



Testimony of Mary L. Bonauto for GLAD

LD 396 – Ought To Pass

An Act To Require the Department of Health and Human Services To Provide Assistance with Applications for Basic Necessities To Prevent Children Being Removed from Parental Custody

Joint Standing Committee on Health & Human Services

March 2, 2021

Senator Claxton, Representative Meyer, and distinguished members of the Joint Standing Committee on Health & Human Services,

Good Morning. My name is Mary Bonauto and I live in Portland. I am an attorney at the Maine office of GLBTQ Legal Advocates & Defenders, which works primarily in New England and for equal justice under law without regard to sexual orientation, gender identity or HIV status. I am happy to be here supporting Representative Brennan's bill.

GLAD's work has long been deeply connected to supporting LGBTQ families and children so they can live their lives securely and contribute to their communities with the same legal protections and responsibilities as others, and without harassment and discrimination because of their overlapping Black, Latinx, Indigenous or other identities.

As a Maine resident, I am proud to see how the Department of Health & Human Services, including the Office of Children & Family Services, is working to improve services to Maine families. We support LD 396, *An Act To Require the Department of Health and Human Services To Provide Assistance with Applications for Basic Necessities To Prevent Children Being Removed from Parental Custody*, because poverty alone "does not equate to neglect" and "does not mean a child is unsafe, unloved, or that a parent lacks capacity to care of his or her child."

This central insight – that poverty is what keeps families from meeting their families' basic needs – shows how easy it is to "blame vulnerable families for their very vulnerability" rather than to address the "root causes" of "a family's inability to meet their children's fundamental needs."¹ Maine's child poverty rate of 13.4% (the percentage of children under 18 in related families who had incomes below the poverty line in 2019) and our 12% rate of hunger and food insecurity are concerning in and of themselves, and pose a significant risk of family

¹ Jerry Milner & David Kelly, *It's Time to Stop Confusing Poverty With Neglect*, US DHHS, Admin. for Children & Families, Children's Bureau Express, Dec. 2019/Jan. 2020, available at: <https://cbexpress.acf.hhs.gov/index.cfm?event=website.viewArticles&issueid=212§ionid=2&articleid=5474>.

separation under our existing laws.² Representative Brennan’s bill gets it right that poverty must not be the reason to separate children from their parents.

The emerging literature is full of proposals for supporting families and children by helping them meet their basic needs rather than further traumatizing all of them by breaking the family apart.³ This bill is exceedingly modest in suggesting only that DHHS provide support to families to apply for existing benefits so they may better meet their needs. GLAD suggests one minor modification of section 2 of the bill for the sponsor’s and committee’s consideration, which is whether DHHS assistance could extend also to “private” sources of assistance in addition to state and federal aid or medical programs.”⁴

Finally, I would be remiss to omit another central concern about family removals in general, and which merit attention in Maine, namely the fact that poverty is “disproportionately present in communities of color” which has “direct implications for child welfare.”⁵ In Maine, child poverty rates are highest among African Americans, followed by Latino, Asian American, and Indigenous residents, and lastly by white Mainers.⁶ The rates for African American Mainers are 3 times that of white Mainers. Relatedly, although there is little to no Maine data collection on LGBTQ+ people in the child welfare system, in other places, LGBTQ+ people, particularly those who are people of color, experience disproportionate contact with and child

² Center for American Progress, https://talkpoverty.org/indicator/listing/child_poverty/2020 (Maine child poverty rate); Center for American Progress, <https://talkpoverty.org/indicator/listing/hunger/2020> (Maine food insecurity rate).

³ See, e.g., U.S. CDC, *Preventing Child Abuse and Neglect: A Technical Package for Policy, Norm, and Programmatic Activities*, (2016), at 13-17 (discussing state and federal options for improving financial security parents’ ability to meet their children’s basic needs and thereby reducing child abuse and neglect), available at <https://www.cdc.gov/violenceprevention/pdf/can-prevention-technical-package.pdf>. The Center for Social Policy (CSSP), among others, supports a “child allowance” and cites the National Academy of Sciences *Roadmap for Reducing Child Poverty* in 2019 for the position that a child allowance would do more than any other policy to reduce child poverty. Elisha Minoff, “Cash for Families with Children: COVID-19 Demonstrates Why We Need a Child Allowance,” CSSP, March 2020, available at <https://cssp.org/wp-content/uploads/2020/03/Policy-Child-Allowance.pdf>.

⁴ See, e.g., US HHS, Administration for Children and Families, Children’s Bureau Memorandum on “*Reshaping child welfare in the United States to focus on strengthening families through primary prevention of child maltreatment and unnecessary parent-child separation*,” Nov. 2018 (recommending child welfare agencies work with public and private partners to plan, implement and maintain integrated networks to strengthen families and prevent unnecessary family disruption), available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1805.pdf>.

⁵ See *id.*, footnote 1, above.

⁶ Center for American Progress, https://talkpoverty.org/indicator/listing/child_poverty/2020.

removals effectuated by the child welfare system. We would benefit from understanding the landscape in Maine.⁷

We appreciate the Committee's and Department's consideration of this important bill and urge the Committee vote ought to pass.

⁷ Nancy D. Polikoff, Neglected Lesbian Mothers, 52 Family Law Quarterly 87 (Spring 2018), available at American University Washington College of Law, Research Paper No. 2019-16, SSRN, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3407307.