebody else needs to hear. A lot of people are really struggling, working or stuck at home with families who don’t support them. A lot of people are afraid to ask for help. So do what you can.” ■

Advocating for Change in Our Child Welfare Systems

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LGBTQ youth in the child welfare system

Even before the pandemic began, Senior Staff Attorney Polly Crozier had been working to address systemic inequalities in the Department of Children and Families in Massachusetts.

Nationally, LGBTQ youth, and particularly Black and Brown LGBTQ youth, are overrepresented in child welfare systems, but in Massachusetts, there are only beginning efforts at data collection on sexual orientation and gender identity of youth in care, and that data is not collected in an intersectional manner with data on race or disability, nor is it publicly reported.

What already is clear is that, in Massachusetts, there are substantial racial disparities in our child welfare system that must be addressed.

For example, the DCF 2019 Annual report showed:

- Black families are twice as likely to have an open DCF case than white families
- Latinx families are 3 times as likely to have an open DCF case than white families
- Black children are in out of home placements at 2.6 times the rate of white children
- Latinx children are in out of home placements at 2.5 times the rate of white children

Once removed from their homes, children in Massachusetts suffer high rates of placement instability, housing in congregate care, and lack of permanency when they reach age 18. The trauma of separation from their families of origin is compounded by a child welfare system that does not deliver on its promise of stability and well-being and, in fact, pushes them to deeper system involvement. As a result, an overwhelming number of children in Juvenile Justice custody in Massachusetts are currently DCF-involved.

GLAD is actively working on systems change in the Massachusetts child welfare system and has, with partners and collaborators such as the Massachusetts Commission on LGBTQ Youth and Citizens for Juvenile Justice, identified key priority areas of advocacy, some of which are described below. This advocacy is in addition to case interventions: GLAD fields inquiries from child protection lawyers,

youth, foster parents, and other providers, and works to provide technical assistance and support to individual youth who are DCF-involved.

Data collection

The higher proportion of LGBTQ youth in care is due to many factors, including family rejection. Given the high population of LGBTQ youth in Massachusetts and the overrepresentation of LGBTQ youth in care nationally, it is imperative that we systematically understand the numbers and needs of LGBTQ youth in care and custody in Massachusetts.

Due to a lack of data collection and transparent reporting, however, we do not know the numbers of LGBTQ youth in DCF care or custody. What we do know, by DCF’s own admission, is that LGBTQ youth represent a vulnerable population of youth in the child welfare system. Data collection is critical to understanding the needs of youth and ensuring their connection to culturally competent resources to meet those needs.

GLAD is advocating for DCF data collection, including through legislation currently pending in the Massachusetts legislature. We will continue our work to ensure LGBTQ youth are counted and served.

Training for workers and providers

A critical component of ensuring the safety and well-being of LGBTQ youth is training for all staff. Training, in its current form, is a mere 45 minute introduction to LGBTQ issues which is inadequate. GLAD continues to advocate for ongoing, substantial cultural competency training for workers including:

- understanding basic LGBTQ terminology
- basic vocabulary for transgender and gender expansive youth
- how to appropriately collect demographic data
- how to affirm LGBTQ youth, including access to gender affirming healthcare which disproportionately impacts transgender youth of color
- how to support families of origin, foster, and pre-adoptive families on affirming LGBTQ youth
- cultural competency working with LGBTQ parents

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Welcome New Staff

Carole Allen-Scannell, Director of Development

Carole Allen-Scannell joins GLAD as Director of Development in July 2020, having worked for a variety of non-profits focused on education and social justice over the past 30 years. Carole brings strong experience in all aspects of fundraising, including annual giving, special events, major gifts, capital campaigns, and planned giving. She has served on several boards including the Council for the Advancement and Support of Education and Brookview House where she chaired the board for six years. Carole holds a Bachelor of Arts degree in communication and English from Rutgers University, and a Masters of Business Administration from Clark University.

Lawrence Coldon III, Legal Assistant

Lawrence Coldon joined GLAD as a Legal Assistant in 2020 after graduating from the University of Chicago with a B.A. in Psychology and Comparative Human Development with a minor in Gender and Sexuality Studies. During his time at UChicago, Lawrence was a Programming Intern at The Center for Identity and Inclusion, where he worked to develop programs/events that would help to create a sense of community between students. Lawrence also worked as an LGBTQ Health Intern at The Center for Interdisciplinary Inquiry and Innovation in Sexual and Reproductive Health (Ci3) where he researched the impact of parenting on gay and bisexual Black MSM as well as helped facilitate job training workshops. On campus, Lawrence served as a Co-Political Chair of the Organization of Black Students, a Co-Chair of Project Reproductive Freedom (a reproductive justice advocacy group), and a Decisions Board Member of The Emergency Fund. In his free time, Lawrence enjoys losing time playing video games and baking treats to share with friends.

Morgan Edmonds, Legal Assistant

Morgan Edmonds joined GLAD as a Legal Assistant in 2020 after graduating cum laude from Columbia University with a B.A. in Political Science and Psychology. While at Columbia, Morgan interned in Columbia Law School's Challenging the Consequences of Mass Incarceration Clinic, where she provided support for litigation related to prisoners' conditions of confinement. Morgan also interned in United States Senator Kirsten Gillibrand's New York City office and at the New Jersey Reentry Corporation. On campus, Morgan was Vice President of Columbia University Women in Law and Politics and a tutor for Brilliant and Proud, an organization that provides tutoring help for homeless LGBTQ+ youth in New York City. In her free time, Morgan enjoys exploring the outdoors, watching women's soccer, and attempting to complete the New York Times Daily Crossword Puzzle.

Anna Lee, Legal Assistant

Anna Lee joined GLAD as a Legal Assistant in 2020 after graduating from Trinity College with B.A. in Anthropology. While at Trinity, Anna interned at the Connecticut Commission on Human Rights & Opportunities (CHRO), where she performed extensive legal research on sexual harassment and assault prevention statutes to develop policy recommendations, and analyzed closed sexual harassment cases to develop procedural recommendations and potential reconsideration. Anna also worked as a Research Assistant for Dr. Tanetta Andersson, researching definitions of consent on college campuses and the intersection between legal and social discourse surrounding sexual harassment and assault. On campus, Anna served as the Musical Director of The Trinity Pipes (a super awesome a cappella group) and a Manager at the Underground Coffeehouse. In her free time, Anna loves to make music, drink too much coffee, and watch documentaries.

Aaron Wolfson, Digital Media Manager

As Digital Media Manager, Aaron drives public education and engagement across the organization's digital platforms. Prior to joining GLAD in December 2019, Aaron worked for a variety of campaigns and nonprofits, including the ACLU of Massachusetts, Freedom Massachusetts, and the Massachusetts LGBTQ Youth Commission. He has been heavily involved in work to advance LGBTQ rights, criminal justice reform, immigrants' rights, and other pressing civil rights issues. In 2017, he was named one of *Spirit Magazine's* Progressive Pioneers.

Aaron holds a B.A. from Simmons College, where he studied political science, gender studies, and media studies. In his free time, Aaron enjoys cooking, science fiction, travel, and exploring Boston on foot.

www.GLADAnswers.org

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GLAD Answers is GLAD's free and confidential legal information, resource & referral line.



Legal Update

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Intervening for Youth in the Juvenile Justice System

GLAD's commitment to LGBTQ youth means we work with youth from all walks of life, as individuals and in families, and in the state and local "systems" of education, child welfare, and juvenile justice. Civil Rights Project Director Mary Bonauto served on the Maine Juvenile Justice Re-investment Task Force in 2019-20. The Task Force's Final Report showed the strong connections between incarceration and previous school suspensions (or "push out") and past child welfare findings about children experiencing harm. Young people in the juvenile criminal system are disproportionately youth of color and LGBTQ. Further, the biennial health survey of Maine youth shows that LGBTQ youth are still more likely to feel unsupported at home, to be bullied at school, to contemplate suicide, and to use drugs and alcohol than their non-LGBTQ peers. Even though young people are resilient, rejection from families and system involvement disrupt childhood, impede development, and create higher risk of mental and behavioral health challenges, homelessness, and adult incarceration.

In the past six months, GLAD has been on the ground in the Maine legislature and in policy settings, working with young people and many

adult allies to bring basic reforms to the juvenile system to encourage diversion, end incarceration for the purpose of "supervision" of a youth who has nowhere to go, to shorten sentences, and bring more due process into the system by assigning youth lawyers who can petition for less restrictive alternatives. GLAD is also supporting both legislative and COVID-19-driven collaborative efforts to remove young people from Maine's youth prison and into the community with the safety and supports everyone needs.

Among many other initiatives, GLAD also continues its Maine work addressing school policing and advocacy for restorative justice, supporting the youth led-campaign to close the Long Creek juvenile detention center, advocating for LGBTQ-competent policy changes to state agencies and on data collection, and service on the Justice for Children Task Force, convened by the State Supreme Judicial Court. The city of Portland made a landmark decision in June to remove school resource officers, thus removing police officers from public school campuses. You can read Mary Bonauto's testimony supporting this important development online.

[For more information visit glad.org/summer-briefs-2020](https://glad.org/summer-briefs-2020) ■

Supreme Court Watch: Will Government-Funded Services be Permitted to Use Religion as a Justification to Discriminate?

The United States Supreme Court will hear the case of *Fulton v. City of Philadelphia* during its next term (which begins in October 2020). The case arose after the City of Philadelphia stopped referring children to Catholic Social Services (CSS) for foster-care placements because the agency refused to work with same-sex couples, thus violating the City's nondiscrimination ordinance as well as the terms of its contract with the City. CSS sued the city, claiming, among other things, that the City's actions violated its rights of free exercise of religion. Seeking an injunction against the City, CSS lost in the federal trial court and then again on appeal. With the Supreme Court granting review, *Fulton* is poised to be a landmark case on the question of whether religiously-operated social welfare agencies that receive taxpayer dollars under contracts with the government can nonetheless be exempt from having to comply with nondiscrimination laws.

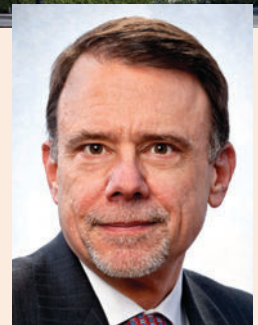
So many people rely on government-funded entities like CSS to fulfill essential needs — for food, housing, health care, and more. *Fulton* could lay the foundation for the reversal of protections on which the most vulnerable in our community rely to ensure equal access to goods and services. For example, a decision in favor of CSS could be relied upon by a religiously-operated homeless shelter to turn away anyone who does not fit within the shelter's religious beliefs, including LGBTQ people in need.

There is a possibility that a decision in the *Fulton* case could come to mean that nearly any religious entity, or even a private company asserting its religious beliefs, would have permission to refuse to serve or work with anyone simply because of who they are. It could also require the government at all levels to fund discriminatory groups. That's why GLAD will be working this summer to prepare and file an amicus brief in support of the City of Philadelphia's position that its actions with respect to CSS were wholly in accord with a proper view of the law. Keep an eye on GLAD.org for developments in this extremely important case. ■

virtual event



Join Gary Buseck, Legal Director, for a GLAD Justice HangOUT, "The Next Big LGBTQ Case at the Supreme Court: *Fulton v. City of Philadelphia*."



Thursday, August 27 2020
12:30 pm – 1:00 pm / Online

[For more information visit glad.org/events](https://glad.org/events)

Fight for Healthcare Access Takes on Heightened Urgency as Trump Reverses Protections for Transgender People Under the ACA

Hospice Nurse Alexander Pangborn's Case Challenges New "1557" Rule

Alexander Pangborn is a hospice nurse in Western Massachusetts. He loves his job, and the patients and families he cares for every day. So Alexander was crushed to discover that his employer would not provide him with healthcare benefits equal to those provided to his coworkers. While preparing in consultation with his doctor to schedule medically-necessary gender-affirming surgery, Alexander learned that his employer had a blanket exclusion for any care related to gender transition.

"Along with the stress of not being able to get medical treatment I need, the denial made me feel devalued as an employee and as a person," Alexander says. "I put my all into my job, and I pay into the same system as all my coworkers to receive medical care, but my employer said that my healthcare isn't necessary."

GLAD filed a lawsuit, *Pangborn v. Ascend*, on Alexander's behalf in federal court in Western Massachusetts. The suit alleges that by treating him differently — not offering him the same benefits other employees get — because he is a transgender man, Alexander's employer is discriminating against him on the basis of sex and transgender status, in violation of the nondiscrimination provisions in the Affordable Care Act, as well as Massachusetts and federal employment law.

Section 1557 of the ACA bars discrimination in healthcare access and insurance on the basis of sex, as well as race, color, national origin, age, and disability. On June 12, the federal Department of Health and Human Services formalized the Trump administration's claim that Section 1557 does not protect transgender people, despite multiple court rulings and HHS's own prior interpretation that the provision against sex-based discrimination applies to transgender status.

"The Trump administration's new 1557 rule contradicts the ACA," said Jennifer Levi, GLAD Transgender Rights Project Director. "It's another callous and dangerous attack on transgender people like Alexander, who should be able to access medically-necessary care on the same terms as anyone else. And it's contrary to established case law, including the recent ruling from the Supreme Court, in the context of employment law, which makes it perfectly clear that sex

discrimination by definition includes transgender status discrimination."

As Alexander's suit continues in court, it will test the legitimacy of Trump's reversal of healthcare protections for transgender people under the ACA.

"Alexander Pangborn is a hospice nurse who provides compassionate care every day to his patients and their families, yet he was denied access to the health care he himself needs," says Chris Erchull, GLAD Staff Attorney representing Pangborn. "We are fighting alongside Alexander to put an end to the discriminatory practice of excluding transition-related care from health benefits plans." ■



Alexander Pangborn and his wife Katherine at the 2019 Spirit of Justice Award Dinner

Advocating for Change in Our Child Welfare Systems

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Training for Foster and Pre-Adoptive Parents

Currently, foster and pre-adoptive parents go through a training program called Massachusetts Approaches to Partnership in Parenting (MAPP). The MAPP training is outdated and perpetuates harmful stereotypes regarding LGBTQ Youth. GLAD is advocating for an update to this key training to ensure that providers have accurate and culturally competent information about LGBTQ youth.

Long-term impact

GLAD is working with all available tools of impact to improve the child welfare system — legislation, policy, intervention/litigation, and education — in a sustained way. The COVID-19 pandemic has broadened GLAD's engagement with child welfare reform in Massachusetts and, with new challenges, has brought new collaborations and opportunities to work for change. The systemic child welfare system change we strive for can, and must, address the needs of youth and families of color. Real change is only possible when the most vulnerable of us are protected, and the system is rebuilt for all of us to thrive. ■



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