

GLAD Briefs

FALL 2022

Photo: New Hampshire Bulletin

GLAD Attorney Chris Erchull, Morgan Nighan (Nixon Peabody), Gilles Bissonnette (ACLU New Hampshire), and plaintiffs challenging New Hampshire’s School Censorship Law, Andres Mejia and Tina Kim Philibotte

Rising Anti-LGBTQ+ Attacks On Our Public Schools

Our public schools have a responsibility to provide a safe school environment where all students can engage with learning and fully benefit from their educational opportunities. But increasingly across the country, schools are being pressured to violate that most basic trust — and students themselves are becoming political targets.

In the past year, we’ve seen escalating efforts to censor teaching about American history and race, to silence discussions of LGBTQ+ people and families in classrooms, and to ban books — many by LGBTQ+ authors and with LGBTQ+ themes — from school and public libraries. Equally concerning, as LGBTQ+ issues are weaponized for political gain, school districts are being pressured to dilute or abandon policies that have improved access to education for LGBTQ+ students.

We also continue to see dangerous bills introduced in states across the country. These bills would force schools to out LGBTQ+ students before they are ready, deny transgender students access to restrooms and locker rooms that align with their gender, and ban transgender girls from playing school sports with their friends. GLAD has been fighting these kinds of efforts in New Hampshire, Maine, and Rhode Island. The next session is likely to be even worse in states in New England and across the country.

Our 2022 Spirit of Justice Honoree, Equality Florida Executive Director Nadine Smith ([see page 13](#)), has led the fight against perhaps the most notorious law targeting schools and students, the so-called “Don’t Say LGBTQ+” law in Florida.

The law went into effect this school year, and unsurprisingly, schools are already experiencing the harmful impacts. Complaints in the two legal challenges to the law, brought by Equality Florida, NCLR, and Lambda Legal, provide many chilling examples: At least one teacher was already fired after her students drew Pride flags. LGBTQ+ books have been taken out of some school libraries. Teachers have removed stickers, flags, and other signs of support from their classrooms. Students are afraid that faculty will shut down their LGBTQ+ school groups, and teachers and staff won’t be able to do anything about bullying and harassment.

Challenging New Hampshire’s School Censorship Law

Florida isn’t the only state where such legislation has gone into effect. GLAD is challenging a law passed in New Hampshire last year that discourages teachers from discussing race, disability, gender, sexual orientation, and gender identity in the classroom. Our partners are the ACLU-NH, Disability Rights Center — NH, and the National Educators Association — NH chapter.

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LEGAL ADVOCATES & DEFENDERS

for the LGBTQ Community

From the Executive Director

Photo: InfinityPortraitDesign.com



The law still matters.

We are living in extraordinary times. Our community is experiencing escalating anti-LGBTQ+ attacks, especially against young people, transgender people, and people of color. We are witnessing the accelerated targeting of civil rights that should have been long settled: voting rights, the right to access safe abortions, to have our families respected and protected by our laws and our government, and the legal principle that in a pluralistic society, nondiscrimination laws should apply to all. Underscoring these threats are dangerous, unparalleled attacks

on the foundations of our democracy and a Supreme Court majority that's shown itself willing to abandon longstanding precedent to assuage a far-right agenda.

Our nation faces a critical fork in the road ahead. There are two paths before us: one in which the rule of law serves only the interests of the few, and one in which the law is a bulwark protecting all our human rights and civil liberties.

It can be easy in these times to doubt the role our courts and legislatures can play in the pursuit of true justice and equality – but we cannot and will not cede that ground. For 45 years, with supporters like you by our side, GLAD has been taking on and winning fights to promote justice and secure essential rights. And when it comes to LGBTQ+ rights – in fact, the rights of all of us – the law matters more than ever.

GLAD is not shying away from the challenges before us. We are charting a bold and strategic path forward and taking on those challenges wherever they arise, in courts and state houses across New England and across the country. Together we are:

- Challenging dangerous policies that force schools to deny the existence of LGBTQ+ people, erase critical parts of our history, ban books, or compel teachers to out LGBTQ+ students before they are ready ([see cover](#))
- Defending the bedrock principle that we should all be able to obtain what we need from businesses that open themselves up to the public without fear of being turned away for who we are ([see page 3](#))
- Fighting back against bias and discrimination that denies LGBTQ+ older adults the dignity and respect we all deserve as we age ([see page 4](#))
- Stopping the criminalization of Alabama parents for supporting their children and ensuring that transgender young people continue to get the healthcare they need and deserve ([see page 5](#))
- And we are elevating and expanding our legal capacity to meet the challenges we face today and to build a sustainable, intergenerational, and antiracist LGBTQ+ justice movement for the long term ([see page 9](#))

Our constitution and democracy promise that everyone, no matter who they are, deserves the opportunity not just to live and be free but to thrive on their own terms. GLAD's work is to make that promise real – for our LGBTQ+ community and beyond. We're using the law to make it possible for all of us to find our dignity and feel valued for who we are, and to make our democracy more inclusive, more representative, and more just for all.

Thank you for joining us on this path.

Toward justice,

Janson Wu

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Bedrock Protections Before the U.S. Supreme Court



The U.S. Supreme Court is hearing several cases this term with important implications for nondiscrimination protections, voting rights, and civil rights.

Among these are two cases, argued on October 31, that address whether colleges and universities can continue to consider race as one factor among many in admissions to ensure a diverse student body and learning environment. GLAD joined a brief supporting the universities' admissions practices with the National Women's Law Center, the Leadership Conference on Civil and Human Rights, and more than 30 other organizations. You can read the brief in *Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina* at [GLAD.org/SSFA](https://www.glad.org/SSFA).

Merrill v. Milligan, argued in early October by NAACP Legal Defense Fund, the Solicitor General, and private counsel, is a case brought by Black Alabama voters who state that the state's 2021 redistricting map violates Section 2 of the Voting Rights Act. While Black people represent 27% of the state population, Alabama has only one majority Black district out of 7, giving rise to the claim that the map illegally dilutes the voting power of the Black community.

A Colorado website company that wants to enter the wedding business without serving same-sex couples is the plaintiff in *303 Creative v. Elenis*. This case brings the question of whether our nation's public accommodation laws will continue to prohibit businesses from refusing service to people because of their sexual orientation or gender identity, their religion, their sex, or their race.

The company is aided by the Alliance Defending Freedom (ADF), the legal organization advancing many religion-based challenges to nondiscrimination laws. Their team seeks to use the First Amendment's protection of free speech to turn away same-sex couples they would rather not serve. ADF and the business claim that abiding by Colorado's nondiscrimination law would compel them to convey a message with which they disagree, i.e., support for same-sex couples' weddings.

Sellers and service providers are free to express their beliefs, religious and otherwise, like every other individual — that is a fundamental

liberty protected by the constitution. But as a nation, we also agreed a long time ago that if you run a business, no matter what you make or how you think or feel about it, once you open your doors to the public, you serve everyone.

GLAD submitted a friend-of-the-court brief co-authored with the National Center for Lesbian Rights (NCLR), Lambda Legal, and a team of lawyers at White & Case LLP chronicling the development of nondiscrimination laws in public accommodations, that is, public-facing businesses. These federal and state laws, from the 1964 Civil Rights Act to the Colorado law at issue in this case, have been enacted and enforced to realize our nation's aspirations of full

citizenship and equal participation in a free marketplace for everyone.

Historically, the Supreme Court has flatly rejected 1st Amendment challenges to nondiscrimination laws. In the 1968 case *Newman v. Piggie Park*, a barbecue restaurant argued it should not have to serve Black customers equally because doing so would mean conveying a message of support for integration, which was against the owner's "sincerely held religious beliefs." The Court said such a claim was "frivolous" and made clear that what the restaurant owner tried to cast as "speech" was the exact type of conduct that public accommodation laws were enacted to prohibit — the act of discrimination in turning someone away because of who they are.

That understanding of our nondiscrimination laws has held for over half a century and should also hold today. To grant the far-reaching and unprecedented exemption sought by 303 Creative risks turning us back towards a time when commercial businesses could blatantly deny access to not only LGBTQ+ people but also Black, Irish, Jewish, Catholic, or Asian Americans, as well as women, people with disabilities, and people of many faiths.

"Our public accommodation laws are a unifying force that respects the rights of every person to obtain the goods and services they need to live their lives," says Mary Bonauto, GLAD Senior Director of Civil Rights and Legal Strategies. "The change sought here would take us backward to a time when sellers regularly turned people away because of who they were. But we agreed long ago that that is not the country we want to live in."

GLAD is watching this case closely and urging the Court not to make a drastic change in the law that will lead to more discrimination, polarization, group-based animosity, and people struggling to get the goods and services they need.

"People shouldn't have to call ahead to find out whether a business will serve people of their faith or their race or if they will be denied service because they are LGBTQ+," Bonauto adds. "Exclusion and segregation in the public market harm us all."

303 Creative v. Elenis is scheduled for oral argument on December 5. You can read GLAD's friend-of-the-court brief at [GLAD.org/303Creative](https://www.glad.org/303Creative). ■

Dignity for Life

A Landmark Settlement Advances Fair and Respectful Treatment of Older LGBT Adults by Long-term Care Facilities

As we age, we all deserve to be treated with dignity and respect. For older LGBT people, bias and discrimination can create devastating barriers to equal treatment, especially when seeking access to aging services and residential facilities, which too often are unwelcoming environments. A recent landmark settlement in a case GLAD brought on behalf of Marie King, a 79-year-old transgender Maine woman who decided to fight back when an assisted living facility rejected her, marks a huge step toward ensuring equal access and treatment.

Marie has experienced her share of discrimination over decades as an openly transgender woman. In the spring of 2021, Marie was admitted to Pen Bay Medical Center after a serious medical event. In time, she recovered enough to be discharged from the hospital, but she needed the support available in an assisted living facility. Her hospital social worker contacted Sunrise Assisted Living in Jonesport, Maine. As the facility began the intake process, everything went smoothly until the facility's administrator learned that Marie is transgender. Sunrise turned Marie away because she wanted to be placed with a female roommate, just like all other females at Sunrise.

"It is an outrage that Marie spent months unnecessarily in an acute care hospital setting simply because Sunrise relied on stereotypes and reflexive fears about transgender people", explains Sr. Director of Litigation and HIV Law Ben Klein. "The facts of this case underscore the widespread lack of understanding for transgender people and the need for education and training in the long-term care industry."

Marie decided that she wanted to address the unfair treatment she experienced. "I don't want anybody else to be turned away for the care they need because they are transgender," Marie said at the time. "I want people to understand we are people living our lives as best we can, and they can't do that to somebody."

GLAD filed a discrimination claim on Marie's behalf with the Maine Human Rights Commission in October 2021. *King v. Sunrise* is the first known such claim in the country to challenge anti-transgender discrimination at a long-term care facility. "Maine, like many other states, has added gender identity to its nondiscrimination laws precisely to address this kind of discrimination and the profound harm transgender people like Ms. King experience when it occurs," says Klein.

In March 2022, the Maine Human Rights Commission found that Sunrise violated state nondiscrimination law. That finding, says Attorney Chris Erchull, sends "a clear message both to transgender people and to long-term care facilities that turning someone away because they are transgender violates the legal protections meant to ensure equal treatment for everyone."



In June 2022, GLAD and Adult Family Care Homes of Maine (AFCH), the company that operates Sunrise and eight other facilities in the state, reached a landmark settlement agreement requiring AFCH to adopt a comprehensive transgender nondiscrimination policy that requires placement in a shared room setting in accordance with a person's gender identity. The policy also requires a statement on the company's website that it is a welcoming place for LGBT people.

Notably, the settlement also required that employees and administrators at all nine of AFCH's facilities attend training provided by SAGECare, the leading LGBT-competency training provider for agencies serving older adults, and a division of SAGE, the national advocacy and services organization for LGBT elders.

The Maine Human Rights Commission finding and the resulting settlement in Marie's case are already having an impact beyond Sunrise. According to John Hennessey of SAGE and EqualityMaine, and a co-founder of the Maine Council on Aging, the outcome of *King v. Sunrise* has increased visibility around older LGBT people's needs in the healthcare system

and spurred action to address those needs.

Before Marie's lawsuit, the Maine Council On Aging (MCOA) had been advocating for older LGBT people for years. Co-founded by SAGE ten years ago and joined by organizations like AARP and GLAD, the MCOA was leading the conversation for better treatment for LGBT elders in Maine when much of their work was halted by pandemic lockdowns. "We had been trying to make a case with some of these facilities that [equal treatment] was an issue before the lawsuit," John explains. "The lawsuit was a catalyst for many overdue conversations that had been on hold because of COVID." When the *Sunrise* settlement was finalized and picked up by local and national media, John says, "the stars aligned." Since Marie's case, John reports, more long-term care facilities are requesting LGBT competency trainings than ever before.

As for Marie, she's a world away from where she was in the Spring of 2021. She lives in a different assisted living facility, where the staff respects her. A voracious reader, she makes it a point of pride to tear through at least one library book a day. And she is pleased that she has made a difference, not just for herself but other transgender people. "I know there are other people in my same position," she says. "I don't know how many of them would fight back like me... I took a chance to try to make a difference. I don't know how far that's going to go, but I'm hoping quite a ways." ■

Stopping the Criminalization of Parents for Obtaining Medical Care for Their Transgender Children

In GLAD's case Eknes-Tucker v. Marshall, a federal judge blocked a dangerous Alabama law that would impose financial penalties and up to 10 years in prison for parents who seek essential medical care for their transgender children's needs. The 11th Circuit Court of Appeals is set to hear argument on the State's appeal in November.

GLAD has worked for years to ensure transgender people can access the healthcare they need. We've successfully challenged insurance exclusions, advocated for access to care for youth in child welfare systems, and held corrections facilities responsible for providing doctor-recommended care to incarcerated individuals.

In recent years we've also closely tracked dangerous and escalating efforts to block access to care for transgender youth. When Alabama passed the most severe such law to date last spring, we immediately sued to stop it.

The law, SB 184, would impose financial penalties and up to 10 years in prison for parents who seek essential medical care for their transgender children's needs, as well as for doctors and others who support families in accessing that care. Multiple Alabama parents from across the state joined the lawsuit *Rev. Eknes-Tucker v. Marshall* (GLAD.org/Eknes) because SB 184 strips them of the right to make important decisions about their children's healthcare. The parents are joined by medical providers and the Pastor of a Birmingham church, all of whom could face criminal penalties under the law.

At a hearing in May, doctors and medical experts described the well-established safety and effectiveness of medical care for transgender youth who experience gender dysphoria. Parents spoke about the positive impact access to appropriate care has had on their children's health and well-being and shared their fears about the devastating harm that would come from having to stop treatment.

The American Academy of Pediatrics, the Alabama Chapter of the Academy of Pediatrics, the American Medical Association, and other state and national medical organizations filed a friend-of-the-court brief (GLAD.org/EknesMedicalBrief) describing the consensus in the medical community supporting standards of care for transgender youth and opposing laws like SB 184 that criminalize and ban access to that care.

To the great relief of Alabama parents, transgender young people, and doctors across the state, the district judge issued a ruling on May 13 blocking enforcement of SB 184 (GLAD.org/AlabamaRuling) while our legal challenge continues through the courts.

"Blocking the law means we can breathe just a little easier until we hopefully see it stopped for good," says plaintiff Megan Poe, mother of 15-year-old Allison of Northern Alabama (both proceeding anonymously). "Like any parent, my biggest daily concern is that my child is healthy, happy, and safe. I'm grateful the court listened to the experience of my family and other families like ours who have been terrified about what SB 184 will bring. It is a tremendous relief to know that my daughter will be able to continue receiving the support and care she needs, and that has allowed her to become the confident, engaged teenager she is."

The State, however, appealed the district court's order blocking the law, and a hearing is scheduled at the 11th Circuit Court of Appeals in mid-November.

In a friend-of-the-court brief (GLAD.org/EknesParentsBrief) urging the Appeals Court to keep the injunction in place, parents described the importance of being able to seek the best medical advice and care to support their children's well-being and how they have seen their children flourish with access to the proper care.

Cynthia Lamar-Hart is the parent of a now-adult transgender daughter, Gwendolyn, who came out when there was no access to gender-related healthcare in Alabama. In the brief to the 11th Circuit, Cynthia describes the negative impact of having to delay Gwendolyn's care in order to travel out of state, something she notes many families would not have the means to do at all if SB 184 were allowed to take effect:

[E]ven with the means to afford and make time for out-of-state treatment, Cynthia witnessed how... months of delays in Gwendolyn's care resulted in suffering that she would not have experienced had she been able to visit a clinic in-state. Cynthia quickly saw a change in Gwendolyn after she began receiving transition-related care. Once Gwendolyn began transitioning, she was no longer withdrawn and became more confident and engaged socially and at school.

Melissa Soe (proceeding anonymously) is the parent of 15-year-old Taylor. Melissa told the court that having continued access to care is critical to Taylor's well-being:

Since coming out and receiving care, Taylor has gone from "an anxious, sad kid who had a hard time getting up in the morning to a kid who is up and out on their bike, in the woods, and going to camp." Taylor is finally beginning to remind their parents of the happy-go-lucky kid they were when they were younger, prior to puberty taking its toll..." [It is] very important to Taylor to have continuity of care," which would be disrupted by implementation of [SB 184]. Simply knowing that such care is accessible has significantly decreased Taylor's distress.

"The district court recognized that parents, not the government, should make decisions about what's best for their kids' health and wellbeing," says Jennifer Levi, Senior Director of Transgender and Queer Rights. Jennifer believes it should be a straightforward decision for the Court of Appeals to keep the block on SB 184 in place. "Preserving parental rights to make healthcare decisions for their children has been a long-held American value. Parents shouldn't be punished for wanting to do what's best for their kids."

GLAD is litigating this case in partnership with Lightfoot, Franklin & White LLC, King & Spalding LLP, the National Center for Lesbian Rights (NCLR), the Southern Poverty Law Center (SPLC), and the Human Rights Campaign (HRC). The U.S. Department of Justice has also joined as plaintiff-intervenor challenging the constitutionality of the law because it denies established medical treatments to youth who are transgender but not to others. ■

[Visit www.GLAD.org/EknesTucker](http://www.GLAD.org/EknesTucker) for updates and more information.

New Policies to Protect LGBTQ+ Youth in the MA Child Welfare System Are a Positive Step, But More Work Remains



Polly Crozier, Carmen Paulino, Roje Bent, and Ashton Mota.

GLAD works alongside partner organizations and individual advocates in several states to mitigate harms perpetuated in state child welfare systems, which disproportionately impact LGBTQ+ youth, youth of color, and their families. We spoke recently with Carmen Paulino, an advocate for foster youth, parent, and foster parent, about her advocacy, new LGBTQ+ policies released by the MA Department of Children and Families (DCF), and what more needs to be done at the state and federal level for vulnerable youth in the child welfare system.

Carmen describes an overloaded system and lack of sufficient resources as major issues in the Massachusetts system. “They just have too many cases, so it’s hard for them to get invested in a particular child. DCF staff are always on the move, and they don’t have enough time to support each child. Even when the department has people who are truly invested in supporting youth and families, there’s a lack of communication and follow-through.” Anti-LGBTQ bias and a lack of training add to these problems, Carmen says. “If the young person is transgender, it’s much harder to get support.”

In the summer of 2021, the Massachusetts Commission on LGBTQ Youth released a report on the crisis conditions facing LGBTQ+ youth in the Massachusetts child welfare system. The report highlighted what advocates had known for years: LGBTQ+ youth involved in the child welfare system face an emergency situation that too often leads to violence, bullying, denial of children’s identities, and other devastating outcomes. The worst of this treatment falls most harshly on Black and Brown transgender and LGB youth.

The dire situation is many-fold: a lack of affirming placements, inadequate training for staff and foster families, inappropriate residential placements, and delays and denials of gender-affirming care. Egregiously long waiting periods for medically necessary care were extremely difficult for transgender youth before the COVID pandemic but became even worse in early 2020.

Carmen expresses the worry and frustration she and others feel when young people’s critical healthcare needs go unaddressed for such long periods: “This is life-saving care. Why are we waiting 18 months to hear from somebody? Would you wait 18 months for your child to receive life-saving care?”

While access to healthcare for transgender youth is under attack and even being criminalized in some states ([see page 5](#)), barriers to care persist everywhere, especially for system-involved youth. In March, the governor of Texas began weaponizing the state’s child welfare system to investigate families for supporting their transgender children. After that, the federal Department of Health and Human Services thankfully issued a memo to every state making clear that U.S. law requires federal and state child welfare agencies to ensure transgender youth receive essential medical care. The Massachusetts legislature reinforced this state’s commitment to access to transgender health care this summer with *An Act Expanding Protections for Reproductive and Gender-Affirming Care*. Passed in the wake of the *Dobbs* ruling overturning *Roe v. Wade* and amid the escalating attacks on healthcare for transgender youth in states around the country, this new law unequivocally says access to both gender-related care and reproductive care are rights under Massachusetts law.

Another critical development in Massachusetts is a long-awaited policy finally released by the MA Department of Children and Families (DCF) providing guidelines for access to gender-affirming care for youth in state care. The policy, developed with input from GLAD and other partners, aims to reduce barriers to care and to clarify for staff and volunteers throughout the system that the department supports access to gender-affirming care. The policy represents a commitment to facilitating access to medically necessary care including mental health services, educating families, and ensuring transgender youth receive care in a timely manner. GLAD and our partners, including Citizens for Juvenile Justice, the Youth Commission, and family advocates like Carmen, have been advocating for such a policy for years, and the Youth Commission’s 2021 report made the need for it undeniable.

MA DCF also released its first-ever nondiscrimination policy for LGBTQ+ youth in June of 2022, which GLAD, Carmen, and others have also advocated for many years. The policy, based on a model policy created by GLAD, establishes several key provisions that are essential to meeting the needs of transgender youth particularly, including:

- Youth shall be placed consistent with their gender identity
- All DCF personnel, foster families, and anyone else who interacts with youth and families in the system shall consistently use the names and pronouns an individual uses to describe themselves
- DCF will support youth in establishing legal name and gender marker changes
- DCF personnel will advocate for LGBTQ+ youth in schools
- DCF will provide affirming placements for LGBTQ+ youth

Carmen applauds the new policies, as does GLAD, but cautions that more work is needed. “The policies are important,” she says, “but what will make the difference is educating staff and ensuring that implementing change is everyone’s responsibility. Implementation has to be across the board, and everybody has to be held to a certain standard. Training has to be intentional and mandatory, and the policies must affect everyone, not just the LGBTQ+ Liaisons. One small sub-group of committed workers can’t carry the whole thing. Leaders within the department need to be more involved and set expectations for their teams.”

This year we also saw improvements in critical data collection, including sexual orientation, gender identity, race, disability, and other crucial demographic data. We continue to push for stronger data collection

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GLAD Answers Goes Hybrid and is Going Strong

Volunteer Lucy Friedland Shares Why She Gives Her Time to Her Community

After COVID-19 and the quick transition to remote work, GLAD Answers had to adapt quickly to keep providing support. Like many others, we had to scale back service while things were closed down. Now, with things opening up again, our legal info line is back to full service – and thriving! GLAD Answers has embraced a hybrid training model where volunteers are trained virtually as a group, then one-on-one in person in GLAD's downtown Boston office, and then can decide whether they would like to volunteer from home or come into the office for their weekly volunteer shift. This model has allowed folks to join the GLAD Answers volunteer team across New England (currently as far as mid-coastal Maine!).

The first training of this kind kicked off in February 2022 with 12 new volunteers (and a few faithful pre-COVID folks rejoining). Currently, GLAD Answers has 18 volunteers working remotely and in person from three New England states. Having volunteers with different interest areas, talents, and schedules allow folks who reach out to our confidential legal helpline to receive support five days a week throughout the entire workday. We are proud that people who reach out to GLAD Answers via our web form, email, or phone often hear back within a day or two.

One of our volunteers who has made it a point to come into the GLAD office every week amidst a busy college course load is Boston University senior Lucy Friedland (she/her), who is pursuing a B.S. in Deaf Studies and a Minor in Public Policy Analysis. Lucy began volunteering with GLAD Answers in February 2022 and is currently one of GLAD's fall interns. Immediately after she began volunteering at GLAD, Lucy expressed an interest in responding to the mail GLAD receives from LGBTQ+ people who are incarcerated and looking for legal information, resources, and outside community connection.

[Read more about Lucy's GLAD Answers journey in her own words:](#)

GLAD: What do you find most rewarding about volunteering for GLAD Answers?

Lucy: I enjoy that I am making a difference in the lives of those who reach out to GLAD. This work is important, not just surface level, which is not something you find with every volunteer opportunity. I am writing to people who are having a really hard time. Bad things are happening



to them, and in some cases, I am the only person they are getting a response from. From GLAD, they get information that might truly help them with what they're experiencing.

GLAD: What about GLAD's mission is most important to you and what kind of impact has your work at GLAD had on the community?

Lucy: A lot of LGBTQ+ litigation and legal issues revolve around people in the LGBTQ+ community wanting to be treated the same as everyone else. We are not asking for special treatment; we deserve to be respected as individuals and as a community. Working with incarcerated people

is about seeing them as human beings and giving them support and resources, regardless of their situation and what they are experiencing. Issues that LGBTQ+ people experience in prison are often a result of a lack of respect from other incarcerated people, correctional officers, people in charge, and the system as a whole. The most essential thing GLAD can offer is to respond to them with humanity.

GLAD: What do you hope for the future?

Lucy: My hope for the future is that incarcerated folks are treated fairly. That the letters we get because queer and trans people in prison are afraid and suffering stop coming, and instead, they are reaching out to say thank you for the work we've done and let us know that they are being treated humanely and justly.

GLAD: After volunteering with GLAD Answers, what made you want to further your work with GLAD as an intern?

Lucy: When volunteering with GLAD Answers once a week, I felt like what I was doing, and the letters I was writing were important. Volunteering left me hungry to do more and make an even bigger impact. I feel like by both volunteering and interning with GLAD, I can take on some of the smaller jobs that need to get done and leave space for GLAD staff to work on the more significant issues and litigation.

GLAD: Is there anything else you would like to share?

Lucy: The work that happens at GLAD matters and is incredibly impactful. More people should volunteer! ■

There is No Principled Reason to Exclude Transgender People From Our Federal Civil Rights Laws

Kesha Williams experienced brutal treatment in a Virginia men's prison facility. In a landmark ruling, the Fourth Circuit Court of Appeals agrees that Kesha can pursue a claim for her mistreatment under the Americans with Disabilities Act.

In August, the U.S. Court of Appeals for the Fourth Circuit issued a hugely significant ruling affirming that transgender people who experience gender dysphoria may pursue claims under the Americans with Disabilities Act (ADA). The full Fourth Circuit bench then reaffirmed that ruling in October by denying the Virginia Department of Correction's request to rehear the case.

"The Fourth Circuit ruling in *Williams* is incredibly important," says Senior Director of Transgender and Queer Rights Jennifer Levi. "There is no principled reason to exclude transgender people from our federal civil rights laws, including the Americans with Disabilities Act."

The ADA is a powerful federal civil rights law. It provides crucial protections against discrimination and requirements for reasonable accommodations in the workplace, public accommodations, and public institutions, including hospitals and prisons. While multiple district courts have previously found that transgender people cannot be excluded from the protections of the ADA, this was the first such ruling from a U.S. Court of Appeals.

[continued on page 9](#)

Fiercely Pursuing Freedom And Justice for All

For nearly 45 years, GLAD has been a fierce advocate for the rights of LGBTQ+ people. In those decades, we have made incredible strides. We have secured robust, model LGBTQ+ rights laws for our communities across New England, and we have obtained foundational national victories – ensuring federal civil rights protections for people living with HIV; winning the freedom to marry nationwide; stopping a cruel and arbitrary ban on military service that called the full citizenship of transgender Americans into question.

Now, as we continue our work for freedom and equality, we recognize a profound change in our struggle. The very ideas that make LGBTQ+ rights possible are under threat. What should be long-settled agreements — that there are fundamental freedoms on which we can all rely; that equal protection is foundational to our democracy; that the promise of life, liberty, and the pursuit of happiness should be available to all — are at risk.

Our nation is at a critical fork in the road. Down one path, freedom and the protections of our constitution exist only for the few. GLAD is resolved to move us down a better path — a path where the law is a bulwark protecting all our human rights. A path where justice is available to all of us and where all people, no matter who they are, have the opportunity to thrive on their own terms.



“I support GLAD because I know that GLAD’s efforts to defend human rights and preserve marriage equality will require substantial financial resources every year. Marriage equality made a real difference in my life and in the lives of so many in the LGBTQ community. The current legal threats from the radical right are very obvious, and GLAD provides our best defense. I am grateful for GLAD’s efforts, and I am proud to support your work year after year.”

– Karen Lichtenstein
Washington

GLAD is announcing a bold new strategic agenda to expand our legal capacity, deepen our leadership and impact nationally for LGBTQ+ rights, and help ensure a sustainable, antiracist, and inter-generational movement for the long term.

Attacks on our LGBTQ+ community, particularly transgender and queer young people, are escalating across the country. We are in an all-hands-on-deck battle alongside our movement partners and collaborators.

GLAD is expanding our team of LGBTQ+ rights attorneys to bring more experience, expertise, and capacity wherever needed. Whether in New Hampshire ([see page 1](#)), Alabama ([see page 5](#)), Virginia ([see page 9](#)), or elsewhere, we must be ready with the staff and resources to fight back and protect our community.

GLAD led the movement to ensure the freedom to marry, from the earliest state court victories in Vermont, Massachusetts, and Connecticut to the landmark 2015 Supreme Court *Obergefell* ruling. We will defend those victories and the right to marry if and whom we choose with everything we have – and we will win. We are ramping up our legal resources specifically to defend against any challenge to *Obergefell*.

Far-right attacks on LGBTQ+ families and efforts to undermine individual rights that impact family decision-making are on the rise ([see page 16](#)). To meet these challenges, GLAD attorney and parentage law expert Polly Crozier is expanding her national role as GLAD’s new Director of Family Advocacy. GLAD’s leadership will ensure LGBTQ+ families are recognized and legally protected across the country, no matter how they are formed.

Our work to defend and advance LGBTQ+ rights is indelibly connected to the healthy functioning of our democracy and every struggle for liberation – for gender equality; reproductive equity; racial, economic, immigrant, and disability justice; true freedom of religion. GLAD will join with allied movements to protect our multiracial, pluralistic democracy, support voting rights, and fight for justice for all.



“I started giving to GLAD in 2003 because my friends told me GLAD was an organization I should support. I have paid attention to GLAD’s work in securing rights for the LGBTQ community, and have always been grateful for it.”

– Bruce Bastian
Utah

There is No Principled Reason to Exclude Transgender People From Our Federal Civil Rights Laws

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Our movement includes four generations – and counting – of LGBTQ+ trailblazers. We are strongest when we embrace the experience brought by those who have been in the fight for decades and seek out and honor new and diverse perspectives. The work for justice is hard, and the toll it takes can be great. As we expand our leadership nationally and deepen our efforts in New England, we must engage new leaders and support the well-being of the people at the heart of the work. We are investing in the people who make up GLAD and imagining new ways of working together to address the needs of today and ensure GLAD is a collaborative, effective, and sustainable organization for decades to come.

These are extraordinary times, but we cannot shy away from the challenges before us.

GLAD has a 45-year track record of advancing progress for LGBTQ+ people and people living with HIV. But opponents of equality have worked for at least 45 years to slow that progress, restrict fundamental freedoms, and turn the tide against equality and justice.

We can move our country down the right path and realize the promise of equality and the pursuit of justice for all – but the journey will take time, and it will take all of us.

GLAD is determined to meet the challenges we face today and to build an LGBTQ+ justice movement that is here for the long haul.

We hope you'll join us. Learn more at www.glad.org/JusticeforAll ■



“I moved to California ten years ago and I continue to be inspired by GLAD staff’s unwavering commitment to LGBTQ liberation and meeting the needs of all people living with and at risk for HIV. GLAD’s bold litigation achieves remarkable and precedent-setting victories—with national impact—for our communities. Supporting GLAD today feels vital to innovative LGBTQ legal work that improves our lives, in New England and beyond.”

– Jacob Smith Yang
California

The Fourth Circuit ruling came in a case brought by Kesha Williams, a Black transgender woman who was incarcerated in a men’s detention facility, denied access to medical treatment for her gender dysphoria, and faced persistent harassment by other inmates and prison deputies. Speaking about the physical and mental abuse she experienced while incarcerated, Kesha Williams told the *Washington Post* in May, “I have to fight for the next girl, every other girl who has to go through this.” She hopes her lawsuit and the Fourth Circuit’s ruling will compel those responsible for operating jails and prisons to change their systems and practices to treat transgender women with less brutality. “They have to understand we’re in a different time,” she told the *Post*.

GLAD has been instrumental in developing the legal arguments to ensure the ADA is correctly interpreted to provide protections for transgender people and consulted with attorneys representing Williams in her case.

As GLAD also argued in a friend-of-the-court brief submitted in support of Williams, the ADA requires public institutions — including prisons — to provide equal access and to make reasonable accommodations when entrenched policies and practices discriminate against a person because of their gender dysphoria.

The ADA is intended to address the fact that people with stigmatized health conditions experience bias and discrimination and live in a world that is not accommodating. Yet bias, misunderstanding of gender dysphoria as a health condition, and outdated language in the statute have resulted in the misconception that transgender people — including those who have, have had, or are perceived to have gender dysphoria — are not covered by the ADA.

That interpretation is and always has been incorrect and unconstitutional.

“The Appeals Court ruling in Kesha Williams’ case will go a long way toward removing social and cultural barriers that keep people with treatable, but misunderstood, medical conditions from being able to thrive,” says Levi. “It would turn disability law upside down to exclude someone from its protection because of having a stigmatized medical condition.”

GLAD previously provided briefing and consultation in a Pennsylvania case, *Blatt v. Cabela’s* (GLAD.org/Blatt), leading to the first federal district court ruling in 2017 that transgender people are not categorically barred from seeking relief from discrimination under the ADA. In 2018 GLAD secured a landmark order from a Massachusetts federal district court allowing our client Angelina Resto, a transgender woman who faced brutal treatment while incarcerated in a men’s prison, to proceed with a discrimination claim under the ADA, leading to her transfer to a women’s facility (GLAD.org/Resto). The Fourth Circuit Court of Appeals cited this GLAD case, *Doe v. MA Department of Correction*, in the *Williams* ruling.

Our friend-of-the-court brief in *Williams* was co-authored by National Center for Lesbian Rights and joined by the American Civil Liberties Union, Black and Pink Massachusetts, Lambda Legal, National Center for Transgender Equality, National LGBTQ Task Force, Trans People of Color Coalition, Transcending Barriers, Transgender Legal Defense and Education Fund, Disability Law Center of Virginia, and Disability Rights Vermont. ■

“I have to fight for the next girl, every other girl who has to go through this.”

– Kesha Williams

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GLAD thrives due to the support of volunteers, donors and in-kind contributors. We extend our thanks to the following individuals and organizations who worked with us in the past year toward achieving a more just world. We apologize if we have omitted anyone.

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Rabbi Deborah Jacobson & Ms. Margaret Mastrangelo
Barbara Jordan
Susan Judge
John Kane
Joyce Kauffman & Annie Weatherwax
Terence Keane & Douglas Hughes
Robert H. King & Gary C. Jordan
David Knapp
Paul Kowal
Richard LaCroix
Linda Lankowski & Christine Jablonski
Lesbian Innovations Fund at The Women's Foundation of CO
Karen Lichtenstein
Arthur Lipkin & Robert Ellsworth
Kay Longcope
Marie Longo & Allison Bauer
Tony Maida & Anthony Volpe
Barbara L. Margolis, Esq. & Colleen J. Gregory, PhD
Daniel Mauk & Mitchell Sendrowitz
Marc Maxwell
Richard D. McCarthy & Franc Castro Jr.
Laura McMurry
Brian McNaught & Raymond Struble
Robert Minnocci
Paul Moreno & Stephen Barlow
Jeffrey H. Munger & Robert T. Whitman
Vincent Nardone
John Onofrey
Andrew S. & Samuel C. Pang, MD
Lynne E. Panico
Trevor Paulson
Patricia A. Peard & Alice C. Brock
Janet Peck & Carol Conklin
Jalna Perry

Kirk Pessner & Russ Miller
Mark Philibert & David Rooks
Scott Pomfret & Scott Whittier
Brian Quint
Chris Rainville
Nick & Sian Robertson
The Roy Glenn Wood Trust
Richard Rubinstein & John Morrel
Takoma Sampson & Leah Whaley-Holmes
Jess & Robbie Samuels
Arnold Sapenter & Joseph Reed
Joan Schneider
Robert Seletsky
Robert Sessions
Mary & Jean B. Seavare
Joanne Shapiro
Diane Smith
The Estate of Cameron Smith
Tony Smith & David Ovalle
Andrew Sorbo
Trina Soske & Sarah Yedinsky
Scott Squillace, Esq.
Anne Stanback & Charlotte Kinlock
Kenneth Stilwell
Mark Strickland
Ray Sullivan
Amalie Tuffin & Laura Lewis
Anthony Volponi
Herbert Walcoe
Robert Wasson
Karen & Marilyn Watson-Etsell
Kendall Watts & Robert Derry
Katherine & Kimberly Weir
Lisa Weissmann & Deb Shapiro
Tim Wernette
Jo Ann Whitehead & Bette Jo Green
Robert Wiggins
David Yalen
Peter Zupcofska & Robert Wilson

(As of November 2, 2022)

LGBTQ+ Justice Champion and Civil Rights Leader

Honoring Nadine Smith of Equality Florida at the 23rd Spirit of Justice Award Dinner

GLAD was honored to celebrate Nadine Smith, co-founder and Executive Director of Equality Florida, at this year's Spirit of Justice Award Dinner. As Florida has been in the national spotlight over dangerous anti-LGBTQ+ legislation this year, Nadine and Equality Florida have provided vital leadership to fight for our communities and rights. The organization ran a powerful advocacy campaign against the "Don't Say LGBTQ+" school censorship and surveillance bill and are now challenging that law in federal court.

"At the most perilous times in history, our fight for full equality has always been buoyed by our commitment to locking arms and doing the work together," says Nadine. "It's an honor to be recognized by GLAD this year and is a testament to the dedicated team of volunteers, colleagues, and supporters I have the privilege of working with at Equality Florida. Our state is again standing at the epicenter of a bigoted and extremist assault on LGBTQ people, fueled by a governor intent on building his political career on the backs of our community. But this fight is not simply Florida's fight — it is a struggle to secure true equity,



safeguard the progress we have made, and protect our democracy from the onslaught. Our fight continues in earnest, and it is a fight that needs all of us."

Nadine was part of a free, virtual community event focused on the escalating attempts to censor classrooms and school and public libraries. These efforts make it more difficult for teachers to educate and deprive students of essential support, information, and skills. Educators, advocates, and legal experts discuss such laws' harmful impacts and what we can do to challenge them. [Visit GLAD.org/SchoolCensorship](https://www.glad.org/SchoolCensorship) ■

Rising Anti-LGBTQ+ Attacks On Our Public Schools

continued from page 1

We represent the NEA-NH and two school administrators, Andres Mejia, Director of Diversity, Equity, Inclusion, and Justice for the Exeter Region Cooperative School District, and Christina Kim Philibotte, Chief Equity Officer for the Manchester School District. Our suit argues that the law is deliberately vague and has created a chilling effect on what teachers can say and teach in schools.

"We have dedicated our careers to creating an educational community where every student—including Black and Brown students, students of color, students from the LGBTQAI+ community, students with disabilities, and students from other historically marginalized identities — feel like they belong," Mejia and Philibotte said when filing the lawsuit. "This law chills the very type of diversity, equity, and inclusion work that is absolutely necessary to ensure that each student is seen, heard, and connected, especially as New Hampshire becomes more diverse."

Teachers, who have to guess at what crosses the line, face severe consequences if they violate the statute, including the possibility of individual lawsuits brought against them and the loss of their teaching license. GLAD Attorney Chris Erchull says it's not surprising that educators are confused by the law and choose to steer clear of the topics it mentions, to the detriment of students.

"I've heard from teachers who have, for example, taken down LGBTQ+ welcoming signs from their classrooms because of the law," says Erchull. "The result is teachers are afraid, students feel less supported, and everyone is missing out on learning about vital issues in the world they live in and will contribute to as adults."

The case is proceeding in the U.S. District Court for the District of New Hampshire. We expect a ruling from the court soon on the State's motion to dismiss our case, which was argued in September.

Protecting LGBTQ+ Supportive School Policies

As an energized far-right stirs up fears about how public schools teach our children, lawsuits challenging LGBTQ+ supportive school policies — policies that years of research show create better outcomes for all students — are also rising.

In October, GLAD filed an *amicus* brief on behalf of the Massachusetts Superintendents Association and GLAD in support of a Ludlow public school. The case involves actions taken by teachers and staff to support the well-being of two students, including using the students' requested names and pronouns and waiting to discuss their gender expression at school with parents until the students themselves were ready to do so. By affirming and supporting students this way, the school was meeting its obligation to provide a safe and equal educational environment for all students. The school district's motion to dismiss the parents' case was argued before the U.S. District Court in Springfield on October 17.

Our laws and schools protect children's safety and support equal educational opportunity so students can learn and grow in ways that lead to healthy participation in our communities as adults. GLAD will continue to challenge these attacks on LGBTQ+ students in the courts and in state-houses. And we will continue to advocate for positive, inclusive school policies that allow all students the opportunity to thrive and the freedom to learn. ■

[See GLAD.org/SchoolCensorship](https://www.glad.org/SchoolCensorship) for a Community Conversation with GLAD, Equality Florida, and others about anti-LGBTQ+ school legislation and policies and how advocates, parents, and students are challenging them.

A Message From the CFO

GLAD's financial health is strong. We have 9.83 months of unrestricted reserves (i.e. net assets) as of March 31, 2022, including board-designated net assets (BDNA). There is sufficient cash and short-term investments to meet our obligations. Our financial position is both intentional and important as we face an uncertain economy in FY23 and beyond.

FY22 ended with an overall increase in net assets of \$733k. For a non-profit, it is important to look at the components (see table below) and some highlights:

	Operating Fund	Board Designated	Total Unrestricted	With Donor Restrictions	Total
Net Assets: March 31, 2022	\$ 1,425,085	\$ 1,425,000	\$ 2,850,085	\$ 1,061,307	\$ 3,911,392
FY22: Change in Net Assets	706,881	(15,256)	691,625	41,988	733,613
FY22: Board Approved Transfer	(360,256)	360,256	–	–	–
Net Assets: March 31, 2022	\$ 1,771,710	\$ 1,770,000	\$ 3,541,710	\$ 1,103,295	\$ 4,645,005

- The unrestricted fund (without donor restrictions) is up \$691k. Based on the approved budget we expected an increase of \$144k. This positive variance of \$547k is comprised of a few factors: unbudgeted attorney fees of \$282k, a net increase in development income \$286k, and a modest increase in expenses of \$21k.
- The donor-restricted fund consists of cash gifts and pledges restricted by the donor for a specific purpose or timeframe. This fund is down \$42k, which means 'releases' exceeded new restricted gifts in FY22. In other words, we are spending down our funded backlog. The ending balance is \$1.1m, and \$469k (or 42%) represents funds raised through the One Justice Fund (OJF) campaign, intended to be spent over several fiscal years. OJF allowed GLAD to expand our legal capacity, support the GLAD Answers legal information and referral service, and build fundraising capacity to sustain this growth.

During FY22, GLAD received donated legal services of \$2.6m. With this additional and significant support, we continued our litigation challenging anti-LGBTQ laws nationwide and continued our Transgender ID clinic, among other projects.

During FY22, GLAD received forgiveness of the first PPP loan of \$473k and applied for a second PPP loan of \$525k. The second loan was forgiven in April 2022.

We remain committed to excellence and will carefully monitor our financial results with an eye to the future.

Thank you for investing in GLAD.

Eva N. Boyce,
Chief Financial Officer
November 2022

Summarized Financial Data for Annual Report

Statement of Activities*

For the 12 month period ended March 31, 2022

FY22

Support and Revenue

Contributions & Grants	\$	3,620,250
Special events revenue, net		617,583
Fees & program revenue		408,625
Donated Services (In-kind Legal Fees)		2,638,570

Total Support & Revenue 7,285,028

Expenses

Transgender Rights Project	2,669,081
Civil Rights Project	2,193,899
AIDS Law Project	322,420
Public Affairs & Education	902,501
Development & Fundraising	449,704
General & Administrative	430,321

Total Expenses 6,967,926

Other Revenue (Expenses)

Investment income, gains & losses	416,511
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Total Change in Net Assets \$ 733,613

Net Assets, beginning of year 3,911,392

Net Assets, end of year \$ 4,645,005

Statement of Financial Position*

March 31, 2022

FY22

Assets

Cash & cash equivalents	\$	1,588,161
Accounts receivable & pledges		326,877
Investments		3,765,611
Equipment, deposits & prepaid expenses		171,293

Total Assets \$ 5,851,942

Liabilities

Accounts payable & accrued expenses	\$	511,518
Deferred rent		173,854
Loan vs Loans		521,565

Total Liabilities 1,206,937

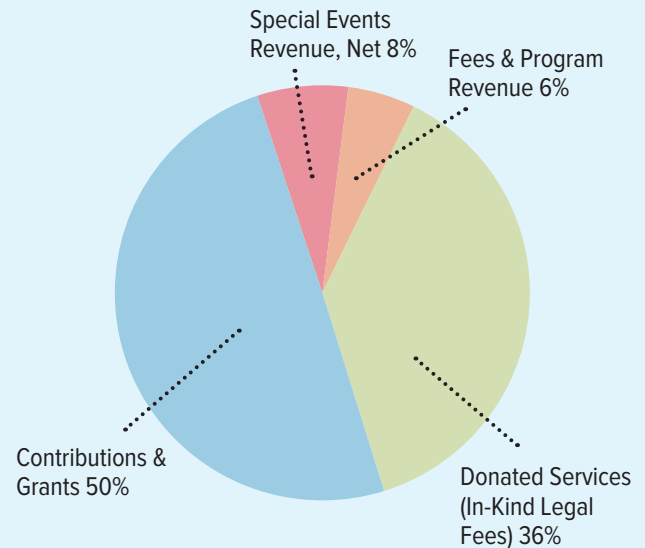
Net Assets

Operating	1,771,710
Board Designated	1,770,000
Temporarily Restricted	1,103,295

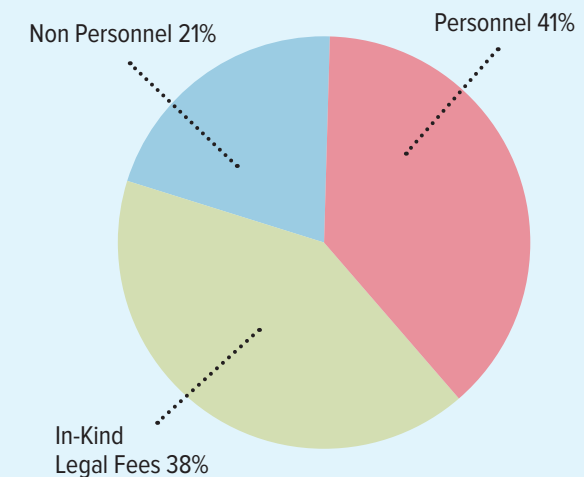
Total Net Assets 4,645,005

Total Liabilities & Net Assets \$ 5,851,942

Support & Revenue



Expenses—Broad Categories



* Summarized from GLAD's audit report; available on our website. See message from the CFO for more information.

From Updating Parentage Laws to the Respect for Marriage Act: GLAD Will Never Stop Fighting for LGBTQ+ Families

With Some on the Supreme Court Questioning Individual Rights, Our Work Continues to Ensure Recognition and Protection for Our Families

The U.S. Supreme Court's ruling this summer overturning *Roe v. Wade* is already having devastating consequences for millions across the country who need access to abortion care. The impacts of restricting or altogether banning abortion, as some states are doing, will fall hardest on people and families of color and those without the financial resources to travel out of state or seek alternative routes to care.

The LGBTQ+ and reproductive justice movements are fundamentally connected, and GLAD is working with our partners in the reproductive equity movement to fight for access to abortion for all who need it. This summer in Massachusetts, under the legislative leadership of LGBTQ+ caucus members such as Sen. Joanne Comerford, Sen. Julian Cyr, and Rep. Kate Hogan, we helped secure the passage of a new law to increase protections for access to both abortion and gender-affirming care. We are consulting with other New England states on similar measures.

The impact of the *Dobbs* ruling extended beyond harmful restrictions on abortion. Justice Clarence Thomas suggested in a concurring opinion that critical decisions impacting LGBTQ+ people's relationships, family-building, and the freedom to marry — including *Lawrence* (affirming the right to consensual same-gender intimacy) and *Obergefell* (affirming the freedom to marry) — should also be reconsidered.

To be clear: *Lawrence* and *Obergefell* remain the law of the land — and GLAD will defend those decisions against any challenges as both good for our country and rightly decided. And we are confident we will win because constitutional guarantees of both liberty and equal protection

underpin those rulings. Millions of Americans count on their own ability, or that of family members, to be able to marry the person they love and build a family. No possible government interest would justify destabilizing families by dismantling marriage equality.

The federal Respect for Marriage Act

Congress also has a rightful role to play in ensuring continued recognition of marriages and assuring families that it will protect their most important relationships. GLAD is a leader in the effort to pass the Respect for Marriage Act (RMA), long overdue federal legislation that will officially repeal the entire Defense of Marriage Act (DOMA). GLAD led the first multi-plaintiff legal challenges to Section 3 of DOMA (recognition of marriages across the US) and coordinated an amicus effort in the *Windsor* Supreme Court case. The decision in *Windsor* resulted in Section 3 being declared unconstitutional. The RMA will ensure federal and state governments continue to recognize and respect all marriages without discrimination based on gender, sexual orientation, national origin, ethnicity, or race — *no matter what*.

The bipartisan RMA passed the House this summer, and we must all call on the Senate to pass it as soon as they return to session in November. Visit www.glad.org/rma to act to protect marriage equality.

Advancing State-level Protections for Families

Protecting our children and our families, however they are formed, has been a pillar of GLAD's LGBTQ+ justice work for over four decades. Parentage — the legal relationship between a child and their parent or parents — is fundamental to children's security and well-being. For several years, GLAD has led efforts to update state laws determining who is recognized as a legal parent. GLAD has worked in numerous

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Updating Parentage Laws: J. Shia and Audai

When MPA Coalition member J. Shia was 19, her girlfriend at the time got pregnant. Their relationship moved from romantic to friendship, but when Audai was born and his mother began to struggle with a number of issues, J. stepped up to take care of him and has acted as his parent ever since.

J. shares a heartbreaking story of how Audai was placed in foster

care because the state refused to recognize J's parental status, even though she has raised Audai since birth. While obtaining legal guardianship enabled her son to return to her care, people still question their family relationship regularly.

"Every day I carry a notarized copy of my son's guardianship form in my wallet. I need to present this for schools, his doctors' and dentist appointments," J. says. "I'm constantly being questioned. For someone who's been Audai's primary parent since the day he was born, this situation is wildly degrading. I am his parent, not just his guardian."

J. has to get permission before traveling with Audai out of state, and she has to reapply for his health insurance every year. Beyond the day-to-day practical difficulties, J. lives knowing that, at any moment, her guardianship could be revoked. The MPA would allow parents like J. to seek de facto parent status that is equal, legal parentage, with all the rights and responsibilities of parentage. And this status would not require terminating Audai's birth mother's rights or excluding her from his life. Massachusetts has fallen behind other states in protecting children of de facto parents, and the MPA will remedy this vulnerability. ■



Massachusetts Expands Access to PrEP for Sexually Active Youth Senate Advances Pharmacy Access Legislation

Massachusetts has enacted legislation that can be a game changer for protecting young people’s health and getting the Commonwealth closer to zero new HIV cases.

The new law, passed as part of the state budget and sponsored by Representative Jack Lewis and Senator Julian Cyr, allows sexually active minors (those under 18) to access HIV-prevention medication (PrEP) from a healthcare provider or health clinic without needing consent of a parent or legal guardian. ([Visit GLAD.org for a guide to the new law](https://www.glad.org/visit))

LGBTQ youth and LGBTQ+ youth of color are at disproportionately increased risk for HIV. Increasing access to PrEP, a safe, effective preventive medicine, will reduce transmission and keep young people in Massachusetts healthier.

PrEP is the best tool we have for ending the HIV epidemic, yet it remains underutilized. GLAD is committed to increasing access to PrEP by challenging discriminatory insurance policies that deny coverage to

individuals who use PrEP ([see Doe v. Mutual, 2019](#)) and advancing laws that make it more readily available to those who can benefit from it.

GLAD also advocated for a bill to allow individuals to receive a limited supply of PrEP from a pharmacist without a prescription, which the Massachusetts Senate passed this session. Similar legislation, which also requires pharmacists to connect patients with healthcare resources for further care, was adopted in Maine last year. We’ll continue to work for full passage in Massachusetts next session.

Ensuring state laws that expand access to PrEP and keep it affordable is more important now than ever with the increasing national attacks on access to healthcare for LGBTQ+ people. Last month a federal district court judge in Texas ruled that a Christian employer can refuse to comply with the Affordable Care Act’s mandate that health plans cover PrEP without copays or deductibles.

GLAD is watching and will fight all efforts to undermine critical healthcare for our community. ■

New Policies to Protect LGBTQ+ Youth in the MA Child Welfare System Are a Positive Step, But More Work Remains

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and reporting requirements at both the state and federal levels.

Intersectional data collection and reporting are key because, as Carmen says, those most vulnerable in the child welfare system are “young people of color and young people with intersectional identities. Being in state care, it’s a big system. It impacts a child’s education, healthcare, mental health, physical health — so many things. They’re missing family and trying to figure out their way and what this means for the rest of their life. Then, they get treated differently because of who they are, something that they cannot change, the color of their skin.”

“Because my home is affirming and welcoming to everybody,” Carmen adds, “we are always reaching out and saying if you have any youth of color in need of foster care, send them to us. But we’ve also had Caucasian children in our home, and I can tell you that it’s 100% a different experience. I had no problem getting all the services and all the support that I needed in the school for that child, and I can tell you that it was a complete 180 when it was a kid of color.”

“Then there are kids who are neurodiverse, and they’re being monitored but aren’t thriving because they’re wards of a system that wasn’t built to support all young people equally. How many children [with a learning disability in the system] have their needs met? Not many. How many of them can read and write at their grade level when they leave school? Not many.”

Carmen’s state and federal advocacy is motivated by her experiences as a parent and foster parent and by her son. Ashton has become an advocate himself as an ambassador with the Gender Cool project and the Human Rights Campaign, and speaking out in powerful venues, including the White House.

“At the beginning of his transition,” Carmen says, “Ashton had to navigate many challenging situations with his school at the time,

and his church, and his community. As a parent, I immediately knew that I had to figure out a way to turn difficult experiences into something that felt right, for us this meant elevating Ashton’s voice where he could speak about his lived experiences and the need to support LGBTQIA youth like him. When Ashton is using his platform and speaking to the community, he understands that he is strong, supported, and loved. He also understands that his advocacy will help other BIPOC LGBTQ+ youth feel empowered.” At 14 years old, Ashton took part in the “Yes on 3” campaign in Massachusetts that resulted in a vote that upheld state-wide trans nondiscrimination protections in 2018.

While Carmen is proud of Ashton’s activism, she also wishes it wasn’t necessary. “Although it’s a great honor and humbling experience to be invited to speak at the White House, no child should need to speak about their rights to exist free of violence and or discrimination. He was sixteen years old at the time. He tells me, ‘I should be at the mall, hanging out with friends, but instead, I was at the White House speaking about my right to exist in my country.’ No young person should need to do that.”

Our coalition work and the work of advocates like Carmen and Ashton are having a powerful impact, and new policies in Massachusetts offer more tools to fight for better treatment for LGBTQ+ youth. But much more remains to be done. We need more affirming placements for youth, more training, fewer kids in congregate care, and much more. “There are many other stories like mine that haven’t been told,” Carmen says, adding, “It’s because of the work of organizations like GLAD that some of our families and kids have hope and a future.”

We will continue to fight alongside Carmen and other partners so that the most vulnerable youth in the system get the support they need. ■

New Board Members

Mark Brimhall-Vargas, PhD

Mark Brimhall-Vargas, PhD is Fenway Health's first Executive Vice President of Racial Equity and Social Justice. Mark has over 25 years of experience in change management, organizational development, and training and programming around systemic inequities. Prior to joining Fenway Health, Mark served as Chief Diversity Officer and Vice President for Diversity, Equity, and Inclusion at Brandeis University.

Mark is a leading scholar and practitioner within the field of diversity, equity, and inclusion. As Brandeis University's first-ever Chief Diversity Officer and Vice President of Diversity, Equity, and Inclusion, he led efforts to build an equity infrastructure across all areas of Brandeis University.

Before working at Brandeis University, Mark was Chief Diversity Officer and Associate Provost at Tufts University. He is a contributing editor to *Occupying the Academy: Just How Important Is Diversity Work in Higher Education?* Mark has consulted as a mediator in conflict resolution for the US Institute of Peace in Medellin, Colombia; Yangon, Myanmar; and Ramallah, West Bank.

Dallas M. Ducar MSN, RN, PMHNP-BC, CNL

Dallas Ducar is the Chief Executive Officer of Transhealth Northampton. In addition, Dallas is on faculty at Northeastern University, University of Virginia School of Medicine, University of Virginia School of Nursing, Columbia University, and the MGH Institute for Health Professions. She serves as the Vice-Chair of the Primary Care Alliance, is on the LGBTQI Federal Policy Roundtable, and is a member of the Board of Directors of Healing Our Community Collaborative. She has advised international research groups on best practices, carried out community-based participatory action research programs, and advocates for gender-affirming care nationally. Dallas seeks to revolutionize healthcare, building novel systems to provide holistic, empowering, gender-affirming care.

Beth R. Myers

Beth is a partner in Burns & Levinson, LLP's Business Litigation & Employment Group. Beth is respected in her field as a zealous advocate for employees and an experienced litigator. Beth represents individuals in every aspect of the employment relationship, with a particular concentration on litigation in state and federal court in cases involving discrimination, sexual harassment, and retaliation, as well as wage and hour laws, contract and common law.

Beth highly values her role to affect real change in individual's lives by advocating on their behalf in situations where they have been mistreated in the workplace due to their gender, age, sexual orientation, race, disability status, etc.

As an open lesbian and mother, the causes that GLAD fights for align with Beth's personal and professional values. She is honored to serve as a member of the board of an organization that does for New England and the country what she tries to accomplish on an individual level.

New Staff Members

Josh Arsenault, Assistant Director of Development

Josh Arsenault joined GLAD as Assistant Director of Development in August 2022, having spent much of his career in social welfare nonprofits and government. Josh brings extensive experience in fundraising and community engagement, including special events, donor relations, community organizing and more.

He currently sits on the Board of Directors at Mitzvah Circle Foundation – a Philadelphia area nonprofit providing basic material necessities for families and individuals living in extreme poverty and other crises. He graduated from St. John's University in New York City with a B.A. in Government and Politics. Josh grew up in Maine – where much of his family still resides – and he, his husband, and their dog Lana now reside in Boston.

Braedyn Dorn, Public Affairs & Education Assistant

Braedyn Dorn joined GLAD as the Public Affairs and Education Assistant after previously supporting GLAD Answers as a volunteer. She received a BA in Political Science from Boston University in 2022. In her free time, Braedyn enjoys discovering new bookstores, spending time outdoors, and indulging in the guilty pleasures of reality tv.

Kayden Hall, GLAD Answers Coordinator

Kayden Hall previously served as GLAD's Public Affairs & Education Assistant, coordinating projects, and supporting the Public Affairs & Education department. Kayden received his BA in Criminal Justice and Criminology from the University of Massachusetts Boston. Kayden is very passionate about topics related to the LGBTQIA+ community, as well as Racial Justice, and looks forward to continuing his journey at GLAD. In his free time, Kayden enjoys watching Marvel movies and all things Spiderman.

Gabrielle Hamel, Public Information Manager

Gabrielle began working at GLAD with GLAD Answers in November 2021. She previously was heavily involved in youth work, and specifically supporting and advocating for LGBTQ+ youth, in central Massachusetts. She holds a BA from Worcester State University where she studied Spanish, Psychology, and Ethnic Studies. She also teaches yoga and meditation and is a Reiki practitioner. She loves wellness, coffee, and art.

Michael Johnson, Chief Legal Officer

Michael Johnson joined GLAD in January 2022. He offers a deep passion for the law, substantial experience in organizational management and stewardship, and proven leadership on initiatives advancing racial justice and diversity, equity, inclusion, and belonging. Prior to his career transition from higher education to legal advocacy, Michael served as Western New England University School of Law's Assistant Dean of Admissions and, most recently, Associate Dean for Law Student Affairs and Enrollment Planning.

Originally from North Carolina, Michael relocated to Boston after 18 years in Western Massachusetts. During his tenure at Western New England University, Michael served on the Diversity Design Committee, Diversity Task Force, multiple University search committees, and the Coronavirus Task Force. He has served on several Law School Admission

[continued on page 19](#)

New Staff Members

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Council committees, including the Legal Affairs and Finance Committee and the LGBT Subcommittee, as well as a three-year term on the Board of Trustees. He currently serves on the MA Supreme Judicial Court Bar Admissions Character and Fitness Subcommittee.

Michael utilizes an empathic, people-centered approach to leadership. As Chief Legal Officer, he is committed to expanding and building upon GLAD's efforts to advance LGBTQ+ rights and racial justice for communities of color, HIV+ individuals, and marginalized communities at large.

Renae Paulson, Development Assistant

Renae Paulson officially joined GLAD in 2022 as the Development and Public Education Assistant. They have a BA in American History and World Religions from Messiah College. When not at GLAD, they can usually be found lifting, drawing, reading, or wondering why Earth wasn't lucky enough to be a planet with rings.

From Updating Parentage Laws to the Respect for Marriage Act: GLAD Will Never Stop Fighting for LGBTQ+ Families

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states, including Vermont, Rhode Island, Connecticut, Maine, New Hampshire, and Colorado, to increase family protections through parentage reform legislation.

The ongoing work to fully secure our LGBTQ+ families is even more urgent now, in the wake of the *Dobbs* ruling.

In recent months, we've seen a trial court in Maine strip a child of her LGBTQ+ married mother because of a lack of biological relationship. We've seen the Idaho Supreme Court refuse to recognize an LGBTQ+ married parent as a parent because she had no genetic relationship with her child. In New Hampshire, the state child support agency recently tried establishing a known gamete donor as a legal parent and demanding financial support from him. GLAD represented the donor and coordinated with the mother's counsel to spell out that she is the child's sole legal parent and that it is critical for parents, children, donors, and the state to have clarity about who is a parent.

And in Massachusetts, almost 20 years after GLAD's *Goodridge* victory made it possible for same-gender couples to marry legally, LGBTQ+ families still face harm because state laws have not been updated to reflect how families are formed today.

GLAD leads, along with Resolve NE, a coalition of families, attorneys, and partner organizations dedicated to passing the Massachusetts Parentage Act (MPA). The MPA will update state law to clarify who can be a parent and how to establish parentage and add important protections for children born to unmarried parents and through assisted reproduction and surrogacy. It will also enable LGBTQ+ parents to establish parentage the same way other families do, including through a voluntary acknowledgment of parentage.

Without the MPA, the current state of family law in Massachusetts renders LGBTQ+ families and their children second-class. Parents — married and unmarried — may still have to undergo the expensive, time-intensive, and disrespectful process of adopting their own children to fully secure their families. Without clear inclusion in our state parentage laws, parents and children face separation by the child welfare system.

There are no protections for children born through surrogacy, meaning some children wait years to establish their parentage. And *de facto* parents, a status available through Massachusetts courts since 1999, have no access to full legal parentage, leaving them unable to provide health care to their children or make decisions for them.

De facto parentage prioritizes children by protecting their relationship to a person who has functioned as their parent, often when another parent is unable to care for the child. It protects children — particularly those from families facing economic insecurity — and keeps children out of the child welfare system. But currently in Massachusetts, *de facto* parentage allows only visitation, a second-class status that perpetuates harm to children and families. Only legal parentage allows access to the building blocks of stability and well-being — decision-making, child support, access to benefits, and more.

The Massachusetts Supreme Judicial Court has called on the legislature to update parentage laws to provide more clarity for family courts. The MPA will provide a clear standard for courts to resolve competing claims of parentage. It also creates a much more rigorous standard for establishing *de facto* parentage than exists under current law — including a standing requirement, seven factors that must each be proven by clear and convincing evidence, as well as explicit protections for survivors of domestic violence.

GLAD has worked on updating parentage laws in every other New England state. We must enact laws to protect children in Massachusetts and across the country. We will never stop working for the equality, safety, and dignity of our LGBTQ+ families — to defend our right to marry whom we choose, expand reproductive freedom, and protect parental relationships of all types. We aspire to a future where everyone can build and protect their family with the recognition and respect we all deserve.

You can read more of J. Shia and Audai's story and learn more about the Massachusetts Parentage Act at www.massparentage.com. ■



**LEGAL ADVOCATES
& DEFENDERS**

for the LGBTQ Community

18 Tremont Street, STE 950, Boston, MA 02108

POSTAGE
INFO

FAQ: Steps to Protect Your LGBTQ+ Family in the Wake of *Dobbs*

The *Dobbs* decision landing at a time when LGBTQ+ people are already facing staggering legislative attacks around the country has rocked our community. GLAD worked with COLAGE, Family Equality, and NCLR to publish an FAQ, available at www.glad.org/faq-protect-your-family/ to provide information on steps LGBTQ+ people can take now to protect their spousal and parenting relationships. We also encourage anyone to contact us at www.GLADAnswers.org with specific questions. ■

*Dobbs v. Jackson
Women's Health
Organization*

**WHAT
LGBTQ+
FAMILIES
NEED TO
KNOW**

