



**Testimony of Vickie L. Henry, Esq., Gay & Lesbian Advocates & Defenders,
In Support of S. 2385
Rhode Island Senate Judiciary Committee**

May 8, 2014

I am a Senior Staff Attorney with Gay & Lesbian Advocates & Defenders (GLAD). GLAD works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. I write today in strong support of S. 2385.

The Children's Bill of Rights enumerates the specific rights of children in the custody and/or care of the Department of Children, Youth & Families (DCYF). To help ensure that the rights of children in DCYF care are respected, a copy of the Children's Bill of Rights must be posted in a conspicuous place in all secure facilities and/or residential placement facilities. The Children's Bill of Rights is remarkable for the absence of a non-discrimination provision. What a message that omission sends.

This bill will make explicit what we hope is policy now: the right of youth to be free from discrimination based on race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, or expression, socioeconomic status or mental, physical, developmental, or sensory disability, or by association with an individual or group who has or is perceived to have one or more such characteristics.

I. LBGQT Youth Are Disproportionately Represented In The Out-Of Home And Juvenile Justice Populations

DCYF serves Rhode Island's most vulnerable youth – including those who have been kicked out of their homes and those who are in the juvenile justice system. Lesbian, Gay, Bisexual, Transgender, and Questioning and Queer (LGBTQ) youth are disproportionately represented in these populations.

- LGBTQ youth represent 40% of out-of-home or at-risk youth.¹
- LGBTQ youth of color are particularly at risk: an estimated 65 percent of homeless people are members of racial minorities.²

¹ Laura E. Durso & Gary J. Gates, *Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth Who Are Homeless or At Risk of Being Homeless*, 3 (2012), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf>.

² See http://www.lgbt.ucla.edu/documents/ImpactofHomophobiaandRacism_000.pdf (footnotes 16 & 17)

- LGBTQ youth compose 13 to 15 percent of those currently in the juvenile justice system.³

II. Assuring Youth Unequivocally That DCYF Will Treat Them Without Discrimination Will Improve the Lives Of DCYF-Involved Youth.

All children in contact with the Department of Children, Youth & Families should be in a space that is safe regardless of sexual orientation, gender identity or expression, and other personal characteristics.

This proposed language would not only protect youth, it would protect those who are their friends and allies as well as those who are the children of parents and families members who are or are perceived to be in the enumerated categories.

We know from the school context that when specific protected categories are spelled out, rights are better protected. For example, compared to students at school with a generic anti-bullying policy that did not include protections based on sexual orientation and gender identity/expression, students attending schools with a comprehensive anti-bullying policy that included specific protections heard fewer homophobic remarks, experienced lower levels of victimization related to their sexual orientation, were more likely to report that staff intervened when hearing homophobic remarks and were more likely to report incidents of harassment and assault to school staff.⁴

This simple bill is one way for Rhode Island to make it better for LGBTQ youth and many others.

Respectfully submitted,

/s/ Vickie L. Henry

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³ Katayoon Majd and others, “Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts” (The Equity Project, 2009).

⁴ Gay, Lesbian & Straight Education Network, 2011 National School Climate Survey (2011), available at http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/002/2105-1.pdf.